Maritime governance: contextual factors affecting implementation of IMO instruments

Deniece Aiken

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Maritime Governance

Contextual factors affecting implementation of IMO instruments
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Contextual factors affecting implementation of IMO instruments

Deniece M. Aiken
Jamaica

A dissertation submitted to the World Maritime University in partial fulfillment of the requirements for the award of the degree of Doctor of Philosophy in Maritime Affairs

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Gratitude is the single most important ingredient to living a successful and fulfilled life.

- Jack Canfield

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Abstract

Maritime governance has been generally described as a complex set of rules and regulations developed for the regulation of shipping. The maritime industry is responsible for transporting over 80% of global trade, and involves interrelations between international bodies, state parties, non-governmental organizations, shipping companies and other stakeholders which, in itself, brings about many intricacies. Regulation of this sector is informed by a constant interplay amongst the various actors centred around the development of international regulations at the International Maritime Organization (IMO), the implementation of these regulations within the national jurisdictions of Member States and the reporting of regulatory outcomes. Whilst it has been acknowledged that the development of the international regulations surrounding shipping has been considerably successful, the implementation of these regulations appear to fall short of desirable levels.

This research sought to investigate the concept of maritime governance, the factors affecting the implementation of IMO instruments, and the role and involvement of the IMO over the past 60 years since its establishment. The relationship between the IMO, its Member States, and other key stakeholders was also reviewed within the context of maritime governance. The conduct of the research and the analytical processes undertaken in the study were informed by grounded theory research methodology. Key findings are based on empirical data gathered from case study, interviews, survey questionnaires and non-participant observations. The study revealed that implementation of IMO instruments is a core function of maritime governance, involving key stakeholders operating at multiple levels, and which can be improved through tailored approaches to governance practices at the national level surrounding people, processes, and particularities.

Keywords: maritime governance, International Maritime Organization, rules, regulations, IMO Member States, stakeholders, implementation, maritime convention, policy, grounded theory, case study, Singapore, Kenya.
### Abbreviations

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<td>AMTC</td>
<td>Allied Maritime Transport Council</td>
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<tr>
<td>BUNKER</td>
<td>International Convention on Civil Liability for Bunker Oil Pollution Damage</td>
</tr>
<tr>
<td>CASR</td>
<td>Consolidated Audit Summary Report</td>
</tr>
<tr>
<td>CCC</td>
<td>Sub-Committee on Carriage of Cargoes and Containers</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of Discrimination against Women</td>
</tr>
<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>CIPFA</td>
<td>Chartered Institute of Public Finance and Accountancy</td>
</tr>
<tr>
<td>CLC</td>
<td>International Convention on Civil Liability for Oil Pollution Damage</td>
</tr>
<tr>
<td>CLCS</td>
<td>Commission on the Limits of the Continental Shelf</td>
</tr>
<tr>
<td>CMI</td>
<td>Comité Maritime International</td>
</tr>
<tr>
<td>COLREG</td>
<td>Convention on the International Regulations for Preventing Collisions at Sea</td>
</tr>
<tr>
<td>DOALOS</td>
<td>Division for Ocean Affairs and the Law of the Sea</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>Economic and Social Council</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>FAL</td>
<td>Convention on Facilitation of International Maritime Traffic</td>
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<tr>
<td>FAO</td>
<td>Food and Agriculture Organization of the United Nations</td>
</tr>
<tr>
<td>FSI</td>
<td>Flag State Implementation</td>
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<tr>
<td>FUND</td>
<td>International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage</td>
</tr>
<tr>
<td>GISIS</td>
<td>Global Integrated Shipping Information System</td>
</tr>
<tr>
<td>HSSC</td>
<td>Harmonized System of Survey and Certification</td>
</tr>
<tr>
<td>HTW</td>
<td>Sub-Committee on Human Element, Training and Watchkeeping</td>
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<tr>
<td>IAEA</td>
<td>International Atomic Energy Agency</td>
</tr>
<tr>
<td>IALA</td>
<td>International Association of Marine Aids to Navigation and Lighthouse Authorities</td>
</tr>
<tr>
<td>ICAO</td>
<td>International Civil Aviation Organization</td>
</tr>
<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<tr>
<td>IGO</td>
<td>Intergovernmental Organization</td>
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<tr>
<td>Abbr</td>
<td>Acronym</td>
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<tr>
<td>IHO</td>
<td>International Hydrographic Organization</td>
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<td>IICC</td>
<td>IMO Issues Coordination Committee</td>
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<tr>
<td>III</td>
<td>Sub-Committee on the Implementation of IMO Instruments</td>
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<tr>
<td>III Code</td>
<td>IMO Instruments Implementation Code</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IMC</td>
<td>International Maritime Centre</td>
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<td>IMCO</td>
<td>Inter-Governmental Maritime Consultative Organization</td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<tr>
<td>IMLI</td>
<td>International Maritime Law Institute</td>
</tr>
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<td>IMO</td>
<td>International Maritime Organization</td>
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<td>IMODOCS</td>
<td>International Maritime Organization Documents</td>
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<tr>
<td>IMSAS</td>
<td>IMO Member State Audit Scheme</td>
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<tr>
<td>IO</td>
<td>International Organization</td>
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<tr>
<td>ITCP</td>
<td>Integrated Technical Cooperation Programme</td>
</tr>
<tr>
<td>ITF</td>
<td>International Transport Workers’ Federation</td>
</tr>
<tr>
<td>ITLOS</td>
<td>International Tribunal for the Law of the Sea</td>
</tr>
<tr>
<td>KMA</td>
<td>Kenya Maritime Authority</td>
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<tr>
<td>KPA</td>
<td>Kenya Ports Authority</td>
</tr>
<tr>
<td>MARPOL</td>
<td>International Convention for the Prevention of Pollution from Ships</td>
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<tr>
<td>MDG</td>
<td>Millennium Development Goal</td>
</tr>
<tr>
<td>MEPC</td>
<td>Marine Environment Protection Committee</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>MLG</td>
<td>Multi-level Governance</td>
</tr>
<tr>
<td>MOT</td>
<td>Ministry of Transport</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MPA</td>
<td>Maritime and Port Authority of Singapore</td>
</tr>
<tr>
<td>MSP</td>
<td>Multi-Stakeholder Partnerships</td>
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<td>NCSR</td>
<td>Sub-Committee on Navigation, Communication and Search and Rescue</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental Organization</td>
</tr>
<tr>
<td>OECD</td>
<td>Organization for Economic Cooperation and Development</td>
</tr>
<tr>
<td>PIT</td>
<td>Process Improvement Technique</td>
</tr>
<tr>
<td>PMCC</td>
<td>Provisional Maritime Consultative Council</td>
</tr>
<tr>
<td>PPR</td>
<td>Sub-Committee on Pollution Prevention and Response</td>
</tr>
<tr>
<td>RO</td>
<td>Recognized organization</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>SDG</td>
<td>Sustainable Development Goal</td>
</tr>
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<td>SOLAS</td>
<td>International Convention for the Safety of Life at Sea</td>
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<td>SRS</td>
<td>Singapore Registry of Ships</td>
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<tr>
<td>SSE</td>
<td>Sub-Committee on Ship Systems and Equipment</td>
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<tr>
<td>STCW</td>
<td>International Convention on Standards of Training, Certification and Watchkeeping for Seafarers</td>
</tr>
<tr>
<td>TCC</td>
<td>Technical Cooperation Committee</td>
</tr>
<tr>
<td>TEU</td>
<td>Twenty-foot Equivalent Unit</td>
</tr>
<tr>
<td>UMCC</td>
<td>United Maritime Consultative Council</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
</tr>
<tr>
<td>UNDAF</td>
<td>United Nations Development Assistance Framework</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNESCAP</td>
<td>United Nations Economic and Social Commission for Asia and the Pacific</td>
</tr>
<tr>
<td>UNGA</td>
<td>United Nations General Assembly</td>
</tr>
<tr>
<td>VTS</td>
<td>Vessel Traffic Services</td>
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<tr>
<td>WB</td>
<td>World Bank</td>
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<td>WMU</td>
<td>World Maritime University</td>
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<tr>
<td>WTO</td>
<td>World Trade Organization</td>
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1 Introduction

1.1 Chapter overview

Maritime governance refers to a set of regulations, policies, and practices that govern the activities and interactions in the maritime domain. It involves both national and international frameworks as well as the involvement of various stakeholders within and across various levels. Implementation is vital for ensuring safety and security, protecting the marine environment, facilitating trade, complying with laws, sustainably managing resources, and fostering international cooperation. Through effective implementation, the principles of maritime governance can be translated into tangible actions, bringing about positive impacts in the maritime domain. The maritime sector faces several challenges related to the implementation of maritime conventions that hinder effective enforcement and compliance. While there is a significant body of literature on maritime law, governance, and specific maritime conventions, there is a relative lack of comprehensive studies that specifically focus on maritime governance and the implementation of maritime conventions. This research aimed to distil and define the concept of maritime governance and identify the contextual factors affecting the implementation of IMO instruments by evaluating the experience of selected Member States. This chapter provides an introduction to the study by discussing the background and context and outlines the research objectives, questions, and limitations of the study.

1.2 Background to the research

Maritime transportation plays a crucial role in maintaining global economic sustainability. Often referred to as the ‘backbone of international trade’, the maritime industry is a vital facilitator of globalization, accounting for over 80% of global trade (UNCTAD, 2022). International shipping lies at the heart of the global economy, and it is projected that maritime trade volume will continue to grow at an annual rate of around 2.4% between 2022 and 2026 (ICS, n.d.; UNCTAD, 2021). Given its worldwide reach and scope, the sector encompasses a wide range of activities and stakeholders at national, regional, and international levels. The essential role of maritime transport in sustaining international trade highlights the
significance of its regulation. Maritime governance shares a close and interdependent relationship with international shipping. It refers to the framework, regulations, policies, and institutions that oversee and manage international shipping and maritime activities as a whole. It establishes rules and standards that govern various aspects of shipping, including vessel safety, crew qualifications, environmental protection, trade facilitation, and security. Maritime governance ensures compliance with international shipping regulations and establishes mechanisms for monitoring, inspection, and enforcement to ensure that vessels, shipping companies, and other stakeholders adhere to the established standards. This helps maintain safety, protects the environment, and prevents illegal activities such as piracy, smuggling, or illicit trafficking. Effective maritime governance supports trade facilitation by establishing transparent and efficient procedures for port operations, customs clearance, documentation, and cargo handling, and supports compliance with international trade agreements to promote the harmonization of trade practices.

Maritime governance enhances the efficiency and competitiveness of international shipping by providing a conducive regulatory environment. The International Maritime Organization (IMO) is responsible for the development of regulations governing international shipping (Tsimplis, 2022; Mejia, 2023). Established in 1948 as the Inter-Governmental Maritime Consultative Organization (IMCO), the IMO has undergone changes in name and structure, but has retained its role as the specialized agency of the United Nations for promoting maritime safety, navigation, and environmental protection in shipping. For the shipping industry to operate effectively, it is essential that regulations and standards be internationally agreed upon, adopted, and subsequently implemented at the national level by Member States (IMO, n.d.). Consequently, the work carried out by the IMO has resulted in a significant level of harmonization in regulations applicable to ships worldwide (Tsimplis, 2022).

Maritime governance operates within a set of fundamental characteristics that shape its structure and functioning, ultimately influencing its outcomes and the responsible parties involved (Roe, 2013). Scholars have emphasized the crucial role of effective maritime governance in ensuring the sustainability of international shipping (Bennett, 2000; Vorbach, 2001; Tan, 2006; Van Leeuwen, 2015; Roe, 2016). While some studies (e.g. Roe, 2013; Roe, 2016) have focused on weaknesses in maritime governance, others like Bennett (2000) have argued that relying solely on the IMO and its Member States is insufficient, stressing the importance of engaging other stakeholders for relevance and effectiveness. Despite the extensive collection of international maritime standards maintained by the IMO, there are still governance challenges hindering the universal application of these standards. These challenges primarily stem from the expanding forces of globalization, which have accelerated in recent decades and exacerbated shortcomings within the shipping industry (Roe,
Over the years, various incidents and reports have expanded and deepened the regulatory roles of the IMO and the International Labour Organization (ILO) (Alderton and Winchester, 2001). The industry has faced challenges related to climate change (Roe, 2013; Transparency International, 2018; IMO, 2018; Rony et al., 2019); transfer of harmful aquatic species (Verna et al., 2016); illegal, unreported, and unregulated fishing (OECD, 2018); illicit activities such as trafficking, corruption, theft, and money laundering (Moseley, 2009; IMO, 2022); certification fraud (Obando-Rojas et al., 2004; IMO, n.d.); piracy and armed robbery at sea (Mejia, 2009; ICC, 2021); maritime casualties (EMSA, 2019); and marine environmental pollution caused by ships (Grip, 2017; Hwang, 2020).

The IMO faces a persistent challenge that hinders the harmonization of global maritime standards: the implementation of these conventions by Member States (UNEP, n.d.; Van Leeuwen, 2015). The growing number of IMO conventions and regulatory instruments has created implementation difficulties for both the IMO and its member countries, particularly at the point where the IMO’s rule-making authority ends and the domestic implementation of internationally agreed-upon rules begins (Tan, 2006; Balkin, 2018). Essentially, when a Member State fails to implement a relevant convention, it limits its ability to enforce the obligations outlined in that convention (Mukherjee, 2021). Recognizing this issue, the IMO addressed implementation as a critical concern in IMO Assembly Resolution A.412(XI), urging governments to make every effort to ratify existing conventions and implement and enforce their provisions. In 1981, IMO Assembly Resolution A.500(XII) prioritized the promotion of implementation of international instruments for maritime safety improvement and pollution prevention. To further assist Member States in convention implementation, the IMO introduced the Interim Guidelines to Assist Flag States through IMO Assembly Resolution A.740(18) in 1993. These guidelines were subsequently developed and published to Member States in 1997 through IMO Assembly Resolution A.847(20). Following their publication, the IMO introduced a self-assessment mechanism for flag states, outlined in IMO Assembly Resolution A.881(21). The IMO also established the Flag State Implementation Sub-Committee (FSI), which was later renamed the Subcommittee for the Implementation of IMO Instruments (III). In a more recent initiative, the IMO introduced the Voluntary IMO Member State Audit Scheme, aimed at enhancing the implementation of instruments and identifying the technical cooperation needs of audited Member States (IMO, 2004). This audit scheme was further refined and made mandatory in 2013 through IMO Assembly Resolution A.1068(28). The IMO also assigned implementation of IMO instruments as a dedicated theme for the World Maritime Day 2014 and placed implementation at the highest priority in its strategic plan (IMO, 2017; IMO, 2009).

Despite the IMO’s ongoing efforts to enhance implementation, it remains a persistent challenge. Implementation has been a matter of concern for many years,
as it has been emphasized that the introduction of new standards by the IMO is merely a “step forward” that holds little value without proper implementation (Tan, 2006; Allen, 2009). The significance of effective implementation of IMO Conventions has been acknowledged, as the absence thereof would lead to chaos, market distortion, and inadequate levels of safety and environmental protection within the global shipping industry (ICS, 2014). Sekimizu (2014) further highlighted factors such as slow ratification, failure to meet entry-into-force conditions, lack of compliance, oversight, and enforcement, all of which contribute to ineffective implementation. Essentially, the effective implementation of maritime conventions lies at the core of successful maritime governance.

1.3 Research problem

The implementation of maritime conventions plays a crucial role in ensuring effective maritime governance (IMO, n.d.). By translating conventions into practical actions and enforceable regulations, implementation strengthens the overall framework of maritime governance and contributes to a sustainable and well-regulated industry (Tan, 2006). Existing studies have highlighted current governance challenges and issues faced by implementers, such as lack of resources, capacity constraints and lack of political will (Roe, 2016; IMO, 2022). However, these studies are focused on the existence of the challenges and do not discuss to any detailed extent, the available or proposed solutions to these highlighted challenges. As a result, the existing research is inadequate for the maritime industry, in which developments are changing at a rapid pace, new regulations are being developed, existing regulations are amended, and the need for effective maritime governance continues to burgeon as it merely acknowledges persistent challenges.

1.4 Research objectives

Given the scarcity of empirical research regarding maritime governance and the implementation of IMO instruments, the research objectives of this study are to:

a) Explore the core characteristics of maritime governance and identify key stakeholders involved;

b) Review the process of implementation of maritime conventions, exploring the role of the IMO in the process;
c) Identify the key strengths and challenges to state party implementation through a review and analysis of maritime governance in selected jurisdictions; and

d) Develop recommendations to address the shortcomings regarding state party implementation of IMO instruments.

1.5 Research questions

In support of the research objectives, the study is guided by the following research questions:

a) How is maritime governance currently conceptualized and who are the key stakeholders involved?

b) What are the factors affecting the implementation of IMO instruments?

c) What is IMO’s role in implementation of IMO instruments and how can this role be enhanced to improve implementation?

d) How can the implementation of IMO instruments be improved?

1.6 Significance of the study

This study contributes to the body of knowledge on maritime governance by evaluating the principles and characteristics of the concept and providing greater clarity and understanding of key terms in the regulation of shipping. The study also addresses the current shortage of empirical research on implementation within the maritime context by proposing a theory to inform the implementation process within the broad theoretical domain of governance theory.

1.7 Delimitation of the study

The study takes a comprehensive perspective on maritime governance, focusing on the mechanisms surrounding the implementation of maritime conventions by state parties. It is recognized that maritime governance is a complex and multifaceted domain, and addressing specific challenges requires a deep understanding of the underlying governance processes. As such, it is important to note that this research does not specifically address any particular maritime governance issue or challenge, such as climate change or decarbonization. Instead, it aims to provide a foundation
and understanding of maritime governance as a whole, laying the groundwork for addressing the specific challenges that may arise within the sector. Through an examination of the processes and mechanisms involved in the implementation of maritime conventions, this study seeks to shed light on the broader governance framework that governs international shipping. This includes understanding the roles and responsibilities of key stakeholders, decision-making processes, and factors that influence the effective implementation of conventions.

1.8 Limitations

The following limitations have been identified within this study.

a) Scope and Generalizability

The study was limited to a sample of 18 IMO Member States of the population of 175 Member States. Additionally, a case study was conducted in two Member States from Africa and Asia. Consequently, although the findings have provided very instructive insight and knowledge into the core subject of the study, the results may not be generalizable to all countries within the IMO membership. Implementation also hinges on contextual matters, such as legal frameworks, governance systems, and socio-economic conditions, which may be relatable but largely individual to the states concerned. These factors were considered in the research methods, data analysis, and interpretation of the results. Member States from all geographic regions were selected to participate in the study to consider the situational factors in all regions and increase the validity and generalizability of the study. Data was analyzed and coded directly from the source to ensure that these factors were considered when presenting the outcomes of the study.

b) Practical constraints

Owing to limited resources, the researcher was unable to travel to all 18 IMO Member States to collect data, and the research was designed to enable the collection of a large amount of data from multiple countries within a relatively short period of time. However, this data was representative of what was shared by the respondents, which may be limited given the time available to respond and the knowledge of the study participants. The case study research was conducted in two Member States to allow for data to be collected independently by the researcher without complete reliance on the responses of the participants. Multiple research methods were employed to collect a wide range of collated data to provide a collective picture of the implementation situation across numerous states.
c) Time constraints

The implementation of maritime conventions can be considered a lengthy, continuous, and evolving process. The study was conducted within a specific period of time, which may not completely capture the changes in the factors affecting implementation, such as the socio-political climate of a Member State that participated in the study or the changes to the national legislative framework.

d) Bias and subjectivity

The study was conducted on maritime governance and the factors affecting implementation, examining the role of the IMO and the challenges faced by Member States. The research was carried out at the World Maritime University, a university founded by the IMO, and which is still positioned under the current IMO structure. The research was funded by the Maritime and Port Authority of Singapore and Singapore participated in the survey and the case study. From the initial stages of the study, it was acknowledged that the lines of objectivity may appear to be obscure. As such, a robust methodology, grounded theory, was applied to the research to offset any perception of bias and subjectivity. Grounded theory allows for researcher objectivity in that it presents theoretical barriers from influence, as its substantive core is heavily based on deriving meaning directly from the data collected.

1.9 Layout of individual chapters

This dissertation is divided into eight chapters. Chapter 1 introduces the context of this study. The research objectives and questions were identified, and the value of the research was presented. The limitations of this study have also been discussed, and the layout of the dissertation is provided. Chapter 2 presents the theoretical framework of the study and explores the existing literature on governance by examining its definition, evolution, subsets, and application in the maritime context. Through an examination of the relevant literature, this chapter identifies the main principles of maritime governance and presents the working definitions of the key terms within the research. Chapter 3 describes the methodological framework of the study. It sets out the research questions, explains the research methods used, and explains how case study participants were selected and researched. Chapter 4 provides an overview of the IMO’s establishment and its role in implementation. Chapter 5 presents a case study conducted in selected jurisdictions, examining the
maritime administrative processes within them. Chapter 6 presents the results of the data collection processes from the survey questionnaire, interviews, and observations and outlines the key findings of the research. Chapter 7 presents a discussion of the findings. It addresses the research questions and seeks to theorize how this research could respond to challenges in maritime governance directly related to the implementation of IMO instruments. The chapter also provides recommendations on how to improve implementation, describes the contribution of the dissertation to the wider body of knowledge on maritime governance, considers the limitations of the research, and identifies areas for further study. Chapter 8 concludes with a synthesis of the research objectives and questions, and summarizes the findings related to the same.
2 Literature Review

2.1 Chapter overview

This chapter outlines the theoretical framework, and reviews and comments on the existing literature related to maritime governance as a subset of governance, the establishment and role of the International Maritime Organization (IMO), the involvement of stakeholders, the implementation of international conventions, and the challenges affecting state-level implementation. Applying the pragmatic approach of grounded theory, a preliminary literature review was conducted prior to the data collection. The review of the existing literature then continued throughout the study, which aided in the identification of important elements for the development of the emergent theory from data collection (Corbin and Strauss, 1990; Hickey, 1997; Ramalho, 2015). The remainder of this chapter is organized as follows. First, literature on governance was explored by comparing previously developed definitions, and an attempt was made to provide an appropriate definition as a contextual foundation for this research. The theoretical underpinnings of global, multilevel, and maritime governance proposed in the literature are discussed and an integrated critique is provided. The key features of maritime governance postulated in the literature are reviewed, conclusions drawn, and a definition for maritime governance is developed to underpin further research in this study. Thereafter, a working definition of implementation was developed, and issues affecting the implementation of the IMO instruments were discussed, setting the foundation for data collection.

2.2 Theoretical framework

This study is grounded in governance theory, with a focus on network governance. Having emerged in the late 20th century, network governance was presented as a viable solution for so-called wicked problems (poverty, education, homelessness, etc.) that the traditional bureaucratic state was unable to adequately address (Koppenjan and Klijn, 2004; Steelman et al., 2021). Network governance is characterized by key transactions conducted among relevant players based on mutual benefits, trust, and reciprocity (Kim, 2006). It has expanded the range of
management and coordination mechanisms, “and is known for its wide chain of communication, informal organizational forms, and trust-based relationships” (Etamadi et al., 2021). Several scholars have discussed the concept of network governance. It was first theorized by Rhodes, who noted that governance did not contain one centre, but multiple centres, with no sovereign authority as networks have considerable autonomy (Rhodes, 1997). Rhodes was lauded as being “the first to theorize the changes that had occurred in the public sector through a governance lens”, provoked critique, and spurred a governance debate that agitated policy practice (Kjaer, 2011). Rhodes (1997), Hirst (2000), Peters and Pierre (2016), Hughes (2010), and Fukuyama (2014) joined this governance debate, most of whom have acknowledged Rhodes’ governance theory as a legitimate contribution to the discipline, whether or not their own proposed conceptualizations aligned with that of Rhodes. As the state began to face new and complex issues, alternative models of governance involving a multitude of private and public actors emerged (Larsson, 2017). Networks became necessary responses to many problems faced by modern states (Rhodes, 1997; Kooiman, 2000; Hooghe and Marks, 2003; Klijn and Koppenjan, 2016; Larsson, 2017). “These networks consist of different independent organizations that collaborate to achieve their social goals and can be created by law or by a contract among them” (Larsson, 2017).

Theorists (Jessop, 1997; Sørensen and Torfing, 2009) have challenged the wholesale application of network governance, highlighting its limitations. Some have stated that networks lack accountability mechanisms, present difficulties in steering and control, and can be difficult to understand and determine (Rhodes, 1997; Keast et al., 2006). Consequently, new strategic applications of network-based initiatives have emerged to overcome these challenges (Larsson, 2017). According to Keast et al. (2006) mixing governance models enables a more flexible and adaptive response to changing contexts and enhances public policy development and implementation. One such strategic approach to governance is meta-governance, which is regarded as a possible solution for enhancing accountability and transparency within governance and is a suitable approach for systems governing global sustainability or natural resource regions (Gjaltema et al., 2020). Meta governance is generally interpreted as the organization of self-organization or the governance of governance (Jessop, 1997; Sørensen and Torfing, 2009; Gjaltema et al., 2020). This concept was first introduced in public administration and political science disciplines by Jessop (1997). Meta governance as a concept, has developed over time and as with other theories, has been analysed and interpreted differently. One perspective is that the concept involves the state as a strategic organizer for the context and rules of governance, while the other takes a more general approach, focusing on the process of discussion, formulation, and application of values, norms, and principles (Jessop, 1997; Kooiman, 1993). Both
accounts are abstract, and currently no systematic overview exists on how meta-governance is operationalized (Gjaltema et al., 2020).

The meta governance structure that aligns with the prior of the two interpretations places the state as a strategic player in the governance system, as a manager that holds accountability, and organizes self-organization while influencing processes and instructing self-governing networks and institutions. This depiction would best be applied to governance at the national level, encapsulating governance involving public and private sector organizations, citizens, and the government. Although the state continues to be a strategic player in maritime governance, its involvement within the system varies across different levels of governance. As such, meta governance as applied to maritime governance, must reflect the governance nodes and networks that exist at the international, regional, national and sub-national levels, in clear acknowledgement of the fact that little has been provided by way of prescription for optimal application (Gjaltema et al., 2020). The tenets of network governance theory strongly resemble those of collaborative governance but are argued to bear some distinction, although largely indistinguishable. Network and collaborative governance are used interchangeably. Although apparently related, the extent of the similarities and differences between the two, according to Wang and Ran (2021), remains unclear. Despite this, it is evident that a conceptual overlap exists. Collaborative governance comprises new connections between public and private agents (Ansell and Gash, 2008; Emerson et al., 2012) in a collective decision-making process that aims to create or implement public policy or manage public program assets through formal, deliberative, and consensus-oriented means (Ansell and Gash, 2008). As Wang and Ran (2021) argue, network governance is based on the principles of trust, reciprocity, negotiation, and mutual interdependence among actors, which are the same elements in collaborative governance. The distinction between concepts lies within the nature or focus of theories. Network governance emphasizes structural arrangements, whereas collaborative governance focuses on the processes involved. These structural arrangements either enable or impede collaborative processes (Kapucu, et al., 2016). Wang and Ran (2021) differentiated between these theories in a similar manner. They elaborated that network governance theory is a structural concept that emphasizes pluralistic coordination and that collaborative governance emphasizes how actors engage in collaboration to govern. In essence it’s a matter of focus on structure versus process; the ‘what’ versus the ‘how.’ However, the two are not mutually exclusive but rather complementary. It can be said that collaborative governance plays a role in network governance. The processes ultimately enhance the structures to affect the outcomes, and the structures, depending on the design, provide the foundation for the processes to be actualized for the desired outcomes.
Of the many authors, Koppenjan and Klijn (2004) have been recognized for their contributions to the study on network governance. In their work, Koppenjan and Klijn emphasized the importance of understanding governance as a collaborative and interactive process involving multiple actors and organizations. They argue that traditional hierarchical models of governance are insufficient to address complex societal problems, and emphasize the need for a networked approach. Their work focused on the challenges and dynamics of network governance, such as power dynamics, conflict resolution, decision-making processes, and the role of leadership. They argued that effective network governance requires adaptive management, continuous learning, and the ability to deal with uncertainties and complexities. Klijn conducted further research on network governance and management, emphasizing the importance of collaborative arrangements and the role of networks in addressing complex public problems. He argued that traditional hierarchical models of governance are often insufficient to address these challenges and that network-based approaches offer valuable alternatives. Klijn further delved into the details of network governance presenting the more granular aspect of network management. He explored the strategies, processes, and mechanisms involved in effectively managing networks and examined how actors within networks can navigate power dynamics, build relationships, and foster cooperation. Klijn’s work also addresses practical aspects of network management, such as leadership, conflict resolution, and the development of shared goals and norms. His contributions to the field of network governance and management have shed light on the challenges and opportunities associated with collaborative approaches to governance. His work emphasizes the need for adaptive and flexible governance structures that can effectively address complex and interconnected problems through collaboration. Klijn’s presentation of network governance and network management is most relevant to the objectives of this study, given the emphasis it places on collaboration and the evaluation of strategies in complex problem-solving.

This study examines maritime governance and Member State implementation as features of the governance process. It examines the relationship between member-state implementation and maritime governance. In the conceptual framework, the governance mechanisms of coordination, influence of stakeholders, and managing relationships were derived from network governance theory. These mechanisms are considered from the perspective of vertical networks, which suggest that partners involved in governance are often not engaged in the same activities within the overall policy process (Kim, 2006). Vertical networks differ from traditional hierarchical networks in that the role of actors within the former is sequential (Park, 1996). The network features a central actor or coordinator that manages the engagement of actors and their participation in the processes. From the literature, it has been conceptualized that maritime governance is reflective of the structure of network governance. This involved two primary overarching activities. The first is
the formulation of instruments governing international shipping involving the development of regulatory text at the International Maritime Organization (IMO), with some measure of involvement of organizations with consultative status, and the adoption and ratification or accession of this text by Member States. The ratified text will then be implemented through a series of activities at the national level, with the involvement of local public and private sector actors and, in some cases, regional and international actors (such as the Port State Control MOU). The Member State in the vertical network maintains the coordinator role to ensure that implementation is carried out appropriately by various actors. In summary, to adequately review and examine the challenges of implementation in maritime governance through a contextual lens, this study must consider the unique characteristics of the stakeholders and processes involved and the applicability of interdisciplinary approaches. The study is theoretically framed in network governance, with a metagovernance view and multilevel approach to encapsulate all features of the dynamic and kinetic nature of the environment in which the study is conducted.

2.3 The concept of governance

The evolution of governance theory provides an indication of how governance is conceptualized and operationalized in modern times. Governance is said to be a concept of many proprietors, many varieties of definitions and many varieties of explanations (Rotberg, 2016). In fact, there is vast concurrence among scholars that the concept has sparked much discussion across borders and sectors. However, to date, consensus on the definition of the concept remains largely non-existent. Kjaer (2004) states there is “no single coherent body of governance theory, and it is difficult to get a clear picture of what governance theory is about”. It is also stated that “governance is surrounded by ambiguity, critique, and conceptual fuzziness; arguably, the same conceptual stretching that has enabled it to be used widely has also robbed the term of some of its utility” (Peters and Pierre, 2016). Hughes (2010) notes that, “over the last several decades, governance has been given multiple meanings and special significance beyond the standard dictionary definition, which has not proven to be advantageous”. Robichau (2011) elaborated that “the general understanding of governance remains elusive, leaving the scholarly community with a legacy of misunderstandings and theoretical imprecisions that hamper the development of a complete picture of governance”. In light of this, Fukuyama (2015) concluded that there is no consistent understanding of the meaning of the word governance today, which indicates the degree of disarray in the field that purports to study it. Several attempts have been made to define this concept. There is a significant difficulty in analyzing every definition that has been developed, as they are many in number and vary according to fields of study; hence, this study
focuses on governance as a function of states and its use in international relations. This section will review the development and usage of the term governance, along with the major definitions, uses, and descriptions proposed to date.

2.3.1 Defining governance

Historically, the concept of governance dates back hundreds of years to the Greek verb *kubernân*, meaning pilot or steer, and was used by Plato with regard to how to design a system of rule (Kjaer, 2004). Thereafter, the Latin verb *gubernare* was developed, which in turn was the source of the French term *gouverner*, and subsequently the English words ‘government’ and ‘governance’ (Fukuyama, 2015), the latter being defined in the *Concise Oxford Dictionary of Current English* as the act, manner, fact, or function of governing; sway, control. Hughes (2010) presented a definition of governance that states that “governance is about running organizations, steering, as in the original derivation, how to organize, and how to set procedures for an organization to be run”. This suggests that it is consistent with the standard dictionary meaning and the ordinary usage of the term. While this definition bears some similarity to the ordinary dictionary meaning of governance, it is not as synonymous as purported by Hughes (2010). The dictionary meaning, although riddled with some ambiguity, can be applied in various contexts, such as, state governance, corporate governance, maritime governance, to name a few. Hughes’s (2010) definition, however, explicitly focuses on organizations and organizational functions and management, thereby limiting the scope of the term in her usage.

The first wave of governance thinking largely surrounded the state (Peters and Pierre, 2016). In fact, one of the first uses of the term “governance” was in an early definition of “government” by Finer (1970) as “the activity or process of governing or governance; a condition of ordered rule; those people charged with the duty of governing or governors; and the manner, method or system by which a particular society is governed”. This definition synonymized “government” with “governance”. However, later definitions of governance have deviated from treating government and governance as synonyms. It is argued that while both terms may have the same derivation, “they need not, and indeed, should not be taken to mean the same thing” (Pierre and Peters, 2000). Hughes (2010) aimed to bring about a clear distinction between governance and government by emphasizing that the government primarily revolves around the exercise of control, authority, and the establishment of orderly rule, all within the purview of individuals who possess the ability to issue orders and make decisions. In contrast, governance refers to the broader concept encompassing the manner, method, or system by which a specific society is governed, taking into account the various processes, structures, and relationships that shape decision-making and actions within that society. The key
point she argues is that, unlike governance, the government has a force behind it. Hence, government and governance are not the same. There can indeed be governance without the government (Hughes, 2010). Illustrative instances include the assignment of responsibilities to non-governmental entities in collaboration with public actors, the emergence of private self-regulation within hierarchical systems, the adoption of private regulations by public authorities with oversight conducted by public actors, cases where private regimes operate independently without public involvement, and instances where social partners exercise autonomous governance (Börzel & Risse, 2005).

Since Finer (1970), various definitions of governance have been developed in an attempt to clarify the role of the state within governance and to conceptualize the term in that context. According to the World Bank (1992), governance refers to the manner in which power is employed to manage a nation’s political, economic, and social resources for development. Similarly, the OECD (2005) defines governance as the formal and informal arrangements that shape the decision-making and implementation of public actions, aiming to uphold a country’s constitutional values in the face of evolving challenges, actors, and environments. Additionally, in a 1997 policy paper, the United Nations Development Programme described governance as the “exercise of economic, political, and administrative authority” to effectively manage a nation’s affairs across all levels. These comprehensive definitions aim to capture the multifaceted nature of governance, considering its various dimensions and the role of the government. These definitions emerged as a response to the evolving responsibilities of governments and the United Nations’ mandate to foster global peace and development (Nag, 2018).

Rhodes (1997) is widely recognized for his influential definition of governance, which characterizes it as self-organizing, interorganizational networks marked by interdependence, resource exchange, rules, and significant autonomy from the state. This definition has served as a cornerstone for further discussion of this concept. Peters (2000) categorized Rhodes’ work as part of the “new” governance perspective, which emerged in response to political changes in Britain during the 1980s. Marinetto (2003) asserted that Rhodes’ contribution to governance theory is highly influential in British political science, while Kjaer (2011) emphasized the significant impact of Rhodes’ writings in this field. Rhodes’ work not only provided a theoretical framework to analyze public sector changes through a governance lens but also sparked critical debates and influenced policy practices. However, Kjaer also acknowledged certain limitations in Rhodes’ definition, such as its narrow focus on networks and its inconsistent application, which hinder a comprehensive comparative analysis of different governance forms. Rhodes’ definition of governance has evolved over time and served as a foundation for extensive research in the field. In addition to his definition, Rhodes (1997) identified six distinct uses of governance: minimal state, corporate governance, new public management, good
governance, a socio-cybernetic system, and self-organizing networks. While these uses do not qualify as strict definitions, they contribute to the conceptualization of the term (Hughes, 2010). Furthermore, Rhodes outlined several shared characteristics of governance, including interdependence among organizations, ongoing interactions fuelled by resource exchange and shared objectives, game-like interactions based on trust and negotiated rules, and a significant level of autonomy from the state (Rhodes, 1997). These characteristics signify a departure from the traditional understanding of government and highlight the involvement of non-state actors. Rhodes was one of the pioneers in conceptualizing governance as a departure from government-centric approaches (Kjaer, 2011). However, it is important to note that Rhodes’s criterion of autonomy from the state may not encompass all governance networks. Some networks rely on government resources and face regular intervention from state actors in their operations, challenging the strict dichotomy between government and governance (Kjaer, 2011).

Rhodes’ definition of governance primarily falls within the realm of public administration and public policy, focusing on the tasks, organization, management, and accountability structure of the public sector (Kjaer, 2004). However, in later works, Kjaer (2014) argued that governance cannot be divorced from the role of government and emphasized the need for empirical investigation into the evolving role of the state rather than assuming its decline. Subsequent attempts to define governance have expanded its scope, influenced by factors such as public sector reforms in the 1980s, including privatization, the application of private sector management principles, and decentralization (Kjaer, 2004).

Another perspective on governance comes from Hyden (1999), who defined governance as the stewardship of formal and informal political rules of the game. This definition emphasizes the establishment and management of rules governing the exercise of power and the resolution of conflicts over those rules. Hyden’s conceptualization is more rule-centric and less focused on the specific actors involved, as seen in Rhodes’ definition. Although Hyden’s definition does not explicitly mention the government or the state, terms such as stewardship, political rules, setting rules, and exercise of power imply the involvement of the state in governance. Despite the differences in focus, both Rhodes’ and Hyden’s definitions share a common thread in recognizing the significance of rules in governance.
2.3.2 A new wave of governance thinking

Governance and public administration are closely connected and can be viewed as interdependent aspects of the government (Hasan, 2018). They share a common thread, as they both revolve around the exercise of authority, management of resources, and implementation of policies and regulations by the government. Governance focuses on the broader framework and processes through which power is exercised, decisions are made, and actions are conducted, encompassing both formal and informal arrangements. Public administration, on the other hand, is concerned with the specific functions, structures, and procedures involved in implementing government policies and delivering public services. While governance encompasses a wider range of actors and networks beyond the government, it ultimately relies on the capacity and effectiveness of public administration to ensure the implementation and enforcement of decisions. Public administration provides the organizational and administrative infrastructure through which governance is put into practice, including the management of public resources, provision of public services, and coordination of various stakeholders. Public administration is a pillar of government, and the government is primary to governance (Badun, 2004; Hasan, 2018). Public administration theory and practice is said to have evolved through five phases:

- Phase I: The Politics/Administration Dichotomy (1887-1926);
- Phase II: The Principles of Administration (1927-1937);
- Phase III: Criticism and Challenges (1938-1950);
- Phase IV: Crisis of Identity (1950-1970); and
- Phase V: Public Administration as an Independent Discipline (1970 onwards).

The traditional public administration model focuses on the bureaucracy. It is said to contain some key characteristics, including hierarchy and rules, internal regulation, and apolitical civil service (Peters, 2001; Pfiffner, 2004). New public management however, involved the adoption of a new culture inspired by the private sector and includes the following parameters:

1 While it is acknowledged that much of the development of public administration theory and governance has occurred in the United States with simultaneous development in the United Kingdom, this study views the development of these concepts and theories from a global perspective, accounting for the notable points of development and their acceptability and applicability within the broader global context.
a) From politics to management;
b) From pyramidal administrative systems to “chester” administrative systems;
c) From planned and hierarchical decisional framework to a dichotomy between basic activities and adopted operational services;
d) From a process-based administration to a result-based administration;
e) From collective delivering of public or social services to a flexible delivering of particular services;
f) From spending to cost reduction; and
g) From state-owned property to state-managed property (Matei and Chesaru, 2014).

This shift in the focus and functions of the government was more representative of the ideology of network governance, involving elements of cooperation, complex interdependencies, and meritocracy. It can be said that governance and new public management developed along the same trajectory and resultantly, some authors (Nye and Donahue, 2000; Dreschler, 2015) use both terms governance and public administration interchangeably, suggesting that they are one in the same. Others (Tolofari, 2005; Klijn, 2012) have treated these terms as two separate paradigms that reinforce each other. It has also been thought that both governance and new public management are different sets of ideas, essentially under the same paradigm (Gruening, 2001). Despite varying thoughts on the composition of the terms, it is generally agreed that the focus of both governance and new public management is the need for greater cooperation (Christensen, 1999).
As depicted in Table 2.1, network governance is characterized by several factors that are substantially different from other traditional governance models of the state and market. It is underpinned by social or communal interdependent relationships between collective or communal organizations, integrated by social exchange, trust, reciprocity, and a common vision. These networks face complex issues and focus on reflexivity through compacts, agreements, negotiations, and informal networking. Accountability goes inward towards the group and involves partial self-accountability. Arguably, the maritime sector reflects aspects of the network model of governance because it is characterized by interdependent relationships between the international organization, Member States, and organizations with consultative status (industry representatives, international governmental organizations (IGOs), and non-governmental organizations (NGOs)) at the international level, and the state, governmental agencies, and private sector at the national level, all of which share a common vision for the safety and security of shipping and the prevention of marine and atmospheric pollution from ships (IMO, n.d.).

### Involvement of non-state actors

Pierre (2000) characterized governance as the process of fostering coordination and coherence among diverse actors, including political entities, institutions, interest groups, civil society organizations, non-governmental organizations, and transnational entities, each driven by their own distinct goals and objectives. In
Pierre’s definition, the role of the state is acknowledged, but emphasis is placed on the active involvement and harmonization of multiple actors within the governance framework. Pierre’s perspective on governance recognizes the complexity and interconnectedness of contemporary societies, where governance extends beyond traditional state-centric approaches to incorporate a multitude of non-state actors. This expanded understanding of governance acknowledges the importance of collaboration and coordination among various actors in addressing shared challenges, promoting collective decision making, and achieving desirable outcomes.

Subsequently, Peters and Pierre (2000) presented a definition of governance that places a greater emphasis on the role of the state. While acknowledging the evolving relationships between the state and society, and the increased reliance on non-coercive policy instruments, they argue that the state remains a central locus of political power. According to their perspective, governance is a process in which the state assumes a leading role, sets priorities, and defines objectives (Pierre, 2000). This definition highlights that, while the government of a state must confront challenges from various actors, some functions that were traditionally within the realm of government may be assumed by other parties. This reinforces the idea that governance encompasses more than just government. This aligns with the concept of the state’s role in steering society and the economy.

In a more general sense, Hirst (2000) offers a broader definition of governance. He posited that governance can be broadly defined as the mechanisms through which an activity or a set of activities is controlled or directed to achieve outcomes within an established standard. This definition provides an overview of the concept without specific reference to actors or facilitators.

Canada’s Institute on Governance (2003) proposed that governance involves the process through which societies or organizations make crucial decisions, determine who is involved in the decision-making process, and establish mechanisms for accountability. Similarly, the Governance Institute of Australia (n.d.) defined governance as a system that controls and operates an organization, including mechanisms for holding both the organization and its individuals accountable. Key elements such as ethics, risk management, compliance, and administration are integral to governance. These definitions draw a distinction between the “what” and the “how” of governance. Fukuyama (2014) offered a definition that focuses on the government’s capacity to establish and enforce rules, as well as deliver services, regardless of the type of government in place, be it democratic or not. Similarly, Kjaer (2014) presented a definition that highlights governance as the management of rules that shape the legitimacy of the public sphere. Chhotray and Stoker (2008) approached governance from the perspective of collective decision-making. They define governance as a set of rules and structures that guides collective decision-making processes. The emphasis on decision-making within a collective setting
suggests that governance does not revolve around the decisions made by an individual but rather involves groups of individuals, organizations, or systems of organizations coming together to make decisions. Taken together, these definitions shed light on various dimensions of governance encompassing decision-making processes, the establishment of rules and structures, accountability mechanisms, and the pursuit of legitimacy. They offer a nuanced understanding of governance, acknowledging its multi-faceted nature and the diverse perspectives from which it can be conceptualized.

In the current context, the definition of governance is shaped by specific circumstances. Institutional arrangements are no longer fixed and predetermined by constitutions; instead, they are subject to negotiation and are influenced by the interests and resources of actors across different levels of institutions, all in pursuit of collective interests (Peters and Pierre, 2016). It is unlikely that a universally agreed-upon definition of governance can be achieved because of the ongoing debates and inherent conceptual ambiguity surrounding the concept (Robichau 2011). However, amidst this complexity, it is possible to identify the key terms and themes that emerge from various definitions. Table 2.2 provides a comprehensive overview of the definitions examined in this study and categorizes them based on common pervasive themes and characteristics. This categorization aims to provide a structured framework for understanding the diverse perspectives and dimensions of governance.

Table 2.2: Categorizations of definitions of governance

| Source: Author |

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<td>State-centric view (laws, states and its actors play a prominent role) or</td>
<td>(State-centric)</td>
<td>(State-centric)</td>
<td>(Society-centric)</td>
<td>(State-centric)</td>
<td>(Hybrid)</td>
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<tr>
<td>Society-centric view (incorporating non-state actors in policy processes &amp; implementation)</td>
<td>Governance as government</td>
<td>Orderly rule</td>
<td>Socio-political governance</td>
<td>Administrative governance</td>
<td>Governance with balance of state and society involvement</td>
<td>Governance with less reliance on coercive policy</td>
</tr>
<tr>
<td>State reach/institutional involvement</td>
<td>Station</td>
<td>Multi level governance</td>
<td>Self-organizing, interorganizational networks with distinct independence from the state</td>
<td>State stewardship</td>
<td>Balanced coordination and coherence</td>
<td>Partial separation from state</td>
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<tr>
<td>Network relevance</td>
<td>No involvement of networks</td>
<td>Limited involvement of networks</td>
<td>Governance as networks</td>
<td>Limited involvement of networks</td>
<td>Network governance</td>
<td>Limited involvement of networks</td>
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The features of governance were identified from the definitions reviewed in this study to determine the recurring characteristics of each source. On review, the following terms were recurrent: **rules, state, resources, affairs, actors,**
organization(s), government, policy, procedures, authority, society, decision-making, enforcement, and stewardship. Of the twelve (12) definitions, eight (8) mentioned at least one of the terms rules, policy, or procedures; nine (9) mentioned state, government, political actors, political stewardship, or governors; and four (4) mentioned actors, organizations, or networks. Despite the various definitions of governance, some common threads exist. First, there is acknowledgement of authority in each definition. Whether this authority is the state, government, organization, or institution, most, if not all, authors acknowledge the presence and role of an authority with responsibilities for rule and decision-making in governance (Finer, 1970; World Bank, 1992; Rhodes, 1997; UNDP, 1997; Hyden, 1999; Peters and Pierre, 2000; Hirst, 2000; Hughes, 2010; Fukuyama, 2014). The notion of the evolution of governance and the shift it entails validate the argument that governance itself (ontologically) is not defined by the shifts evident in this evolution. Additionally, most definitions include rules, policies, or procedures. These rules are expected to guide the authority as to its responsibilities, as well as, provide guidance to other actors in the execution of governance-related tasks and activities as it relates to a subject matter such as societal affairs, state resources, or institutional resources, to name a few. Third, there are other actors outside the central authority that are involved in the execution of governance-related activities with regard to subject affairs or resources (Rhodes, 1997; Pierre, 2000; Hirst, 2000; Canada Institute on Governance, 2003; Hughes, 2010).

Sutherland and Nichols (2006) highlighted several key aspects of governance. They highlight that governance encompasses a wide range of domains and aspects of human existence, extends beyond specific sectors and fields, permeates various levels of society, and can take diverse forms and occur at multiple levels, indicating flexibility and adaptability to different contexts. Additionally, governance is fundamentally concerned with providing direction and guidance to achieve specific objectives. Similarly, Stoker (1998) examined the governance theory and put forward five propositions. First, governance involves a set of institutions and actors that extends beyond traditional government structures. It recognizes the involvement of non-state actors and institutions in governing processes. Second, governance acknowledges the blurring of boundaries and responsibilities when addressing complex socioeconomic issues. This emphasizes the need for collaborative efforts and shared responsibilities among different actors. Third, governance highlights the power dynamics and interdependence among institutions engaged in collective action. This underscores the recognition that governance involves negotiations and cooperation among multiple stakeholders. Fourth, governance recognizes the emergence of autonomous self-governing networks of actors. It acknowledges the importance of flexible and adaptive governance structures that allow for effective decision-making and problem-solving. Finally, governance emphasizes the capacity to achieve desired outcomes through a variety
of tools and techniques. It acknowledges that effective governance goes beyond the traditional exercise of government authority and involves innovative approaches to steering and guiding societal processes. These perspectives shed light on the multifaceted nature of governance and highlight its dynamic and evolving nature in response to complex societal challenges and changing roles of the actors involved.

Despite the multitude of perspectives and attributes discussed, the concept of governance can be divided into four fundamental categories. Firstly, governance is not a static set of rules or a singular activity, but rather a dynamic and ongoing process. This involves the interaction and collaboration of various actors to address collective challenges and pursue shared goals. Secondly, governance is characterized by coordination rather than strict control. It emphasizes the harmonization of interests, resources, and actions among diverse actors to achieve effective outcomes. Thirdly, governance extends beyond the confines of the public sector and encompasses both public and private actors. It recognizes the importance of involving a range of stakeholders, including government entities, civil society organizations, and businesses, in the decision-making and implementation processes. Lastly, governance is not limited to formal institutions but comprises sustained and continuous interactions among different actors over time. This underscores the significance of ongoing dialogue, negotiation, and cooperation in shaping policies, making collective decisions, and addressing complex societal issues. These core features provide a concise overview of the nature and essence of governance as a dynamic, collaborative process that transcends traditional boundaries.

According to Torfing and Sørensen (2014), existing approaches to defining governance suffer from either being too narrow or overly open to interpretation in various contexts. To address these limitations, they proposed a more encompassing definition of governance. They define governance as the process through which collective action is employed to steer society and the economy towards common goals. This definition acknowledges the presence of an ordered rule, as highlighted by Finer (1991), Meuleman (2008), and Fukuyama (2014). However, it goes beyond simply acknowledging the existence of rules, delving into what is being governed and how it is being governed. It also emphasizes that governance can be applied at different national or municipal levels.

For the purposes of this research, the focus will be on the hybrid depiction of governance which involves governance with state and society involvement, balanced coordination and coherence and network governance (Pierre, 2000; Peters and Pierre, 2000; Hirst, 2000). Considering the multifunctionality and multiple applications of the term, the definition of governance has been developed for the purposes of this study, which has been partly adopted from Pierre (2000) as follows:
Governance is a process of steering the development of rules and objectives through sustained coordination and coherence amongst different actors in accordance with a common goal.

2.3.4 The dynamism and context-dependency of governance

Some definitions of governance pay insufficient attention, often none, to its usage and meaning in other contexts (Hughes, 2010). One of the six uses of governance outlined by Rhodes (1997) is corporate governance, and there is large and important literature on this aspect of governance (Hughes, 2010). Rhodes (1997) noted that in a specialized context such as corporate governance, the term refers to a system that governs the direction and control of organizations (as defined by Cadbury, 1992). The Organization for Economic Co-operation and Development (OECD) defines corporate governance as encompassing the relationships between a company’s management, board, shareholders, and other stakeholders (OECD 2015). This conceptualizes corporate governance as a structure through which this set of relationships between several parties results in the occurrence of various activities. It also mentions a mechanism through which the company’s objectives are developed and the means by which they are attained and monitored. This definition (specific to the corporate context) is compatible with the definition of governance proffered in this study. According to Crow (2016), while this definition is more detailed than others, the primary actor remains the board and the dual foci of performance and conformance are explicit. The Commonwealth of Australia has put forth an alternative definition of corporate governance, stating that it encompasses the mechanisms through which power is delegated and constrained to those responsible for shaping the strategy and direction of an entity. The aim is to improve the entity’s long-term success while considering risk and operating environment (Australia, 2003). This definition is more general and relatable to a broader interpretation of governance. The role of governance is not focused on directly managing the company’s business operations, but rather on providing overarching direction to the organization, monitoring and controlling the executive actions of management, and fulfilling legitimate expectations for accountability and regulation from stakeholders beyond corporate boundaries. All companies must be governed and managed (Tricker, 2009; Shen, 2010). Regarding the applicability of corporate governance to the public sector, the Chartered Institute of Public Finance and Accountancy (CIPFA, 1994) suggested that corporate governance could function as a good example of how governance systems should operate efficiently. Rhodes (1997) states that the CIPFA report outlines three core principles that are applicable to both public and private sector organizations: transparency or the disclosure of information, integrity or ethical conduct and honesty, and accountability or the clear assignment of responsibilities and roles to individuals and holding them responsible for their actions. Although the definitions of corporate governance do not explicitly
mention the government or state, it is important to note that government involvement indirectly influences corporate governance through the legal environment in which corporations operate. This legal framework, established by the government, plays a significant role in shaping and regulating corporate governance issues (Hughes, 2010).

The interrelationship between corporate governance and the public sector can be clearly observed in the context of new public management. This approach highlights the separation of policy-making and execution as a means of enhancing manageability in the face of uncertainties (Klijn, 2012). Rhodes (1997) suggested a significant influence and interconnectedness between the concepts of governance and corporate governance, highlighting the impact of private sector management practices on the public sector. Applying governance to a corporate context does not necessitate a new definition; it still revolves around the mechanisms of steering, albeit within the framework of corporations rather than society as a whole (Hughes, 2010). Moreover, the term “governance” is widely employed across various academic disciplines such as business administration, political science, management, economics, and law, indicating its extensive usage and relevance (Yliskä-Peuralahti and Gritsenko, 2014; Donner et al., 2018). Building upon the reasoning in the previous paragraph, Rhodes (1997) and Rasmussen (2016) highlight that the term governance can be applied to various contexts, including corporate governance, international governance, national governance, and local governance. In the context of this research, the focus is on global and maritime governance, with particular emphasis on the latter.

2.4 Global governance

The 1990s witnessed the emergence of another concept stemming from neoliberal paradigm shifts in international politics and economics known as global governance (Jang et al., 2016). Similar to the term governance, global governance encompasses a range of concepts and principles that are associated with it. In 1995, the United Nations Commission on Global Governance provided an early definition of global governance. According to their definition, global governance encompasses the collective management of common affairs by both public and private individuals and institutions. It is an ongoing process that seeks to accommodate conflicting interests and foster cooperative actions. Global governance includes formal institutions and regimes with the authority to enforce compliance as well as informal arrangements that individuals and institutions either agree or perceive as being in their interest. Rosenau (1995) put forth the notion that global governance encompasses systems of rule across all levels of human activity, where the pursuit of goals through control has implications that extend beyond national boundaries.
This account of global governance, according to Kjaer (2004), belongs to the field of international relations, which was dominated by the realist paradigm, which posits that states are the primary actors in the international system and that they are primarily concerned with their own security and survival. Significant developments, such as internationalization and globalization of the world economy, have shifted the realist paradigm, which acknowledges states as the most important units in the international system (Kjaer, 2004). Over time, there has been growing recognition of the involvement of various actors in global governance, similar to the concept of governance. In 2005, the former United Nations Secretary General Kofi Annan acknowledged that “no state, regardless of its power, can protect itself in isolation as the threats we face are interconnected” (Annan, 2005). The magnitude of contemporary issues has expanded to a global scale, surpassing the capacity of individual state governments to address them (Jang et al., 2016). Biermann and Pattberg (2008) emphasize three key characteristics of global governance: “(1) the emergence of new types of agencies and actors beyond national governments; (2) the establishment of novel mechanisms and institutions that extend beyond traditional state-led, treaty-based regimes; and (3) the increasing fragmentation and specialization of the overall governance system across different levels and functional spheres”. Weiss (2016) integrated these factors into his definition, describing global governance as a complex network of formal and informal institutions, mechanisms, relationships, and processes among states, markets, citizens, and various organizations. Through this network, collective interests are articulated, rights and obligations established, and differences mediated.

Global governance, originating from the field of international relations (Zürn, 2010), encompasses a diverse array of actors (Alexandroff and Cooper, 2010; Weiss, 2009). These actors include universal multilateral organizations such as the United Nations General Assembly, exclusive multilateral groupings such as the Group of Eight (G8) and the Group of Twenty (G20) (Ocampo, 2011), issue-specific coalitions (e.g., climate change initiatives), informal multilateralism represented by financial standard-setting bodies, and regional formations focused on trade and investment agreements. Global governance describes the rise of international organizations and agreements as collective efforts to address issues beyond state capacity. To address global threats, the involvement of various actors and their expertise is essential (Jang et al., 2016). While some scholars, such as Coen and Pegram (2015), argue that the current practice of global governance is ineffective, others, such as Hale and Held (2011), believe that global governance continuously adapts by adjusting strategies, adopting new approaches, and developing innovative tools to address global challenges impacting communities worldwide (Jang et al., 2016). In this context, the United Nations has emerged as a valuable actor, providing a platform for the equal representation of its Member States and serving as an institutional framework to monitor the implementation of internationally agreed
development goals for sustainable, equitable, and inclusive growth (Deiss, 2010; Jang et al., 2016).

The United Nations recognizes its significant role in global governance and highlights the need to strengthen its central position in achieving a comprehensive development agenda, as stated in its 2014 report (United Nations, 2014). The report acknowledges that while the United Nations enjoys great legitimacy among international institutions, the principle of one country, one vote, which contributes to its legitimacy, also presents challenges in the decision-making processes. Divergent interests, conflicting incentives, and varying values and norms among Member States can hinder the ability to move from consensus to operational policy-making and coordinated implementation (United Nations, 2014). The United Nations (2014) further outlines the key principles of global governance, including common but differentiated responsibilities, subsidiarity, inclusiveness, transparency, accountability, coherence, and responsible sovereignty. These principles align with the observations of Jang et al. (2016) that a multitude of actors shape the current global governance structure and affirm Kjaer’s (2004) conclusion that governance cannot exist without government. The inclusion of these principles in the United Nations report reinforces the arguments put forward by the aforementioned scholars, emphasizing the involvement of an authority in the governance process.

Upon examination, it becomes evident that global governance encompasses essential elements of governance, such as the presence of authority and rules guiding the actions of states and other actors as well as coordination and interaction. It has been argued that separating the implementing organization from the policymaker could lead to increased efficiency by promoting competition in service provision (World Bank, 2004; Fukuyama, 2015). As mentioned, global governance and governance are closely interconnected. In fact, Fukuyama (2015) highlighted that the term “governance” first emerged in conjunction with literature on globalization. He further noted that the literature on international governance has grown tremendously, and now constitutes a significant portion of the field of international organizations. The concept of responsibility has gained increasing importance in the realm of global governance, with its manifestation extending to various policy domains such as security, the environment, and economics. These manifestations include the principles of “responsibility to protect,” “common but differentiated responsibility,” and “corporate social responsibility” (Kjaer and Vetterlein, 2018). Differentiating between the uses of governance, Torfing and Sørensen (2014) note that global governance pertains to the development of regulatory policies in response to global challenges in the absence of a central political authority. On the other hand, corporate governance refers to the institutionalized interaction among multiple actors involved in directing and controlling private business firms, including shareholders, management, the board of directors, employees, customers,
financial institutions, regulators, and the broader community. The term “new governance” has also emerged, inspired by the principles of New Public Management (Torfing and Sørensen, 2014). While governance in other disciplines often signifies the replacement of state regulations with public-private partnerships and market mechanisms, in international relations, it is associated with increased obligations and regulation (Zürn, 2010). In the context of global governance, both states and other actors recognize these obligations and feel compelled to uphold them to a certain extent (Rosenau, 1992; Meyer et al., 1993; Zürn, 2010).

Governance in the international sphere is complex and multifaceted. Brühl and Rittberger (2002) aimed to distinguish between two related concepts: international governance and global governance. They described international governance as the outcome of a non-hierarchical network of interconnected international institutions that regulate the conduct of states and other international actors across various domains of world politics. In contrast, they defined global governance as the outcomes generated by a non-hierarchical network of international and transnational institutions that regulate the behaviour of actors in general. According to Brühl and Rittberger (2002), global governance is characterized by the increased participation of non-state actors in the process of establishing norms and rules as well as monitoring compliance, in contrast to international governance. Another distinguishing feature is that global governance takes place at multiple levels (international, regional, national, and subnational), equivalent to multilevel governance. Global governance provides an overarching framework for maritime governance. International conventions, agreements, and standards established at the global level by the IMO set the foundation for the governance framework and provide a common basis for states to develop and implement their own maritime policies and regulations. On this basis, the next section explores the concept of maritime governance.

2.5 Maritime governance

Maritime governance, as a concept, has been the subject of limited research and analysis. “It is a daunting task to introduce, let alone explain, a concept with no clearly defined or widely used academic definition” (Bowman and Smythe, 2019). The discourse on maritime factors in international relations expanded in the 21st century (Łukaszuk, 2018). While there is no agreed definition of the concept of maritime governance, the pillars have been observed to include legal and institutional aspects (Takei, 2018). This concept is possibly the most widely discussed by Roe, who authored multiple publications on maritime governance. Others (Boyes and Elliott, 2014; Juda et al., 2005) have authored publications that have delved into the marine, environmental, and ocean aspects of governance, with
very little reference to maritime or shipping. Some (Chen e. al., 2019; Flannery et al., 2016; Lister, 2015) have discussed maritime governance specifically from an environmental regulation perspective, while another set of studies (Balkin, 2018; Lost-Sieminska, 2020) speaks directly to the regulation of shipping and the IMO, but without mention of the term maritime governance. Considering this, Łukaszuk (2018) opined that there is a lack of a holistic approach to the concept of maritime governance, especially in the context of state foreign policy.

2.5.1 Early developments of maritime governance

Gold (1981) indicated that the 14th and 15th centuries signalled a rapid expansion in shipping, with Spanish ports gaining significant control over global shipping and spurring the internationalization of maritime transport. However, the current debate on maritime governance was initiated at the turn of the 16th and 17th centuries, as outlined by Łukaszuk (2018), with the creation of the Mare Liberum in 1609 by Hugo Grotius, which then evolved through further development of discourse on the concept. One of the first attempts at institutionalization in maritime governance occurred in 1889 when an International Maritime Conference (the Washington Conference) was held to establish an international organization to deal with issues of navigation safety, which ultimately failed as the conference did not see any merit in establishing such a permanent international body (Mbiah, 2013). Mbiah opines that this failure was most probably due to fears that the body would establish rules and regulations that would interfere with freedom of navigation. Thereafter, the founding of the International Maritime Committee (CMI) in 1897 in [Brussels] initiated the first stage of institutionalization of cooperation within the framework of maritime governance (Łukaszuk, 2018; Jacobsson, 2020). From as far back as the late 19th century, the CMI promoted international maritime cooperation through the establishment of national associations of maritime law with the aim of cooperating with other international organizations (CMI, 2018). The sinking of the *RMS Titanic* in 1912 led to the development of the International Convention on the Safety of Life at Sea (SOLAS) in 1914, which in its successive form is regarded by the IMO as the most important of all international treaties concerning the safety of merchant ships (IMO, n.d.). After seven weeks of deliberation, 13 countries signed the 1914 draft of the SOLAS on January 20, 1914, of which five followed through ratification. However, the 1914 Convention did not enter into force due to the outbreak of World War I (Phillips and Sirkar, 2012). According to Hathaway (2005), the enforcement of international law was less sophisticated immediately following World War II. The International Court of Justice, as a central adjudicatory body, did not possess compulsory jurisdiction, and its judgments were few. Hathaway further notes that international bodies that most resembled a legislature and an executive were considered weak and ineffective. The post-war era witnessed an expansion of the
international system, with a significant increase in the number of states. For newly established and underdeveloped states, international organizations have emerged as crucial platforms for advocating their interests and gaining influence (Łukaszuk, 2018). This growth in state participation in international organizations, including those related to maritime affairs, played a vital role in establishing and implementing institutionalized systems during that period (Łukaszuk, 2018).

A series of international conferences held in Washington D.C. between November 1921 and February 1922 featured discussions regarding the safety of shipping and prevention of submarine warfare (Buell, 1922). The conferences were intended to address issues of naval disarmament and territorial disputes in the Pacific region and were attended by representatives of the larger naval powers of the time, including the United States, Great Britain, Japan, France, and Italy. The signing of the International Convention for the Safety of Life at Sea (SOLAS) in 1929 was the outcome of these sessions. SOLAS established minimum safety standards for ships and their equipment and was the first of many international maritime conventions and instruments to come. The conferences signalled an important milestone in the development of international maritime regulations and in promoting peace and security in the world’s oceans on a global scale. Following that, in 1948, a conference took place in Geneva under the auspices of the United Nations Economic and Social Council (ECOSOC), where a convention was adopted to officially establish the Inter-Governmental Maritime Consultative Organization (IMCO) (IMO, n.d.). Throughout the conference, divergent views emerged among states regarding the organization’s scope and mandate. Notably, Nordic countries emphasized the importance of the new organization’s technical competence in addressing maritime issues, while suggesting that economic matters be handled through existing trade channels or specific committees and subcommittees under ECOSOC (IMO, n.d.). These differing perspectives led to debates and negotiations at the conference. This brought the establishment process to a ten-year hiatus. Owners of large fleets, and other states were hesitant to agree to terms regarding the scope and power of the organization which resulted in slow progress in achieving the 21 ratifications required by Article 60 to bring the Convention into force (Balkin, 2018; Vladimirovich 2018). Ultimately on March 17, 1958, the conditions required by Article 60 for the coming into force for the Convention were fulfilled (Johnson, 1963). The entry of the IMCO Convention into force was a notable achievement in the history of maritime governance. The organization’s purposes under the IMCO Conventions were to provide machinery for cooperation among governments, encourage the removal of discriminatory practices among governments, consider matters concerning unfair shipping practices, consider any matters referred to by organs or agencies of the United Nations, and provide for the exchange of information among governments (United Nations, 1959). Article 2 of the IMCO
Convention clearly outlined that the functions of the organization should be consultative and advisory.

### 2.5.2 Development of the international environmental regulatory regime

After the establishment of the IMCO, negotiations were initiated on the United Nations Convention on the Law of the Sea (UNCLOS) along with the development of regulatory frameworks for various aspects of maritime affairs. These negotiations centred on legal, political, and economic issues and took place during the First Conference on the Law of the Sea in 1958 and the subsequent Third Conference, which spanned from 1973 to 1982 (Łukaszuk, 2018). The initial session of these negotiations was held in London from January 6 to January 19, 1959 (United Nations, n.d.; Johnson, 1963). This marked the beginning of an important stage in shaping international maritime law and governance. Soon after it began functioning in 1959, IMCO became the custodian of the International Convention for the Prevention of Pollution of the Sea by Oil 1954 and assumed responsibility for pollution issues (Johnson, 1963). Incidents such as the *Torrey Canyon* incident of 1967, in which a tanker carrying 117,000 tonnes of Kuwait crude oil was wrecked, and the *Amoco Cadiz* grounding in 1978, which led to the release of 223,000 tonnes of light Iranian crude oil and 4,000 tonnes of bunker fuel into the ocean, led to an intensification of the organization’s technical work in preventing pollution, including work on liability and compensation (Hawkins et al., 2017; ITOPF, 2018).

A significant achievement in the development of the international maritime environmental regulatory regime was the introduction of the main international convention covering the prevention of marine environment pollution by ships, the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) (IMO, n.d.). MARPOL was adopted on November 2, 1973, and a subsequent protocol was developed and combined with the Parent Convention, resulting in a combined instrument that entered into force on October 2, 1983. Further amendments to MARPOL 73/78 have been made over the years, with the most recent substantial amendment being the addition of Annex VI of the Convention establishing regulations for the prevention of air pollution from ships, which entered into force on May 19, 2005 (IMO, n.d.). Later amendments include the carbon intensity measures that entered into force on January 1, 2023, and the revised GESAMP Hazard Evaluation Procedure under Annex II.

In addition to developing regulations to introduce protective and preventive measures, the IMO embarked on the development of parallel conventions on liability and compensation regimes for damage caused by pollution from ships. A series of conventions had been developed to address issues of compensation for damage caused by pollution. These conventions include the International
Convention on Civil Liability for Oil Pollution Damage of 1969 (CLC), the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) of 1971, the 1992 versions of the CLC and Fund Convention, the International Oil Pollution Compensation Supplementary Fund of 2002, and the International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (IMO, n.d.). The IMO also took responsibility for the development of other safety-related instruments. An example is the International Convention on Load Lines (LL), which was first adopted in 1930 (Balkin, 2018). In addition, the IMO adopted the International Convention on Tonnage Measurement of Ships in 1969, which introduced a universal system for measuring ship tonnage (IMO, n.d.). Other instruments include the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS), adopted in 1972, and the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, introduced in 1978. The latter set forth requirements for the training, certification, and watchkeeping of seafarers at an international level, in which countries are obligated to meet or surpass (Balkin, 2018; IMO, n.d.).

A significant indication of states recognizing the need for organized and institutionalized endeavours in ocean affairs occurred during the 22nd session of the General Assembly in 1967 when Ambassador Arvid Pardo, the Maltese Representative at the United Nations, delivered a noteworthy speech. In his address, Ambassador Pardo proposed that the seabed and ocean floor, beyond the reach of any nation’s jurisdiction, should be regarded as a shared heritage of humanity and managed for the collective benefit of all (United Nations, 1967). This initiated a crucial discourse on ocean governance (later distinguished from maritime governance) through several successive conferences on the law of the sea. Significant developments include the First Conference on the Law of the Sea (1958), Third Conference on the Law of the Sea (1973–1982), and adoption of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982² (Balkin, 2018). UNCLOS, commonly known as the ‘Constitution of the Seas,’ is widely recognized as the legal framework that governs all activities in the oceans and seas (Pyć, 2016). It introduced a comprehensive system of state responsibilities, defining various maritime zones and outlining the rights and obligations of states (Takei, 2018). The UNCLOS established a regime of law and order in the world’s oceans, providing rules and regulations for the utilization of ocean resources. It consolidates traditional norms and introduces new legal concepts and frameworks that serve as a foundation for the development of specific areas within the field of maritime law (IMO, n.d.). Furthermore, UNCLOS has been supplemented by two Implementing Agreements:

² The Second Conference on the Law of the Sea was held in 1960, however it did not result in significant developments as substantive decisions were deferred to a later stage.
the Part XI Agreement, which pertains to the implementation of Part XI of the Convention, and the United Nations Fish Stocks Agreement, which addresses the conservation and management of straddling fish stocks and highly migratory fish stocks (Takei, 2018). A recent milestone in ocean governance is the BBNJ Agreement, a treaty on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, which was agreed upon on March 4, 2023. The BBNJ Agreement addresses various aspects, including the conservation and sustainable use of marine biological diversity, marine genetic resources, benefit-sharing, area-based management tools such as marine protected areas, environmental impact assessments, capacity-building, and transfer of marine technology (United Nations, 2023). In addition to the BBNJ Agreement, UNCLOS has established three important bodies: the International Seabed Authority (ISA), the International Tribunal on the Law of the Sea (ITLOS), and the Commission on the Limits of the Continental Shelf (CLCS) (Takei, 2018). While UNCLOS was developed under the auspices of the United Nations, it has a significant relationship with the IMO and its regulatory framework. The concepts of flag state, port state, and coastal state, which originated from UNCLOS, are directly applied in various IMO instruments and discussions. According to Allen (2009), UNCLOS acknowledges two main avenues for the development of additional international agreements: diplomatic conferences and “competent international organizations.” It is widely acknowledged that the IMO is the “competent international organization”, specifically in relation to international shipping and the prevention and control of marine pollution from vessels (United Nations, 2012; Beckman and Sun, 2017). These early advancements in the international environmental regulatory regime have played a pivotal role in shaping the maritime regulatory framework.

2.5.3 Regulatory development

By 1975, the organization known as IMCO evolved beyond its original role as a consultative body, prompting the need for a re-evaluation of its name and scope (Balkin, 2018). Subsequent studies have revealed that the name of the organization, with the term “intergovernmental”, generated distrust and suspicion, while the term “consultative” was seen as limiting its authority and responsibility (Vladimirovich, 2018). It became increasingly evident that the organization took on a more regulatory role, leading to a transformation from the Intergovernmental Maritime Consultative Organization (IMCO) to the International Maritime Organization (IMO) in 1982. This change was officially recognized through Resolution A.358(IX) by the IMO Assembly, signifying not only a name change but also granting the organization full capacity to develop and adopt regulations that reflected its growing importance in shaping and implementing international maritime laws (Balkin, 2018; Vladimirovich, 2018).
The introduction of institutional frameworks at the regional level is widely considered a defining feature of the institutionalization of maritime governance (Łukaszuk, 2018). However, upon reviewing other literature on the developments at the time, it can be argued that the most characteristic feature is the codification of regulations related to maritime transport and related activities at the international level. While ensuring shipping safety has consistently been a primary concern for the IMO, it became apparent within a decade of its establishment that other issues impacting international shipping also came to the forefront, highlighting the increasing involvement of non-state actors (Balkin, 2018; Łukaszuk, 2018). Consequently, there has been an increase in the development of regulations, rules, and protocols by the IMO to address and mitigate some of these new and developing matters (transfer of invasive aquatic species, training and certification of seafarers, wreck removal, ship recycling, decent work conditions for seafarers, and matters regarding the implementation of IMO conventions) within the maritime sphere. One such issue is the management of waste at sea. This led to the introduction of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) 1972, which is one of the first global conventions introduced to protect the maritime environment from human activities and has been in force since 1975 (IMO, n.d.). Around this time the tacit acceptance procedure was introduced to assist with the speedy introduction of treaty amendments. This procedure is a decision-making process that allows a new amendment to specific conventions or protocols to automatically enter into force without the need for all Member States to explicitly approve it, unless a specified number of objections are received from Member States within a specified time frame (IMO, n.d.).

In 1996, the London Protocol was established as a modernization and replacement of the London Convention, with its entry into force on March 24, 2006 (IMO, n.d.). In 1998, the Organization for Economic Cooperation and Development (OECD) unveiled a plan aimed at eliminating substandard ships that pose risks to the marine environment. This led to the joint development of the Convention on the Arrest of Ships by the IMO and the United Nations Conference on Trade and Development (UNCTAD) in March 1999 (Nanda and Pring, 2013). The International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKER) 2001 was adopted to provide compensation for individuals affected by oil spills from ship bunkers, covering damages in territorial seas, exclusive economic zones, and landside areas (IMO, n.d.). Furthermore, ship ballast water has been recognized as a significant pathway for the global transfer of aquatic organisms, including harmful species and pathogens (Cabrini et al., 2019). In response, the IMO initiated negotiations after the 1992 UN Conference on Environment and Development (UNCED) to develop an internationally binding instrument to address the transfer of harmful aquatic organisms and pathogens in ballast water (IMO, n.d.). Consequently, the Marine Environment Protection Committee (MEPC) developed the International
Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention) in 2004, which became globally effective on September 8, 2017, after obtaining the required number of ratifications (Balkin, 2018; IMO, n.d.).

In 2007, the International Convention on the Removal of Wrecks was introduced to establish rules for the timely and effective removal of wrecks beyond the territorial sea (IMO, 2019). Two years later, the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (Hong Kong Convention) was adopted during a diplomatic conference held in Hong Kong, China, from May 11 to 15, 2009 (IMO, n.d.). The purpose of the Hong Kong Convention is to ensure that ship recycling is conducted in a manner that does not pose unnecessary risks to human health, safety, and the environment (ILO, 2009; IMO, n.d.). Shortly thereafter, on June 25, 2010, Manila amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW Convention) were adopted, signifying a significant revision of the Convention (Mejia, 2010). Furthermore, on February 23, 2006, the Maritime Labour Convention (MLC), 2006, was established to ensure decent working conditions in the global maritime sector (IMO, n.d.). The MLC, which came into force in August 2013, provides seafarers with rights related to employment, health, and safety, living and working conditions, access to medical care, and social security (ITF, 2019).

In 2015, the adoption of the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) marked a significant shift from previous Millennium Development Goals (MDGs) (IMO, 2019; Ntona, 2018). While the MDGs focus primarily on poverty reduction and human development in developing countries, the SDGs aim to address various dimensions of sustainable development across the globe (United Nations, 2015). As a specialized agency of the United Nations, the International Maritime Organization (IMO) actively supports the 2030 Agenda and recognizes the crucial role of a sustainable transport sector in achieving the SDGs and facilitating global trade (IMO, n.d.). While SDG 14 specifically relates to the IMO’s mandate, its work encompasses aspects that contribute to all the individual SDGs (IMO, 2019). The IMO is widely recognized as a key entity within the international maritime management system (Roe, 2013; Van Leeuwen, 2015; Vladimirovich, 2018). With over 50 Conventions and Agreements and around 1000 codes developed by the IMO, these instruments form the foundation for regulation and order in the shipping industry (Vladimirovich, 2018). However, there remains a lack of comprehensive conceptualization of maritime governance in existing literature despite the extensive and diverse nature of the maritime regulatory framework.
2.5.4 Defining maritime governance

Governance is defined based on the focus of each discipline (Donner et al., 2018). Owing to its scope, complexity, and multidisciplinary character, maritime governance has been defined and described differently (Donner et al., 2018; Łukaszuk, 2018). Roe (2013) defined maritime governance as the overarching structures and relationships that direct, control, and influence the shipping and ports sector, while Bowman and Smythe (2019) referred to maritime governance as the ability of the government, through direct actions and partnerships with private, non-governmental, and international entities, to exercise effective control over its maritime domain. They stated that this definition is neither official in any formal sense nor exhaustive and opined that the concept of maritime governance is used in various ways across many academic disciplines that study maritime commerce, affairs, resource management, and other related fields. Another definition of maritime governance was provided by Van Leeuwen (2015), who characterized it as the collaborative process of policymaking among various governmental institutions at different levels (international, supranational, national, regional, and local), as well as state actors, market entities, and civil society organizations. The aim of maritime governance is to regulate the shipping industry effectively and address its associated impacts. Van Leeuwen’s definition considers a regional perspective on sustainability in shipping, which transcends the traditional boundaries between jurisdictions and sectors (Bowman and Smythe, 2019).

Soma et al. (2015) proposed a definition stating that marine governance encompasses all activities taking place in the maritime domain, including shipping, fishing, energy development, mining, tourism, and dredging. This definition appears to be a fusion of ocean or marine governance and maritime governance, covering all uses and aspects of the oceans, including shipping. Ishikawa (2018), on the other hand, indicated that “maritime governance is simply governance at sea” and a “process of developing maritime policies”. In contrast to Roe (2013), Van Leeuwen (2015) and Soma et al. (2015), Ishikawa’s definition is limited in scope and does not appear to provide a comprehensive overview of this concept. Bowman and Smythe (2019) note that these authors (Van Leeuwen, 2015; Soma et al., 2015) apply systems thinking, writing that the concept involves interactions between institutions operating at several levels among state actors, market parties, supranational organizations, and civil society. According to Hammer (2018), the pursuit of maritime governance is influenced by overarching structures at different levels, such as international, regional, or domestic, which provide guidance, authority, and impact on maritime affairs. Maritime governance encompasses fundamental aspects including laws, policies, and institutions that govern and regulate various maritime activities (Takei, 2018; Donner et al., 2018).
For the purpose of this research, a working definition of maritime governance was developed to further probe the concept. The *Oxford Dictionary and Thesaurus* define maritime as relating to shipping or other activities that take place at sea. The term maritime is also defined in an identical manner in the United States Department of Transport Glossary of Shipping Terms (2008) and the MSC Interactive Shipping Glossary (2021) as “business pertaining to commerce or navigation transacted upon the sea or in seaports, in matters such as when the court of admiralty has jurisdiction”. A more detailed definition was presented by the American Association of Port Authorities Glossary of Maritime Terms, which defines maritime as “located on or near the sea. Commerce or navigation by sea. The maritime industry includes people working for transportation (ship, rail, truck, and towboat/barge), companies, freight forwarders and customs brokers, stevedoring companies, labour unions, chandlers, warehouses, shipbuilding and repair firms, importers/exporters, and pilot associations”. According to Takei (2018), discussions on maritime governance commonly focus on shipping; however, the term “maritime” can also be understood in a broader and more comprehensive sense. This expanded perspective is influenced by the ongoing institutionalization of cooperation in the maritime domain. Additionally, Donner et al. (2018) highlighted that there is no specific reference to the concepts of maritime or ocean governance in key international instruments.

According to Hildebrand and Schröder-Hinrichs (2014), the terms ‘maritime’ and ‘marine’ are often used interchangeably in everyday language and are seen as two interrelated aspects rather than distinct entities. In their discussion, Hildebrand and Schröder-Hinrichs (2014), illustrated the distinction presented by the International Council for the Exploration of the Seas (ICES) from the perspective of research. It has been posited that maritime and marine research is motivated by distinct factors. The maritime industry focuses on attaining sustainable and efficient operations while addressing challenges related to competitiveness and cost efficiency, whereas marine research is driven by the imperative to comprehend ecosystems, their dynamics, and the impact of human activities.

According to Attard (2018), ocean governance features both formal and informal rules, arrangements, institutions, and concepts that structure how the marine space is used, problems assessed, and responses applied. The concept of ocean governance is not relatively new. Broadly defined, global ocean governance is an international process involving close cooperation among states, intergovernmental institutions, and other actors that aims to achieve the desired objectives related to the 1982 UNCLOS and other marine and maritime instruments at multiple levels of interaction (Attard, 2018). Borgese and Bailet (2001) defined ocean governance as a set of interacting rules, practices, and institutions developed to manage the ocean space and resources. Bekkevold and Till (2016), on the other hand, referenced ocean
governance as the international order at sea and described it as the consequence of how the oceans are used for varying purposes in an orderly, legal, and sustainable manner. Pyć (2016) further postulates that ocean governance refers to the coordination of various uses of the ocean and the protection of the marine environment. Notwithstanding the varying definitions, the concept of ocean governance is said to comprise three components: the institutional framework, legal framework, and tools of implementation (Bailet, 2002; Tarmizi, 2010). The legal framework is embodied in binding instruments which make provisions for the management process (Tarmizi, 2010). The United Nations General Assembly (UNGA) serves as the primary global organization for ocean governance, supported by its subsidiary bodies and the Division for Ocean Affairs and the Law of the Sea (DOALOS) within the UN Secretariat’s Office of Legal Affairs (Goettsche-Wanli, 2008). Literature on ocean governance has revealed certain patterns over the first two decades of the 21st century. Additionally, the term “maritime” in relation to governance emerged during the first decade of this century, enhancing the comprehensive understanding of ocean governance while also establishing a distinction between the concepts of ocean and maritime governance (Łukaszuk, 2018). In maritime, the IMO’s mission and work reflect the global nature of shipping, while particular aspects of its work such as maritime safety and environmental protection ventures, relate to the realm of ocean governance.

Maritime governance and ocean governance are clearly related but distinguishable. This close relationship between ocean and maritime governance signifies that the IMO is not only important for the governance of shipping, but also more broadly for global ocean governance (Chircop, 2018). It is also evident that the rules of UNCLOS are taken into account when considering the fulfillment of obligations within maritime, and some policy instruments developed within ocean governance provide guidance for maritime activities (Takei, 2018). Similar to maritime governance, global ocean governance consists of legal, institutional, and implementation considerations, and encompasses cooperation among all states (Bailet, 2002; Goettsche-Wanli, 2008; Tarmizi, 2010). Both maritime and ocean governance also include the protection and preservation of the marine environment, much of which is laid down in UNCLOS (Chircop, 2018). However, the concepts (maritime governance and ocean governance) are distinguishable in that ocean governance operates under the auspices of the UNGA, supported by the DOALOS, whereas maritime governance operates under the auspices of the IMO, supported by various IMO Committees and the Secretariat. As it relates to the protection and preservation of the marine environment, ocean governance focuses on matters such as habitat destruction, biodiversity loss, overfishing, pollution, climate change, and ocean acidification (WOC, 2018). Maritime governance, however, is focused on protecting the marine environment from the negative impact of shipping activities,
addressing matters such as oil pollution preparedness response, and cooperation among other pollution-related matters (IMO, n.d.).

The global ocean governance framework is supported by a combination of binding treaties and non-binding legal instruments, with UNCLOS holding significant importance within this framework. On the other hand, the legal framework for maritime governance is founded on a range of IMO instruments, with key conventions including SOLAS 1974 as amended, MARPOL 73/78 as amended, and STCW 1978 as amended (IMO, 2019). The development of UNCLOS further solidifies the connection between ocean and maritime governance. During the UNCLOS negotiations at the Third United Nations Conference on the Law of the Sea, several major IMO conventions such as SOLAS, MARPOL, and COLREG were already in existence (Beckman and Sun, 2017). The IMO Secretariat, previously known as IMCO, actively contributed to the UNCLOS process to ensure consistency between the IMO instruments and the guiding principles of the Law of the Sea Convention. UNCLOS also drew heavily on international rules and standards developed under the auspices of the IMO (Mihneva-Natova, 2005; Beckman and Sun, 2017). The IMO was consulted for its legal expertise in specific issues, including marine pollution rules and terminology (Mihneva-Natova, 2005; Beckman and Sun, 2017). While the explicit recognition of the IMO is limited to one provision in UNCLOS, several other provisions refer to the competent international organization, implicitly referring to the IMO, for the adoption of international shipping rules and standards (Mihneva-Natova, 2005; Beckman and Sun, 2017).

Within this study, maritime governance is distinguished from marine and ocean governance in that the former refers to anything related to the sea or seafaring activities, such as shipping, navigation, and ports; the latter refers specifically to things that are related to the sea or ocean, including the flora, fauna, and ecosystems found in these bodies of water, which is outside the scope of this research. Considering the multifarious nature of maritime governance and the existing concept of governance, the following has been developed as a working definition for the construction of maritime governance to guide this study:

Maritime governance is a process which involves steering activities surrounding the development and implementation of rules and objectives through coordination and coherence amongst different actors for the regulation of shipping.

2.5.5 Characteristics of maritime governance

Rasmussen (2016) presents an overview of the core functional aspects of maritime governance. His discourse is divided into four parts: Part 1, outlining the rights and obligations of maritime states; Part 2, governance and management; Part 3,
indicating technical and operational requirements; and Part 4, providing an
assessment of maritime states. At present, maritime governance has a number of
fundamental characteristics that are implicit in the publication by Rasmussen and,
according to Roe (2016), define its operation and structure, and affect what can and
cannot be achieved and by whom. Roe (2016) presented five characteristics of
maritime governance, which, from a review of his (Roe) work, are presented under
his discussion on maritime governance failures. They are nation-based,
institutionally determined, conservatively defined stakeholders, shipowner-
dominated, and focus on form rather than on process. When discussing these
characteristics, Roe (2016) delves into how they contribute to governance failures
in the maritime sector. He emphasized the enduring importance of the nation-state
in shaping and implementing maritime policies despite the expanding influence of
globalization, suggesting that the shipping industry capitalizes on the tension
between globalization and domesticity, strategically leveraging different
jurisdictions and levels of involvement to its advantage.

Roe (2016) further discussed the institutional nature of maritime governance and
policy formulation, indicating that many instances of governance failure can be
attributed to a combination of outdated institutions dominated by nation-states that
lack effectiveness in their decision-making and implementation capacities.
Additionally, the need to expand stakeholder engagement in maritime governance
was considered imperative, while the influence of shipowners in maritime space was
overwhelming. In considering the highly dynamic nature of the shipping industry,
Roe (2016) suggests that policies should adopt a dynamic governance approach that
responds to changing circumstances with less focus on form and more on process.
Considering Roe (2016) and other literature on maritime governance, the
consolidated characteristics of maritime governance as applied to this study are:
state focused, multi-level application, institutional dependency, and multi-
stakeholder involvement.

a) State focused

According to Roe (2016), maritime governance retains a central role for nation-
states in policy-making, even in the context of globalization. Nation-states continue
to play a significant role in various organizations involved in maritime governance,
such as the International Maritime Organization (IMO), Organization for Economic
Cooperation and Development (OECD), United Nations Conference on Trade and
Development (UNCTAD), World Trade Organization (WTO), European
Commission (EC), and Association of Southeast Asian Nations (ASEAN), among
others. The global nature of shipping is also reflected in the fact that multiple
countries may be involved in a single voyage, from the very initial stages of ship-
building, financing and sale, to registration, chartering, cargo operations and other
transport (Aspinwall, 1995; DeSombre, 2006; Van Leeuwen, 2010; Roe, 2016). Globalization has spurred the development of global regimes such as the IMO, which, according to Schrier et al. (1984), is increasingly dominated by national governments despite the continuous weakening of this role by the burgeoning aspects of globalization. Nonetheless, while globalization has arguably undermined the sovereignty of nation-states, these states are still actively involved in shaping the form of international policy regimes (Jessop, 2003). Harding (1997) concludes that little can happen sub-nationally without the cooperation or involvement of the state. States remain important actors in governance, albeit with periodic alteration of their role. Despite these changes, maritime transport remains heavily state-dependent (Roe, 2016). The most significant role of the state in maritime governance is the implementation of conventions and policies. Silverstein (1978) highlighted the importance of the relationship between the IMO (then the IMCO) and the nation-state, emphasizing that the achievement of the objectives of global governance requires some form of compromise of national sovereignty. It is through sovereignty that states accept and enforce international agreements. According to the International Maritime Organization (IMO) (n.d.), the IMO was established with the objective of adopting international agreements, and the responsibility for implementing these agreements lies with the states. When a state becomes a party to an IMO convention, it commits to incorporating the convention into its national law and ensuring enforcement. As such, states retain significant power and remain key actors in maritime governance (Balkin, 2018). However, states’ influence on maritime governance is increasingly influenced by the participation of other stakeholders. This includes non-governmental organizations (NGOs), transnational corporations (TNCs), interest groups, individuals, and a range of other entities (Keohane, 2002; Borgese, 1998). These stakeholders have emerged as important players in shaping and influencing maritime governance through their active involvement in policy discussion, advocacy, and implementation processes.

b) Multi-level application

Maritime governance is derived from an institutional framework with multiple jurisdictions (McLaughlin, 2010). As suggested by Ishikawa (2018), there are two components in maritime governance: (1) designing and agreeing with maritime policy and (2) implementing the policy using various national capacities. Maritime governance requires states to establish a compelling maritime policy at the international level and to make the policy actionable at the national and regional levels (McLaughlin, 2010; Chatterjee, 2018). This multi-level application is a feature of multi-level governance that describes the differentiation and coordination of political authority across jurisdictions (Benz, 2000). The theory originated through the study of governance in the European Union (EU) and expanded
thereafter by authors such as Hooghe and Marks (2003), Enderlein (2010), and Daniell and Kay (2017). According to Zürn (2010), for global governance to be considered multi-level, the following conditions must be satisfied: the global level must be autonomous, there should be more than just intergovernmental coordination, and the global level must be part of a system that features the interplay of activities at different levels. Considering these conditions, multi-level governance and intergovernmentalism can be differentiated (Jessop, 2004). Despite some commonalities, proponents of intergovernmentalism do not view the international system of governance as multi-level governance because of the belief that Member States retain control of the international organization (Zürn, 2010). Intergovernmentalism focuses on states as controlling actors whilst multi-level governance involves systems that entail a division of power between different coinciding or overlapping territorial units (Hooghe and Marks, 2003; Alcanara et al., 2016). Intergovernmentalism is a component of Ruggie’s embedded liberalism and positions international organizations as institutions with delegated authority that contain minimal administrative capacity and budgets (Kahler and Lake, 2004; Zürn, 2010). According to Zürn (2010), embedded liberalism proposed a distinctive method of international decision-making in which states would coordinate their policies internationally with limited national parliamentary control and separated from public scrutiny. It is defined as a form of multilateralism argued to be compatible with the requirements of domestic stability. In other words, it involves international cooperation with power and control ‘embedded’ or remaining with the state. To date, maritime governance has retained elements of embedded liberalism. This institutional infrastructure still applies to some organizations and is based on the principles of sovereignty asserting that without consent, states are not subject to any other law than their own (Sadat, 2001; Zürn, 2010).

Within the context of this study, maritime governance can be aligned to global governance and multi-level governance derived from international relations and international law, involving the participation, to a greater degree, of states and international organizations and surrounding actions occurring at multiple levels. Multi-level governance defines a new form of political organization where power is distributed hierarchically in a non-hierarchical network in many different directions (Bache and Flinders, 2014). In essence, the state is removed as the sole political sovereign, but rather as an actor in a complex and networked system (Wijninga et al., 2014). The governance of maritime affairs involves interconnected actors operating within networks at various levels, including international, supranational, regional, national, and local. These actors engage in continuous negotiations and activities that span both the horizontal and vertical dimensions of governance. The concept of multi-level governance suggests that policy formulation and implementation often occur among nested governments across multiple tiers (Veeneman and Mulley, 2018; Wijninga et al., 2014). In an increasingly globalized
world, decision-making processes related to the development, implementation, and monitoring of public policies have become more intricate (Daniell and Kay, 2017). According to Daniell and Kay, multi-level governance disperses authority in various directions, encompassing different levels of government, as well as spheres and sectors. This multi-level approach to policy development and implementation offers flexibility by allowing shifts in decision-making authority and power in multiple directions (Stein and Turkewitsch, 2010). A notable characteristic of maritime governance is the involvement of multiple stakeholders and its application across different jurisdictions and levels (McLaughlin, 2010; Łukaszuk, 2018). These stakeholders, both state and non-state actors, play direct and indirect roles in the development of international standards as well as in their implementation, compliance, and enforcement. These standards typically take the form of conventions that have come into force globally. Figure 2.1 illustrates the multilevel governance framework of the maritime sector.

![Figure 2.1: Multilevel governance within the maritime sector](image)

Source: Author

It is acknowledged that the global level of maritime governance (at the IMO) is part of a system characterized by the interplay of different levels. There are actions and interactions between the IMO (global), the states (national), regional bodies (regional and supranational), NGOs, and other private sector organizations, such as shipping companies (sub-national and regional), satisfying the second condition. The IMO was established after World War II when the construction of a new architecture of international economic cooperation took place, leading to the establishment of the so-called Bretton Woods institutions, such as the International Monetary Fund (IMF) and the World Bank (WB) (Daunton, 2008; Tomlinson,
The establishment of these bodies is the actualization of embedded liberalism, where decisions are made through international cooperation of consensus decision-making at the IMO and standards and other rules and regulations developed by Member States and accepted to be binding by consent through adoption, ratification, and/or accession.

There are two elements within the system that satisfy the delegation of powers to international organizations outside the Member State. The first is the tacit acceptance procedure, which results in some Member States being subject to binding rules without explicit consent, thereby satisfying the requirement for autonomy at the global level (IMO, n.d.). Similarly, the ‘no more favourable treatment’ clause requires that each state party apply the conventions to a foreign ship in its ports even if the flag state of the ship has not ratified the respective convention (IMO, n.d.; Reiling, 2019). The second element is the IMO Member State Audit Scheme (IMSAS), which was first implemented as a voluntary scheme and institutionalized as a treaty obligation in 2016. The scheme involves the conduct of audits within Member States and aims to promote the consistent and effective implementation of applicable IMO instruments and to assist Member States in improving their capabilities and overall compliance with treaty obligations (IMO, n.d.). Therefore, maritime governance can be considered as a form of multilevel governance, and a review of the concept should consider this.

c) Institutional dependency

According to Kjaer (2004), governance is deeply rooted in institutions, which is also true for maritime governance and the formulation and implementation of maritime policies. These policies are institutionally grounded in and shaped by institutions that reflect the needs and dynamics of the maritime industry (Roe, 2016). Institutions, as defined by Kjaer (2004), encompass both formal and informal rules, behavioural codes, and norms that prescribe and guide repeated and interdependent relationships. Institutions play a crucial role in governance by providing the necessary structure for harmonious social, political, and economic functioning (Roe, 2016). They contribute to the establishment of order, coordination, and stability within maritime governance frameworks.

Maritime governance has historically been characterized by decision-making embodied in international agreements. Within this framework, institutions provide the necessary standards and mechanisms for the effective regulation of maritime activities, which establish a basis for maintaining order, ensuring safety, protecting the environment, and promoting sustainable development in the maritime sector. As a specialized agency of the United Nations, the IMO is the global standard-setting authority for the safety, security, and environmental performance of international
shipping (IMO, 2019). It is said that the central loci of authority in maritime governance are both the IMO in terms of safety and environmental issues, and the International Labour Organization (ILO) for labour and training issues (Van Leeuwen, 2015). Others have noted, however, that the IMO’s role is not fully characteristic of the central locus of governance, but essentially that of a facilitator of the regulatory framework for the shipping industry, which is intended to be universally adopted and implemented (Balkin, 2018; IMO, n.d.). Institutions, such as the IMO, provide platforms for international cooperation and coordination among states, industry stakeholders, and other relevant actors. They foster dialogue, information exchange, and collaboration on common challenges such as maritime safety, security, environmental protection, and trade facilitation. Institutions such as port authorities, customs agencies, and shipping associations work in tandem to facilitate trade and support economic growth.

Although the IMO has been established as a central institution in global maritime governance, other institutions play successive and similarly important roles throughout the process. Regional institutions facilitate cooperation, coordination, and development of common frameworks among nations within a particular region. This is generally executed by aligning their approaches through the development of common policies, guidelines, and standards that enhance maritime governance within the region to harmonize maritime regulations. These institutions also play an important role in capacity building and technical assistance to states, promoting the sharing of information and data among Member States, enabling a better understanding of maritime challenges and trends, promoting economic integration, and facilitating maritime trade within the region.

As a core institution in maritime governance, maritime administrations play a crucial role that encompasses the regulations, policies, and practices governing activities related to sea and maritime affairs. Following ratification by states, IMO instruments are enforced by their maritime administration (Donner et al., 2018). These administrations are responsible for overseeing and regulating various aspects of maritime operation. They hold flag state responsibilities for vessels registered under their jurisdiction and should enforce international conventions and regulations to ensure compliance of ships flying their flag through inspections, surveys, and audits to verify compliance with safety, security, and environmental requirements. It is generally through maritime administrations that international standards and practices are made actionable. They steer the development of national and international maritime policies and strategies in collaboration with other governmental bodies, industry stakeholders, and international organizations to formulate regulations, guidelines, and frameworks for maritime governance overall maritime governance.
d) Multi-stakeholder involvement

Shipping is considered the most globally interconnected industry, with a proliferation of stakeholders actively engaged in maritime governance (Roe, 2016; Łukaszuk, 2018). The traditional view, as outlined by Bennett (2000), emphasizes that maritime policy-making should not solely rest with the IMO and its Member States, but should encompass a diverse array of participants, such as shipowners, cargo owners, insurers, classification societies, banks, and other relevant actors. However, as articulated by Roe (2014), delineating the exact scope of stakeholders, their roles, and who should be included in this multifaceted network is a complex undertaking. The concept of stakeholders and their significance in the corporate realm was first introduced in the 1980s through the emergence of the stakeholder theory, which posits that business managers should consider a broader range of interests beyond shareholders, as business activities can impact various groups (Bello, 2021). This was introduced by Freeman (1984) who defined stakeholders as any group or individual that can influence or be influenced by the attainment of a company’s objectives. When applying this notion to the context of shipping, it is evident that the stakeholders involved in the industry are diverse and manifold, representing an intricate web of relationships and interests. In the interconnected shipping world, stakeholders play indispensable roles in supporting and driving the industry, facilitating the seamless movement of goods and people across the globe. Their collective efforts ensure the efficient functioning of maritime operations and underscore the immense importance of governance in addressing the complexities and challenges inherent in such a multifaceted sector. The dynamic interplay between these stakeholders shapes the landscape of maritime governance and calls for an understanding of their diverse interests, responsibilities, and contributions. As shipping continues to play a pivotal role in global trade and transportation, recognizing and engaging with this intricate network of stakeholders is paramount to sustain and enhance the industry’s vital operations.

Maritime stakeholders have a close relationship with governance and policymaking (Maguire et al., 2012; Roe 2016). Coady et al. (2013) presented an overview of the key stakeholders (outside of the state) in the shipping/maritime industry, which includes but is not limited to shipowners, maritime sector associations, ports terminals and seaways, non-governmental organizations and academia. Figure 2.2 adapted from Lützhöft et al. (2011), provides a visual representation of the numerous stakeholders involved in shipping and the complexity of their relationships. Coupled with adequate resources, stakeholder involvement is a major requirement for effective and efficient governance (Renn, 2015). Roe (2016) shared that shipowners are important maritime stakeholders and should form a central plank of maritime governance, noting that their influence is so significant that it overwhelms many other interested parties. Nevertheless, according to Sutherland
and Nichols (2006), good governance can only come with recognition of the interests of all stakeholders. Maritime governance is multifaceted and entails a wide range of stakeholders; however, despite the fact that much is made of the processes of public consultation and inclusion, in practice, it tends to be the same actors involved in the policymaking process (Roe, 2013; Łukaszuk, 2018). These include international organizations, states, and other government agencies.

Figure 2.2: Shipping Stakeholders
Source: adapted from Lützhöft et al. (2011)

To understand the dynamics of maritime governance and effectively manage stakeholders, it is crucial to begin with the identification and analysis of these key actors (Zwikael & Smyrk, 2019). This process entails recognizing and distinguishing the various types of stakeholders involved in the maritime sector. Stakeholder identification aims to identify individuals or groups that hold significance for the organization, initiative, or activity under consideration (Lee & Mitchell, 2013). In the realm of maritime affairs, Osobajo et al. (2021) compiled an extensive list of 29 stakeholders who played a role in shaping and influencing maritime governance. This comprehensive roster, illustrated in Table 2.3,
encompasses a diverse array of organizations and institutions operating in different spheres. This includes financial institutions, media entities, manufacturers, and a wide range of stakeholders with vested interests in the maritime domain. The recognition and delineation of the broad spectrum of stakeholders involved, organizations, and initiatives can adopt a more inclusive and holistic approach to governance. Understanding the specific roles and interests of each stakeholder type enables policymakers, industry leaders, and governing bodies to engage with them effectively, solicit their input, and address their concerns.

Table 2.3: Stakeholders in the maritime industry

<table>
<thead>
<tr>
<th>Stakeholder Group</th>
<th>Example(s)</th>
<th>Role(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Maritime industry related entities that operate within the industry | Ship owners'  
Ship operators  
Steevedores & terminals  
Support services  
Port operators | Provide cargo transport services  
Provide infrastructures and facilities required to receive ships  
Responsible for loading and unloading ships and storing cargo  
Offer their services to support the industry. Include ship brokers, shipping agencies, inspection and standard-compliance services, dredging, towing, pilot services and equipment repair. |
| Government institutions, agencies & regulators | Maritime Regulator  
Transnational Associations and Accords | At national and international level ensures ship registration and control |
| Maritime employees | Individual Employees  
Labour Associations at the entity level  
Regional Associations | They contribute to the successful functioning, growth and development of the industry by offering their expertise. |
| **External**      |            |         |
| Trade union | Associations at the industry level | Make attempt at regulating the maritime industry externally. |
| Local communities | Local councils / boroughs  
Local / Regional Authorities | Attempt to improve sustainability, local / regional growth and quality of life |
| NGO’s & civil society | Environmental pressure groups | Establish and maintain standards for the operation of industry. Also, they sometimes provide certification for ongoing services, confirming that the activities and operations of the industry composes with the required standards. |
| Research & education community | Training institutions  
CPD providers  
Tertiary education entities | Implement studies/research activities for developmental purposes.  
Train employees. Train students and produce future employees. |
| Customers | Retailers  
Manufacturers  
Cargo owners | Support the industry continuity and survival by helping the organizations operating within the industry meets their goals through the purchase of goods and services they offer. |
| Suppliers | Marine services | Provides products and services required by the organizations operating within the industry for function efficiently. |
| Investors/Financial related institutions | Banks  
Insurance companies  
Stock exchange | Lend money to foster appropriate investment growth and development of the industry.  
Act as an intermediary or a broker to facilitate the process of buying and selling. |
| International organisations | International Maritime Organisation | Ensure and influence the maritime industry to take on board best practices |
| Media | Press  
Online media  
Social media  
Television and Radio media | Make available publicly information with respect to the industry |

Source: Osobajo et al. (2021)

Mitchell’s (1997) stakeholder salience model is a theoretical framework that provides insights into how organizations perceive and prioritize stakeholders. The model proposes three dimensions of stakeholder salience: Power, legitimacy, and
urgency. According to Mitchell, these dimensions influence the level of importance and attention given to stakeholders by an organization. Power refers to the ability of a stakeholder to influence the decisions and actions of an organization. Stakeholders with high power are often those who possess significant resources such as financial, political, or informational capabilities that enable them to exert influence over the organization’s activities. Organizations tend to allocate more attention and resources to high-power stakeholders. Legitimacy refers to the perceived validity or appropriateness of a stakeholder’s claim to be involved in an organization’s activities. Legitimate stakeholders are seen as having a rightful or valid interest in the organization and its operations based on social norms, cultural expectations, or established laws and regulations. Organizations are more likely to consider the demands and concerns of stakeholders with high legitimacy. Urgency refers to the degree to which stakeholders’ claims or issues require immediate attention or responses from the organization. Stakeholders with high urgency have time-sensitive or critical needs, demands, or concerns that necessitate prompt action. Organizations prioritize stakeholders with high urgency to avoid potential negative consequences or reputational damage. The model helps organizations determine which stakeholders are the most salient and deserving of attention and resources. Stakeholders who exhibit high levels of power, legitimacy, and urgency are likely to be prioritized and have greater influence on organizational decisions and actions. The model assists organizations in understanding the relative importance and impact of different stakeholders and guides their stakeholder management strategies and engagement efforts. The management of stakeholders involves a structured and methodical approach to understanding and addressing the needs, expectations, and interests of stakeholders who are directly involved in or impacted by a project, initiative, or organization. It encompasses the identification, analysis, engagement, and proactive consideration of stakeholders throughout decision-making and implementation processes. In recent years, there has been growing recognition of the importance of collective approaches to public policymaking and implementation. This shift in perspective acknowledges that effective governance requires the active involvement and participation of various stakeholders to ensure the legitimacy, transparency, and inclusivity of decision-making processes (Nilsson & Persson, 2017; Okitasari et al., 2020).

Stakeholder management has emerged as a central concern in the response to these evolving dynamics. The complexity and interdependence of societal challenges necessitate the engagement of a wide range of stakeholders with diverse expertise, interests, and perspectives. The involvement of stakeholders in the policymaking and implementation processes and a more comprehensive understanding of the issues at hand can be achieved. This inclusive approach helps foster ownership, build trust, and enhance the overall quality and effectiveness of policies and initiatives. Effective stakeholder management involves several steps. It begins with
the identification and analysis of relevant stakeholders, followed by an understanding of their roles, interests, and influence within the context of a project or organization. This information serves as a foundation for designing engagement strategies tailored to the specific needs and characteristics of each stakeholder group. Engagement efforts may include consultation, collaboration, and active participation, providing stakeholders with opportunities to contribute to their knowledge, perspectives, and concerns. Regular communication channels, such as meetings, workshops, surveys, and online platforms, facilitate ongoing dialogue and feedback exchanges between stakeholders and decision-makers.

2.6 Implementation of IMO instruments

Maritime governance is underpinned by a framework involving a complex web of legal and policy instruments and institutional arrangements, which, according to Takei (2018), form important pillars of the governance of maritime activities. The legal instruments created by the IMO are in the form of international agreements called conventions. The IMO has developed more than 50 conventions, most of which are in force. These conventions regulate maritime safety, navigational matters, and other matters, such as the control of marine pollution from ships, liability and compensation, and maritime security (Balkin, 2018). Maritime governance is derived from an institutional framework with jurisdiction at all levels (Bowman and Smythe, 2019). Figure 2.3 provides an overview of mandatory IMO instruments within the maritime regulatory framework that are binding on Member States and ships flying the flags of Member States.
The IMO’s success in discharging its mandate is meaningless unless the numerous conventions are implemented (Mbiah, 2013). Shipping rules and regulations, while negotiated and developed under the auspices of the IMO, are to be implemented by governments (Beckman and Sun, 2017; Balkin, 2018; Reiling, 2019). This is explicit in the principle of *pacta sunt servanda*, which is perhaps the oldest and most important principle in international law and states that an agreement must be complied with. This principle is also expressed in Article 26 of the Vienna Convention on the Law of Treaties 1969, which states that every treaty in force is binding upon the parties to it and must be performed in good faith.

### 2.6.1 Implementation defined

Universal applicability through the implementation of IMO instruments of private standards gives momentum to international law (Li and Seta, 2022). On the one hand, international instruments must be implemented domestically. However, this is achievable only through the instrumentality of domestic legislation (Mukherjee 2022). Implementation is a key requirement for the effectiveness of the shipping standards and policies developed by the IMO. It has been observed, however, that despite the importance of this term and its associated activities, there is no definition of implementation within more than 50 IMO instruments. There has also been a very limited attempt to define the term within the context of the maritime sector. Hudson et al. (2019) alluded that implementation is considered the most neglected area of
study in public policy, the accumulated body of available research remains slim, and most case studies have been conducted in isolation from theory. Various perspectives exist regarding the concept of implementation. Pressman and Wildavsky (1973) put forth one of the initial definitions, stating that implementation involves the capacity to establish subsequent connections in the cause-and-effect sequence to achieve the intended outcomes.

This definition implies the inclusion of sequential tasks or actions called decision points to be completed before subsequent tasks can be performed. Pressman and Wildavsky (1973) acknowledged that implementation is not easily defined, highlighting its function as both a state and process. They noted that non-achievement of the state of implementation does not necessarily mean that the implementation process did not occur. Najam (1995) indicated that the concept is dynamic and multidimensional, and occurs at multiple levels. Additionally, Najam (1995) expounds on the implementation approaches, rejecting the selection of a specific approach and proposing that the focus should not be on the top-down or bottom-up approaches, but on the negotiation between the actors that shape implementation. According to Najam (1995), implementation can be characterized as a dynamic negotiation process involving multiple actors operating at various levels within and between organizations. This definition offers a more comprehensive understanding of the implementation as a complex and ongoing process. Theodoulou and Kofnis (2004) expanded on the role of legislation in implementation, stating that it is the stage in which the government implements a policy as outlined by legislation or policy actions. However, Signé (2017) suggests that Wandersman et al.’s (2008) proposed definition provides the clearest understanding of implementation. While it serves more as a commentary than a strict definition, it emphasizes the process of how things happen, rather than what needs to happen. On the other hand, Haynes (2001) initially presented a standard dictionary definition of implementation as the act of putting something into effect according to a specific plan. He further noted that implementation involves a deliberate and sequential series of activities aimed at executing a policy.

Victor et al. (1998) put forward a definition of implementation in the maritime sector that can be considered highly reliable. They describe implementation as the process of translating international agreements into tangible policies, which is reflected in the adoption of rules and regulations, passage of legislation, or establishment of institutions. Although this definition specifically addresses one aspect of implementation within the maritime sector, it does not provide a comprehensive overview of the entire process. There is a paucity of empirical research on implementation within the shipping industry, and a vast majority of the research and literature on environmental regimes and implementation of multilateral environmental agreements (Escobar-Pemberthy & Ivanova, 2020; Joachim et al., 2010). Within maritime space, implementation is not explicitly defined, but some
references can be found in maritime conventions that require contracting states to promulgate all laws and regulations and take other measures required to give full and complete effect to the conventions (Art. 1(1), MARPOL; Art. 1(b) SOLAS; Art. I(2) STCW). From the provisions outlined in the conventions, it can be understood that implementation, as it relates to maritime conventions, contains two elements: (1) the promulgation of a national instrument of law, and (2) other measures to give full and complete effects to the convention. The first element is less nebulous than the second element. According to Mukherjee (2022), there are two principal methodologies that states use to affect the treaties to which they have become parties: monism and dualism. Discussions surrounding the incorporation of treaties into domestic law often revolve around the distinction between monism and dualism (Lumbantobing, 2019). The relationship between international law and municipal or domestic law is closely tied to the broader concept of law, structure of the international legal community, and foundations and sources of international law (Dupuy, 2011). In a monistic approach to implementation, an international convention can become an integral part of the national legal system simply by virtue of its ratification or accession by the state, as provided for in its constitutional law. In such cases, minimal legislative action is typically required for treaty implementation (Mukherjee, 2014). In this approach, international law is directly observed as a part of a state’s law (Mutubwa, 2019). However, some treaties require implementing laws, and this varies among monist states. Despite these variations, the common tenet within monism is that some international treaties generally have the status of law in the domestic space (Sloss, 2011). States that follow the dualistic approach consider international and domestic law as inherently separate, requiring specific actions, such as legislative implementation, before international law rules and principles can be applied in national courts (Lumbantobing, 2019). The dualistic system is commonly found in jurisdictions like the United Kingdom and other common law systems, where legislative action is generally necessary for the implementation of an international convention following its ratification or accession. It is important to note that the misconception that civil law jurisdictions are exclusively monistic and common law jurisdictions are dualistic is not accurate. For example, certain civil law jurisdictions such as Italy, Germany, and Scandinavian countries have also adopted the dualistic approach, while the United States has a hybrid approach that is not purely monistic (Mukherjee, 2022). Additionally, if a convention is not self-executing, the implementation process closely resembles that of a dualistic system (Mukherjee, 2014). Determining the specific measures required for satisfactory implementation becomes more complex as it depends on the provisions of the particular convention in question. Part 2 of the IMO Instruments Implementation Code (III Code) does not define the term implementation but puts forward performance measures to be satisfied by contracting states to the IMO mandatory instruments. These include the issuance of national legislation and guidance, updating and revising existing policies,
monitoring entities with delegated authority from the state, conducting investigations, and documenting convention requirements.

To guide this study, a working definition for implementation specific to the maritime sector was developed from a combination of the definitions above, which has been more heavily adapted from a combination of the definitions provided by Victor et al. (1998) and Najam (1995). This definition considered the requirements for the promulgation of national law, the existence of a regulation that is being given effect, and the multiparty nature of shipping. Implementation for the purposes of this research is:

The manifestation of international rules and regulations through the passage of legislation, monitoring and enforcement\(^3\) and the establishment of supportive institutional arrangements steered by a central actor with coordination amongst other actors within multiple organizations and operating at multiple levels.

### 2.6.2 Implementation challenges

Despite significant strides in developing a comprehensive legal and policy framework, there are still challenges in achieving universal participation and the effective implementation of maritime treaties. While the International Maritime Organization (IMO) has been instrumental in developing and adopting numerous instruments, it has become evident that the mere existence of these instruments is insufficient for ensuring effective global maritime governance (Balkin, 2018). The shipping industry recognizes the benefits of proper regulation through various actors, such as national ministries and ship-owning associations, but the governance framework in place lacks the ability to effectively guide and influence industry practices (Roe, 2014). Moreover, due to the unique characteristics of each state and its diverse political, economic, and social contexts, disparities in state actions regarding maritime affairs are inevitable (Reynolds, 2000). These challenges highlight the importance of international consultation and collaborative efforts to consolidate and harmonize practices, an area in which the international maritime community has made significant progress.

As depicted in Figure 2.4, effective and uniform implementation of international instruments relies on concerted action (Li and Seta, 2022). At the top of the current governance structure, this study places the formal authorities overarched by the International Maritime Organization (IMO), including international, regional, and national regulators and policymakers (Darousos et al. (2019). The formulation of these conventions and other regulatory instruments takes place at the IMO, where

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\(^3\) For the purposes of this study, enforcement means to compel observance or compliance with a rule, law or obligation.
there is negotiation, drafting, decision-making, and adoption of these instruments by a number of stakeholders, the primary of which is the Member State following the formulation of regulations. The Member State is responsible for implementing these regulations through transposition and enforcement. This involves the participation of the state and other relevant state entities, authorized organizations, shipping companies, and the military and security arms of the state. Historically, maritime shipping regulation has been governed by the principle of flag state jurisdiction, wherein the flag state holds exclusive authority over the ship, its crew, and its activities while it is on the high seas (Reiling, 2019; Art. 92, 94 UNCLOS). However, fulfilling this responsibility posed difficulties for certain Member States. The proliferation of new conventions has created implementation challenges not only for developing economies but also for many administrations worldwide (Balkin, 2018). The sheer volume of these conventions has placed a strain on the capacity of flag states to effectively carry out their regulatory duties.

<table>
<thead>
<tr>
<th>IMO</th>
<th>Member State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation Formation</td>
<td>Implementation</td>
</tr>
<tr>
<td></td>
<td>Transposition</td>
</tr>
<tr>
<td>Negotiation → Drafting → Decision-making → Adoption</td>
<td></td>
</tr>
<tr>
<td>Maritime Administration</td>
<td></td>
</tr>
<tr>
<td>Government</td>
<td></td>
</tr>
<tr>
<td>Parliament</td>
<td></td>
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<tr>
<td>Interest Groups</td>
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</tr>
<tr>
<td>Maritime Administration</td>
<td></td>
</tr>
<tr>
<td>Authorized organizations</td>
<td></td>
</tr>
<tr>
<td>Shipping companies</td>
<td></td>
</tr>
<tr>
<td>Crew</td>
<td></td>
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<tr>
<td>Maritime Administration</td>
<td></td>
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<tr>
<td>National security</td>
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<tr>
<td>Courts</td>
<td></td>
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*Figure 2.4: Overview of the implementation process within the maritime sector
Source: Adapted from EU (2016)*

The issue of the implementation of maritime conventions by states is one that dates back to 1979, where in IMCO Resolution A.412(XI) adopted on November 15, 1979, it was recommended that all governments make every effort to ratify conventions and introduce national legislation in conformity with the convention provisions. Since then, the IMO has attempted to address these implementation issues by providing additional support to the Member States. The organization
established a special Sub-Committee on Flag State Implementation in 1992, which was renamed the Sub-Committee on Implementation of IMO Instruments (III) in 2013, to consider implementation issues and improve the performance of states (IMO, n.d.). The issue was once again emphasized in IMO Resolution A.847(20), which was approved on November 27, 1997. In this resolution, the IMO Assembly reiterated the importance of promoting the implementation of pertinent international instruments to enhance maritime safety and prevent pollution. The resolution acknowledged that the effectiveness of any convention ultimately relies on the participation of all states, who should become parties to the instruments, implement them extensively and effectively, enforce them diligently, and fulfill their reporting obligations to the IMO as required.

The issue was once again emphasized in IMO Resolution A.847(20), which was approved on November 27, 1997. In this resolution, the IMO Assembly reiterated the importance of promoting the implementation of pertinent international instruments to enhance maritime safety and prevent pollution. The resolution acknowledged that the effectiveness of any convention ultimately relies on the participation of all states, who should become parties to the instruments, implement them extensively and effectively, enforce them diligently, and fulfill their reporting obligations to the IMO as required.

The IMO also introduced Guidelines to Assist Flag States with Implementation of IMO Instruments in an effort to assist Member States in improving the rate of implementation of maritime conventions. Specific obligations of States under a number of key IMO conventions are now covered by the Code for the Implementation of Mandatory IMO Instruments (III Code), which was first adopted as IMO Resolution A.973(24) in 2005, and thereafter amended and reissued in 2007 as IMO Resolution A.996(25). In November 2013, the Assembly adopted the III Code, which has now been made mandatory through amendments to the related conventions. This Code is supplemented by a non-exhaustive list of obligations that are regularly updated according to decisions made regarding amendments to treaty provisions and the introduction of new treaties and other instruments. The most recent list was approved under IMO Resolution A.1157(32) – 2021 Non-Exhaustive List of Obligations under Instruments relevant to the IMO Instruments Implementation Code (IMO, 2022). However, there is an ongoing argument that state-centric approaches have become inadequate in contemporary maritime shipping, because the development and implementation of international standards are frequently hindered by states, leading to delays and inefficiencies (Reiling, 2019).

To promote implementation, the IMO introduced a methodology in the form of an audit scheme to monitor compliance with Member States’ obligations under IMO instruments (Beckman and Sun, 2017). The audit scheme, which evolved fairly quickly since its establishment, was a unique development to further the IMO’s objective of ensuring that the mandatory instruments adopted by Member States were effectively implemented (Mbiah, 2013). The scheme was first considered and approved by the Council in 2002, and endorsed by the Assembly in 2004. It was then adopted as a standard peer-review mechanism to measure the work of maritime administrations with respect to the implementation of IMO instruments (Beckman and Sun, 2017; Mbiah, 2013). The IMO Member State Audit Scheme (IMSAS) was initially introduced as a voluntary initiative in 2006, and later became a binding obligation in January 2016. It is regarded by the IMO as a tool for assessing
performance and needs, aiming to promote consistent and effective implementation of relevant IMO instruments and assisting Member States in enhancing their capabilities (IMO, n.d.; Balkin, 2018). The mandatory IMO instruments covered by the audit scheme include SOLAS, MARPOL, STCW 1978, Load Lines, Tonnage Convention, and COLREG 1972 (Beckman and Sun, 2017; Balkin, 2018). The audit scheme plays a crucial role in establishing and improving accountability among Member States regarding their obligations under various IMO conventions (Beckman and Sun, 2017). It is intended to yield several benefits, such as enhanced reporting on treaty obligations, improved casualty investigations, more effective port state control and engagement of recognized organizations, better-trained personnel, and improved communication among relevant stakeholders (Mbiah, 2013).

The IMO Secretariat conducts audits and produces consolidated audit summary reports (CASRs) on a regular basis, which contain anonymized findings and lessons learned from audits. Since the introduction of mandatory audits by Member States in 2016, the Secretariat has released several CASRs. These include the First CASR, which covered 18 audits conducted in 2016 and was published on September 4, 2017; the Second CASR, which covered 15 audits conducted in 2016 and 2017 and was published on October 10, 2018; the Third CASR, which covered 17 audits conducted in 2017 and 2018 and was published on September 13, 2019; the Fourth CASR, which covered 18 audits conducted in 2018 and 2019 and was published on September 13, 2020; and the Fifth CASR, which covered seven audits conducted in 2019 and 2020 and was published on October 1, 2021 (IMO Circular Letter No. 3772; 3879; 4028; 4317; 4442). The CASRs revealed that implementation issues were the most common findings across the flag State, coastal State, and port State sections. These findings highlighted a lack of implementation of policies through national legislation and guidelines, as well as challenges in assigning responsibilities for updating and revising relevant policies (IMO, 2021). Other findings related to the issuance of guidance, ensuring compliance, and determining the minimum safe manning. In the Common areas section, the most frequent findings were related to initial actions, particularly in the legislative domain. Challenges included the transposition of amendments to international instruments into national legislation, delays in promulgating amendments affected by the tacit acceptance procedure, lengthy processes, and a lack of capacity to enact new or amended mandatory IMO instruments and publish national laws in official journals (IMO, 2021). The availability of qualified personnel to support the promulgation of necessary laws was also identified as a significant challenge.

Despite efforts by the IMO to enhance flag state implementation and support port state control (PSC), ongoing debates persist regarding issues such as open registries, regional PSC agreements, and unilateral state actions (Reynolds, 2000). These challenges stem from a lack of understanding of the interrelationships between
different jurisdictional levels and failure to adequately incorporate stakeholder interests into the policymaking process (Roe, 2009). As the maritime sector becomes increasingly globalized, traditional governance frameworks centred on the state-centric approach of rules, regulations, conventions, and institutions are no longer sufficient (McLaughlin, 2010). The core issue is not primarily in the enforcement of regulations on the shipping industry itself but in the mechanisms underlying maritime policymaking (McLaughlin, 2010; Roe, 2016). One potential solution proposed by Roe (2016) is the adoption of polycentric and multi-level governance approaches, which emphasize the negotiation of policies among various jurisdictional levels and active engagement of all stakeholders. This inclusive approach to developing shipping policies and considering the needs and priorities of stakeholders holds significant potential for improving maritime governance (Roe, 2009; McLaughlin, 2010; Roe, 2016). Stakeholder management is crucial in this context, as it can enhance long-term performance when conducted appropriately (Hillman and Keim, 2001). Effective functioning of the shipping industry relies on the establishment of internationally agreed-upon regulations and standards (IMO, n.d.). The IMO’s legal instruments already incorporate techniques for implementing good maritime governance, and promoting improved or good maritime governance would involve the utilization of these governance instruments. When states ratify, implement, and enforce these instruments through their maritime administrations, they contribute to the advancement of maritime governance (Donner et al., 2018).

The challenges faced by states in implementing maritime governance are primarily attributed to various capacity-related factors including limited human, financial, institutional, and scientific resources. Inadequate capacity and a lack of dedicated financing hinder effective implementation efforts within the sector-focused governance framework. Furthermore, ineffective cooperation and coordination at the national, regional, and global levels exacerbate these challenges (Goettsche-Wanli, 2008). Capacity can be classified into different types and categorized in various ways, as demonstrated by various studies. The United Way of Calgary and Area (2011) conducted a literature review focusing on nonprofits and identified four types of capacity: leadership capacity, encompassing governance and internal leadership; management capacity, involving human resources and financial management; technical capacity, which pertains to program design and technology; and adaptive capacity, which includes environmental learning, programmatic learning, and organizational learning. Another perspective on capacity comes from Lammert, Johnson, and Fiore (2015), who approached the concept from an educational standpoint and proposed four types of capacity: human, organizational, structural, and material. These dimensions highlight the diverse facets of capacity development, ranging from enhancing individuals’ skills and knowledge to improving the overall organizational structure and ensuring the availability of necessary resources.
Existing literature provides insights into various strategies aimed at addressing capacity-related challenges. Two prominent approaches in this regard are capacity building and capacity development. While both strategies aim to enhance capabilities, they differ in scope and practice. Capacity building has been widely employed by the IMO to assist Member States in implementing IMO instruments effectively. It primarily focuses on supporting the initial stages of capacity creation or building, assuming that there may be limited or no existing capacity to begin with. Emphasis is placed on individuals and aims to build their knowledge and skills through a foundational and continuous learning approach (UNDP, 2008; Zamfir, 2017). In contrast, capacity development entails a broader and more wide-ranging process. According to the UNDP, capacity development refers to the ongoing process by which individuals, organizations, and societies acquire, strengthen, and sustain capabilities to achieve their own development objectives over time. This approach recognizes that capacities exist at various levels and emphasizes the development and enhancement of capacities within the state and its organizations, in addition to the individual level. The focus extends beyond basic-level knowledge and skills to encompass the capacities of the state and its institutions, with the aim of achieving set objectives in a holistic and coordinated manner. Capacity development encompasses multiple factors and approaches that aim to strengthen the capabilities of individuals, organizations, and societies. One key aspect of capacity development is local ownership, which distinguishes it from the traditional technical cooperation models. It involves the state taking responsibility and accountability for capacity development, generating and sustaining an approach tailored to its specific challenges and needs. In essence, the focus shifts from developing the capacity for individual organizations or projects to the entire network infrastructure within which these entities operate. This holistic perspective allows for greater efficiency and effectiveness in utilizing capacities across the network. Achieving this requires fostering partnerships between donors and local stakeholders as well as action at multiple levels (Bester, 2016). At the enabling level, capacity development focuses on empowering individuals and organizations to function effectively within the network. This involves building knowledge, skills, and resources to enable them to contribute to development objectives. At the organizational level, attention is paid to internal structures, policies, and procedures that support effective capacity development. Finally, at the individual level, the focus is on the actors and their ability to operate and perform their roles within the network. A long-term vision for change is essential for capacity development, encompassing political and governance factors that positively impact development outcomes. It also recognizes the importance of engaging civil society and the private sector, as they are considered both drivers and targets of capacity development. Their active involvement can contribute to sustainable results and promote inclusive and participatory governance.
Capacity development typically involves several steps. These include engaging partners and building consensus to ensure a shared understanding and commitment to capacity development goals. Assessing capacity assets and needs provides a baseline understanding of existing capacities and identifies areas for improvement. Based on this assessment, capacity development strategies were defined to address the identified gaps and leverage existing strengths. The implementation of these strategies involves various activities such as training programs, institutional reforms, and knowledge-sharing initiatives. Monitoring and evaluating strategies throughout the process allows feedback and adjustments to ensure their effectiveness and sustainability (UNDP, 2008; Frantz et al., 2014). This process is illustrated in Figure 2.5.

The implementation of these regulations has always remained the responsibility of the IMO Member States (Balkin, 2018). In some cases, international law is translated into national law either inadequately or only after long delays; in other cases, implementation fails because of a lack of political will (Goettsche-Wanli, 2008). The IMO, acknowledging the issues associated with the implementation of IMO instruments, has appealed to Member States and other stakeholders through various fora to encourage state party implementation and reiterate the importance of this stage in the governance process. This is evident in many IMO Secretary-General
speeches that placed considerable emphasis on the importance of implementing IMO Instruments. In addition, the allocation of the World Maritime Day 2014 Theme, the IMO Conventions: Effective Implementation, and the placement of implementation as its first strategic direction in the organization’s strategic plan are demonstrative of the priority placed on implementation at the IMO. The IMO’s efforts demonstrate that the monolithic approach inherent in the flag State principle is being replaced by a conglomeratic approach to the regulation of maritime shipping characterized by standard setting, regulation, and law enforcement no longer concentrated in the hands of the flag States, but distributed across different actors (Reiling, 2019).

2.7 Chapter summary

This chapter provided a literature review on the core themes in the literature directly relevant to the purpose of this study, namely, network governance, multi-level governance, and the concepts of governance and global governance. The historical overview of maritime governance, its stakeholders, and characteristics and identified challenges related to the implementation of IMO instruments were also discussed.

The chapter first provided an overview of network governance, its core propositions and principles, and its association with the study. The literature review then shed light on the concept of governance and its origins, definition, evolution, and development of new approaches and propositions of governance theory. The context-dependent nature of governance was also addressed, looking specifically at two contexts: corporate and global. The principles and structure of corporate governance were examined, along with the multi-level and multi-stakeholder characteristics of global governance. A working definition of governance was developed and presented for the purpose of the study. The review then emphasized the development of maritime governance throughout the centuries, featuring the establishment of the IMO as a pivotal shift in its development. The global environmental regulatory regime was also discussed as an indication of parallel movement in the early development of maritime and ocean governance. A working definition of maritime governance is presented along with the characteristics of the concept, as presented in the literature.

The literature review then considered the complexities of implementation, its definitions as presented in the literature, and a working definition for the term developed for the study. The responsibility of states to implement international conventions and the challenges associated with implementation of IMO instruments were also discussed. The implementation of IMO instruments is acknowledged to
be a complex and convoluted task. The chapter demonstrated that states have experienced various challenges that must be examined and subsequently addressed to improve governance. It is also identified that the interaction and relationships between the IMO, its Member States, and other industry stakeholders are crucial and should be effectively managed to mitigate implementation challenges.

The following chapter presents the research methodology applied and explains how grounded theory was applied within the context of this study.
3 Methodology

3.1 Chapter overview

This chapter provides an overview of the methodological framework employed in this study, including the data sources used. It presents the research approach adopted, the methods employed for data collection, and the tools utilized for data analysis. The study employed grounded theory methodology, which proved instrumental in extracting insights from the data concerning the concept of maritime governance and the implementation of IMO instruments. By employing the grounded theory methodology, this research was able to delve into the data, enabling an exploration of the intricacies surrounding maritime governance and its practical implementation. This approach facilitated the extraction of contextually relevant insights and shed light on various dimensions of subject matter. The research approach employed in this study was carefully designed to ensure systematic and thorough exploration of maritime governance through various data collection methods, such as interviews, surveys, and analyses of existing documents and reports. Once the data was collected, the analysis was performed using various data analysis tools. These tools were selected based on their ability to handle large volumes of data and to extract meaningful patterns and insights. The analysis process involved systematic categorization and coding of the data, allowing for the identification of recurring themes and patterns. This approach not only enhanced the credibility and validity of the research, but also facilitated the emergence of novel insights and fresh perspectives on the subject matter.

3.2 Grounded theory

3.2.1 Rationale for selection of grounded theory

The decision to employ grounded theory as the methodology for this study was driven by several factors. Firstly, the research topic encompasses a complex and multifaceted domain that necessitates thorough exploration. Grounded theory is an ideal approach for such exploratory research as it facilitates systematic and rigorous
data analysis, enabling the discovery of novel insights and the generation of theory rooted in empirical evidence. The primary objective of this study was to investigate the contextual factors that impact the implementation of maritime conventions among IMO Member States. These factors are known to vary across different countries and regions and involve a wide array of stakeholders, policies, and practices. Grounded theory provides a flexible and iterative framework for data analysis, allowing the researcher to capture and analyze the intricate nuances and interrelationships among these contextual factors and develop a comprehensive and nuanced understanding of the intricate dynamics at play. Additionally, grounded theory is particularly well suited for research focused on understudied phenomena or areas that lack well-established theoretical frameworks. The field of maritime governance, particularly concerning the implementation of maritime conventions, falls under this category. Grounded theory enables the researcher to generate new theoretical insights, thereby contributing to the advancement of knowledge in this domain. Allowing theory to emerge from the data itself, grounded theory ensures a foundation for theoretical development that is firmly grounded in empirical observations. Another key rationale for the selection of this methodology is its ability to offer practical implications and recommendations. A close examination of the contextual factors that influence implementation can provide valuable insights for policymakers, practitioners, and stakeholders in the maritime industry. This allows the researcher to generate a theory that is not only academically rigorous but also relevant and applicable to real-world challenges. This alignment with practical concerns aligns with the research’s overarching goal of improving effective implementation of maritime conventions and enhancing maritime governance practices.

3.2.2 Grounded theory approaches

Grounded theory is a distinctive inductive research methodology that is often misunderstood and differs from other research methods (Thulesius, 2019). Developed by Strauss and Glaser, this methodology is known for its ontological and epistemological flexibility, encompassing data collection, analysis, interpretation, and creation of theoretical explanations for patterns of social behaviours and constructs (Holton and Walsh, 2017). Glaser and Strauss (1967) introduced grounded theory to emphasize the development of theories based on data, rather than the deduction of hypotheses from existing theories (Charmaz, 2006; Thulesius, 2019).

Glaser and Strauss (1967) proposed that the theory allowed for flexibility of application on the part of the researcher, to ultimately develop themes and theories which offer explanations about the area or phenomenon of study. Glaser later refined grounded theory over the years (Thulesius, 2019), and numerous other
researchers subsequently developed other grounded theory designs or versions (Chametzky, 2016). Grounded theory is promoted as a research methodology for the development of theory as it has an established reputation for the study of human behaviour and how individuals interpret reality, it focuses on building theory rather than testing theory, and it has established guidelines for conducting research and interpreting data (Cullen and Brennan, 2021). Grounded theory can be visualized as a methodological spiral that extends from Glaser and Strauss’s original work and continues to evolve over time (Mills et al., 2006). The different epistemological positions adopted by grounded theorists can be situated at different points on this spiral, reflecting their underlying ontologies (Mills et al., 2006). Two notable adaptations of grounded theory are the pragmatic grounded theory proposed by Strauss and Corbin (1990, 1998) and the constructivist grounded theory developed by Charmaz (2014, 2006), which paradigmatically differ from the classic version formulated by Glaser and Strauss (1967) (McCall and Edwards, 2021).

This methodology is highly regarded for its ability to capture the complexities of a research context and provide a deeper understanding of the phenomena within that area of study (Locke, 2001; Sciberras, 2019). While grounded theory maintains certain methodological characteristics, its various versions exhibit paradigmatic nuances that reflect the perspectives of originators (McCall and Edwards, 2021). Table 3.1 outlines the most common versions of the grounded theory.

<p>| Table 3.1: Paradigmatic characteristics of the versions of grounded theory |</p>
<table>
<thead>
<tr>
<th>-----------------------------------------------</th>
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<tbody>
<tr>
<td>Ontology</td>
<td>Critical Realist</td>
<td>Interpretivist</td>
</tr>
<tr>
<td>Epistemology</td>
<td>Objective</td>
<td>Pragmatic</td>
</tr>
<tr>
<td>Researcher Role</td>
<td>Observer</td>
<td>Interpreter</td>
</tr>
<tr>
<td>Purpose</td>
<td>Abstract theory and meaning</td>
<td>Abstract theory or gain in-depth understanding</td>
</tr>
<tr>
<td>Implementation</td>
<td>Promotes adherence to rigorous, fundamental processes</td>
<td>Provides a set of tools that may be used, rejected, or ignored</td>
</tr>
<tr>
<td>Outcome</td>
<td>Generalised theory that transcends time and context</td>
<td>Subjective theory dependent on time and context or descriptive non-theory</td>
</tr>
</tbody>
</table>

Source: Adapted from Groen et al. (2017) and McCall and Edwards (2021)
3.3 A pragmatic approach

After introducing classic grounded theory in 1967, Glaser and Strauss followed different paths in the subsequent development of the theory (Charmaz, 2000). Their relationship became strained when Strauss collaborated with Corbin to further expand the methodology, which Glaser believed deviated significantly from the original conception of the theory (Glaser, 1992). Glaser remained steadfast in his adherence to the earlier version of grounded theory, which viewed categories as emerging directly from the data and relied on narrow empiricism when analyzing social processes (Charmaz, 2006). In contrast, Strauss gravitated towards a more structured approach that emphasized the need for verification, utilizing coding paradigms, axial coding, and constant comparison to facilitate conceptual development (Holton & Walsh, 2016; Sciberras, 2019).

The divergent theoretical perspectives of Glaser and Strauss gave rise to two distinct schools of thought within grounded theory: the Glaserian school, rooted in the post-positivist paradigm, and the Straussian school, which adopts a more structured approach characterized by constant comparison and a coding paradigm to facilitate conceptual development (Charmaz, 2006; Howard-Payne, 2016; Holton and Walsh, 2016). In classical grounded theory, there are no prescribed rules or procedures for data collection and analysis, while Strauss and Corbin (1990) emphasized the importance of ongoing validation and the reflexive role of the researcher (Timonen et al., 2018). The grounded theory approach advocated by Corbin and Strauss is commonly referred to as pragmatic grounded theory, as it embodies a practical, interpretivist, and realistic approach to data collection and analysis, with active involvement of the researcher (Strauss and Corbin, 1998; McCall and Edwards, 2021).
This version of the methodology places the researcher as an interpreter who is expected to employ data analysis tools as deemed fit and as appropriate to abstract theory or gain in-depth understanding for the study undertaken. The differentiating components amongst the grounded theory versions are illustrated in Figure 3.1. They include the role of literature, sensitizing concepts, causality assumptions, the role of the researcher and quality criteria. These components are discussed further in the following sub-sections.

### 3.3.1 Role of literature

The researcher’s relationship with pre-existing concepts and prior knowledge is a contentious aspect of the grounded theory methodology (McCall and Edwards, 2021). In classic grounded theory (Glaser and Strauss, 1967), it is advocated that researchers should distance themselves from preconceived notions and directly engage with the data, maintaining an open-minded approach throughout the study (Hallberg, 2010; Niasse, 2022). According to Glaser and Strauss (1967), the less prior knowledge the researcher possesses about the phenomenon under investigation, the more receptive and unbiased they will be towards emerging themes and patterns within the collected data (McCall and Edwards, 2021).
In contrast, Corbin and Strauss (1990) challenged the notion of abstaining from literature review (Dunne, 2011). They argued in favour of conducting a literature review during the early stages of the research process to foster theoretical sensitivity, generate stimulating questions, guide sampling, and provide additional secondary data sources to enhance research validity (McGhee et al. 2007; Birks and Mills, 2015; Niasse 2022). However, an extensive literature review should be avoided until the later stages of research analysis. Corbin and Strauss (2015) suggested that a literature review helps to establish the phenomenon of interest and gain awareness of existing knowledge about it (Strauss and Corbin, 1990; Thornberg, 2012; McCall and Edwards, 2021). In the constructivist grounded theory proposed by Charmaz (2006), an early literature review may be conducted, but it is also recognized that a later literature review can be beneficial for comparing, contrasting, and validating emergent theories. It is worth noting that despite initial criticisms of conducting a literature review early in the process, Glaser (1992) later acknowledged the necessity of broad reading to establish a general problem area. However, in-depth reading should be reserved until the emergent theory has been developed (Glaser, 1998; McCall and Edwards, 2021).

### 3.3.2 Sensitizing concepts

The term sensitizing concepts first originated with Blumer (1954) who differentiated definitive concepts from sensitizing concepts. A definitive concept is said to refer to what is common to a class of objects with the aid of a clear definition and fixed benchmarks, while a sensitizing concept provides a user with a general reference and guidance in approaching empirical instances. Essentially, definitive concepts guide the user as to what to see and sensitizing concepts suggest where to look (Bowen, 2006). In the classic grounded theory, Glaser posits that these concepts serve as points of departure to guide inquiry whilst Charmaz (2006) referred to them as background ideas that inform the overall research problem. Corbin and Strauss (2008) however, treated sensitizing concepts as background ideas that inform the overall research problem and initiate inquiry (Bowen, 2006; McCall and Edwards, 2021).

### 3.3.3 Causality assumptions

Causality assumptions refer to conditions that influence or bring about a particular phenomenon (McCall and Edwards, 2021). In grounded theory, causality is understood through the lens of process theory, in which events are observed to have an impact on subsequent events (Maxwell, 2004). Classic grounded theorists argue that the resulting theory should become increasingly generalizable as the research progresses. On the other hand, pragmatic and constructivist grounded theorists aim
to identify causal conditions while emphasizing their contextual and contingent nature, suggesting that the resulting theory, or lack thereof, is dependent on a specific context. Process theory, which forms the foundation of causality in grounded theory, focuses on observing how events unfold and impact subsequent ones. This approach allows researchers to identify the patterns and relationships that explain the causality of the observed phenomenon. Classic grounded theory suggests that, as research progresses, the resulting theory should become increasingly generalizable, implying a search for universal causal conditions. This perspective aims to establish a theoretical framework that can be applied across different contexts. Conversely, pragmatic and constructivist grounded theories acknowledge the contextual and contingent nature of the causality. These versions of grounded theory emphasize the importance of considering the specific context in which the phenomenon occurs, recognizing that causal conditions can vary depending on circumstances. By highlighting the context-specific nature of causality, pragmatic and constructivist approaches embrace the idea that resulting theories or non-theories are contingent on a specific research context.

3.3.4 Role of the researcher

The significance of the researcher in the research process is widely acknowledged, although the specific role assigned to them depends on the type of grounded theory employed in the study (McCall and Edwards, 2021). Classic grounded theory asserts that researchers should adopt an objective stance, striving to eliminate personal biases and beliefs (Glaser and Strauss, 1967). However, the constructivist version positions the researcher as an active participant and co-creator within the study, acknowledging that their thoughts and ideas may evolve over time and contribute to shaping the findings (Charmaz, 2006). In the pragmatic version, the researcher’s role is characterized as neutral and interpretative, with analysis and memo writing influenced to some extent by their personal experiences and prior knowledge. Classical grounded theory emphasizes maintaining objectivity and detachment during the research process. Researchers following this approach strive to set aside their preconceived notions and theoretical frameworks, allowing data to guide the development of theory. Their role is to observe, analyze, and interpret the data without imposing personal beliefs or biases on the findings. By maintaining objectivity, classic grounded theory aims to generate theories that are firmly grounded in data and are independent of any specific theoretical perspective. In contrast, constructivist grounded theory recognizes the researcher as an active participant and acknowledges its influence on the research process. Researchers adopting this approach actively engage with data, recognizing that their interpretations, thoughts, and ideas are valuable contributions to the construction of theory. As the study progresses, the researcher’s perspectives may evolve,
prompting them to re-evaluate and refine their conceptualizations. The constructivist view acknowledges the fluidity and co-constructive nature of knowledge, acknowledging the researcher’s subjective engagement and the potential for personal growth and transformation throughout the research journey.

Pragmatic grounded theory strikes a balance between objectivity and subjectivity, acknowledging the role of a researcher’s personal experience and prior knowledge. Researchers employing this approach recognize that their interpretations and analyses are influenced by their own background, expertise, and insights gained from previous research. While maintaining a neutral stance, researchers can draw on their experiential knowledge to guide the analysis and interpretation of the data. This pragmatic perspective acknowledges the practical and contextual nature of research, enabling researchers to integrate their expertise into the analysis process while maintaining a commitment to neutrality. The chosen version of grounded theory significantly influenced the role of the researcher in this study. Corbin and Strauss acknowledge the inevitability of the researcher’s influence, recognizing that personal experience and prior knowledge shape the research process. They argued that researchers should bring their expertise and insights into enriching the analysis.

3.3.5 Quality criteria

The quality criteria in grounded theory vary across different versions of the methodologies. Although quality criteria generally serve as indicators of the value of the research process, they also provide a framework for researchers to align their values with the chosen version of grounded theory at the outset of the study. Charmaz (2014) proposed credibility, originality, resonance, and usefulness as quality criteria, whereas Glaser and Strauss (1967) outlined several criteria for evaluating the quality of grounded theory, including its close alignment with data, usefulness, conceptual richness, durability over time, modifiability, and explanatory power (McCall and Edwards, 2021). On the other hand, Corbin and Strauss (1990) introduced a set of quality criteria that were adapted from the scientific principles of quantitative research to suit qualitative contexts. These criteria encompassed concepts such as validity, reliability, credibility, plausibility, and the value of the theory, as well as the adequacy of the research process and empirical foundation of the research findings. The consideration of quality criteria is essential in grounded theory methodology, as it allows researchers to evaluate and ensure the rigour, validity, and usefulness of their findings. Different versions of grounded theory propose specific criteria that align with their theoretical and methodological orientations. Charmaz emphasizes credibility, referring to the extent to which the findings are believable and trustworthy. Originality pertains to the novelty and innovation of the developed theory. Resonance assesses the extent to which the theory resonates with the experiences and perspectives of the participants, whereas
usefulness relates to the practical value and applicability of the theory to real-world situations.

Glaser and Strauss, on the other hand, present a comprehensive set of quality criteria. A close fit with the data indicated an alignment between the emerging theory and the observed data. Usefulness reflects the practical utility and relevance of a theory. Conceptual density refers to the depth and richness of the developed theoretical concepts. Durability over time assesses a theory’s ability to withstand future challenges and modifications. Modifiability refers to the flexibility of a theory to accommodate new data or incorporate additional concepts. Finally, explanatory power examines a theory’s ability to provide meaningful explanations and insights into the phenomenon under study. Corbin and Strauss proposed a set of quality criteria adapted from quantitative research and tailored to qualitative contexts. Validity, reliability, and credibility are crucial for establishing the trustworthiness and accuracy of findings. The plausibility and value of the theory assess the coherence and significance of theoretical constructs. The adequacy of the research process focused on the appropriateness and rigor of the research design, data collection, and analysis methods. Empirical grounding emphasizes the solid connection between research findings and the empirical evidence collected.

3.3.6 Applying a Straussian approach to research

After carefully reviewing the previously discussed components, it was determined that the Straussian (pragmatic) approach to grounded theory is the most suitable for this study, given its alignment with the interpretivist paradigm in terms of time and context. This approach offers several advantages that align with the specific research needs. The Straussian approach allows for the identification of a phenomenon to be investigated prior to conducting the study. In this case, maritime governance was the phenomenon of interest. By clearly defining the phenomenon, researchers can focus their efforts on exploring and understanding the specific aspects related to maritime governance, which provides a solid foundation for the research. Additionally, the Straussian approach encourages the preliminary rumination of the phenomenon and associated concepts, often through a preliminary literature review. This step enables the researcher to gain an understanding of existing knowledge and theories related to maritime governance, allowing for the development of a conceptual framework.

This preliminary exploration helps to establish a starting point for the study and provides a basis for further investigation. The Straussian approach also emphasized the emergence of themes throughout the course of the study. This means that as data are collected and analyzed, themes and patterns begin to emerge, leading to the development of theories and concepts. This iterative process allows for a deeper understanding of the phenomenon and ensures that the theory developed is grounded
Furthermore, the Straussian approach offers a more structured and practical method of data analysis and theory generation. This is particularly advantageous when dealing with a large dataset obtained through multiple research methods, as is often the case in complex studies like this one. The structured approach provides clear guidelines for organizing, analyzing, and interpreting data, ensuring that the research process remains focused and manageable. This is especially important in time-constrained studies where efficiency and effectiveness are crucial.

3.4 Research design

This study adopts a qualitative approach that allows for an understanding and interpretation of a phenomenon, enabling the development of a holistic picture of the phenomenon under investigation (Denzin and Lincoln, 2005). Qualitative research focuses on capturing naturally occurring events in real-world settings, providing a robust representation of the reality of the phenomena being studied as it is based on the meanings derived from the specific places, events, and processes involved (Sciberras, 2019). This study adopts an inductive approach to explore the research questions and achieve its research objectives. Following Thomas (2006), the inductive approach aims to establish connections between the evaluation of research objectives and the summary findings derived from the data while also developing a framework that captures the underlying structure of the experiences or processes observed in the data. Epistemologically, this study seeks to gain a deeper understanding of the concept of maritime governance and to investigate the factors influencing the implementation of maritime conventions. The choice of research strategy is guided by the nature of the research questions and subjects being investigated (Denzin and Lincoln, 2005). Therefore, an instrumental case study design is employed to conduct an empirical inquiry into maritime governance, focusing specifically on the International Maritime Organization (IMO), its Member States, and the implementation of maritime conventions. Various research methods have been used for data collection and analysis to support this approach.

It is crucial to collect qualitative data from the natural settings in which the phenomena are experienced by the participants, as this sensitivity to context allows patterns to emerge during data analysis (Creswell, 2007). Qualitative researchers often gather data from the field by directly observing and interacting with participants in places where the issue or problem being studied is the most relevant (Creswell, 2007). In alignment with this perspective, the researcher selected the IMO headquarters, as well as the maritime administration headquarters of IMO Member States, Singapore and Kenya, as natural settings for empirical data collection. Field research methods, including interviews, observation of meetings, and examination of general governance and administrative processes, were
employed to gather data within these settings. The use of various qualitative research methods and careful selection of appropriate settings contributes to the depth and richness of the empirical data collected.

3.5 Research methods

Grounded theory provides researchers with the flexibility to utilize data from various sources that are deemed valuable and relevant (Holton & Walsh, 2016). The quality and credibility of the research are deeply rooted in the data and its comprehensiveness, as the breadth and depth of the data has a significant impact (Charmaz, 2006). In this study, the primary focus was on collecting primary data, whereas supplementary secondary data were used to complement the study. This approach aligns with the interpretivist perspective, which acknowledges that employing multiple methods allows for diverse understandings of experiences and different ways of perceiving, interpreting, and approaching a phenomenon (Blaikie, 1993). A range of data collection methods were employed to address the research objectives and research questions, as outlined in Table 3.2. These methods were carefully chosen to capture the different aspects and perspectives related to the phenomenon under investigation. A more nuanced understanding of the research topic was achieved by employing a combination of methods.

Data for this study was collected using multiple methods, including a survey questionnaire, interviews, and non-participant observations. Survey research is a systematic approach to gather information from a sample of individuals or entities by eliciting responses to specific questions. The purpose is to construct descriptors of the attributes of a larger population to which these individuals or entities belong (Groves et al. 2004; Jansen 2010; Check and Schutt 2012). Surveys offer various recruitment methods, data collection techniques, and instruments for measuring responses (Ponto 2015). They involve sending research questions to respondents and collecting and analyzing the resulting data. Questionnaires and interviews are common methods used in survey research (Ponto 2015). Questionnaires can be administered in different ways, such as through self-administration, individual administration, or group administration. They can be delivered electronically via email, web-based platforms, or a combination of both, providing participants with flexibility in choosing their preferred method (Ponto, 2015).
Table 3.2: Overview of research objectives and data collection methods

<table>
<thead>
<tr>
<th>Research Objectives</th>
<th>Research Questions</th>
<th>Data Collection Methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explore the core characteristics of maritime governance and identify key stakeholders involved</td>
<td>How is maritime governance currently conceptualized and who are the key stakeholders involved?</td>
<td>Document analysis, Interviews</td>
</tr>
<tr>
<td>Review the process of implementation of IMO instruments, exploring the role of the IMO in the process</td>
<td>What is IMO’s role in implementation of IMO instruments and how can this role be enhanced to improve implementation?</td>
<td>Interviews, Document analysis, Observation</td>
</tr>
<tr>
<td>Identify the key strengths and challenges to state party implementation</td>
<td>What are the factors affecting the implementation of IMO instruments?</td>
<td>Survey questionnaire, Interviews, Document analysis, Observation</td>
</tr>
<tr>
<td>Develop recommendations to address the shortcomings regarding state party implementation of IMO instruments</td>
<td>How can the implementation of IMO instruments be improved?</td>
<td>Survey questionnaire, Interviews, Observation, Document analysis</td>
</tr>
</tbody>
</table>

Source: Author

The data collection process involved four distinct phases. Each phase focused on specific methods and techniques to gather relevant information related to the phenomenon of study. The first phase began with the distribution of survey questionnaires to the 18 IMO Member States. Questionnaires were designed to gather information on maritime policies, regulations, and practices within each country. This phase aimed to collect a broad overview of the implementation of maritime conventions and to identify key areas of focus for further investigation. The first phase included a pilot interview with three of the 20 respondents. The interviews allowed for a deeper exploration of specific issues and facilitated a more nuanced understanding of the contextual factors that influence the implementation of maritime conventions. The second and third phases involved conducting case studies in two IMO Member States: Singapore and Kenya. In this phase, data are collected through interviews with key stakeholders, document reviews, and direct observations. The case studies provide rich and detailed insights into the contextual factors affecting the implementation of maritime conventions in these countries. They helped uncover specific challenges, best practices, and lessons learned, which may inform a broader analysis. In this phase, non-participant observations of two IMO meetings via online attendance were also conducted. The fourth and final phase of data collection involved interviews with the IMO Secretariat and non-participant observation of two IMO meetings. These meetings provided a platform for member states to discuss and make decisions regarding maritime governance and implementation of conventions. This phase provided insights into the negotiation processes, policy priorities, and key factors influencing decision-making related to maritime governance. The four phases of data collection aimed to gather a multi-dimensional understanding of maritime governance and the contextual factors affecting the implementation of maritime conventions. Each
phase provided unique insights and contributed to the overall analysis and development of themes and theory grounded in empirical evidence.

3.5.1 Survey

In this study, a survey questionnaire was developed using Formsite, an online service that allows the creation of web forms and surveys. The questionnaire consisted of a combination of open-ended, numerically rated, and Likert scale questions (see Appendix I). Sampling, an important aspect of research design, involves selecting a subset of items or individuals from a defined population to be included in a study (Guest et al., 2013). Purposive sampling, a type of non-random sampling technique, was employed to select participants who will contribute the most to the study, represent the population of interest, and provide valuable information about the phenomenon under investigation (Seetharaman, 2016).

The survey questionnaire was disseminated online, specifically to the official company email addresses associated with the head and/or deputy head, executive office, or administrative office of the maritime administrations within the selected sample of eighteen (18) IMO Member States. Each Member State was targeted for three (3) respondents. The recipients of the questionnaire were requested to share it with two (2) or three (3) senior officials of their choice who were able to provide valuable insights. The primary objective of the questionnaire was to obtain comprehensive insights into the experiences of respondents regarding the implementation of maritime conventions, their states’ relationships with the International Maritime Organization (IMO), administrative practices within their administrations, and any recommendations they may have to enhance the implementation process. Through input from respondents with diverse roles and experiences in maritime governance, the questionnaire sought to capture a broad range of knowledge, perspectives, and recommendations. The questionnaire design aimed to encourage respondents to share valuable insights, drawing on their expertise and direct involvement in decision-making and administrative processes related to implementing maritime conventions. Respondents were invited to provide detailed information about their experiences, such as obstacles encountered, successful strategies employed, and lessons learned. They were encouraged to reflect on their state’s relationships with the IMO, including collaboration, compliance with conventions, and participation in IMO activities. The questionnaire also sought to explore the administrative practices within their respective administrations, with the aim of uncovering insights into the structures, procedures, and mechanisms employed to facilitate the implementation of maritime conventions. The questionnaire was designed to elicit recommendations from the respondents. Pulling on their expertise and unique perspectives, this study aimed to
gather actionable suggestions to enhance the implementation process of maritime conventions.

Considering the focus of this study, it was determined that the population most relevant to the research objectives consisted of the full members of International Maritime Organization (IMO) Member States. These entities are actively involved in the IMO, hold full voting and decision-making rights, and experience issues directly related to the implementation of maritime conventions. From a total population of 174 IMO Member States\(^4\) stratified random sampling was employed to divide the population into six geographic regions based on United Nations regional groupings. A sample of three Member States was then selected from each region, considering their classification as developed or developing countries and their membership in the IMO Council, which serves as an informal indicator of their participation in IMO affairs. Table 3.3 presents the selected IMO Member States for the survey sample along with the desired number of respondents per country and the actual cumulative number of responses obtained for the study.

\(^4\) At the time of this study, there were 174 Member States at the IMO. Upon the confirmation of Botswana as a member in 2021, the membership now comprises 175 Member States.
The survey was conducted over eight (8) months, spanning from May 2021 to January 2022. During this period, efforts were made to collect responses from a total of eighteen (18) Member States, with a target of receiving fifty-four (54) completed questionnaires. A total, forty-eight (48) responses were received from sixteen (16) states, resulting in an overall response rate of 89%. It is noteworthy that, despite outreach and diligent follow-up, no responses were received from the maritime administrations of Denmark and New Zealand. Nevertheless, the researcher acknowledges and appreciates the valuable contributions from the participating Member States, whose responses constituted the majority of the dataset. The response rate of 89% demonstrates a significant level of engagement and interest from participating Member States, indicating their commitment to sharing insights and perspectives on the implementation of maritime conventions and their relationship with the IMO. The responses received formed a substantial foundation for the analysis and findings of this study.
When exploring a phenomenon with limited existing knowledge or seeking detailed insights from individual participants, interviews emerge as the most suitable method for data collection (Gill et al., 2008). Qualitative research commonly relies on interviews as a primary means of gathering data, with options ranging from fully structured to semi-structured or unstructured (Panke, 2018). Semi-structured interviews were conducted to complement the data obtained from the survey questionnaire. Semi-structured interviews are characterized by a set of predetermined open-ended questions that serve as a foundation for exploring key topics identified by the researcher (see Appendix II). These questions allow for flexibility and adaptation during the interview process, as follow-up probing questions can be asked to delve deeper into the responses provided by the participants, aligning with a specific area of interest (Gill et al., 2008). Over a period of fourteen (14) months, from December 2021 to February 2023, a total of twenty interviews were conducted.

These interviewees involved representatives from various entities, including Member States, industry associations, and the IMO Secretariat and Committees. The interview process was organized into four rounds, with a combination of online in-camera sessions using the Zoom platform and face-to-face meetings held in different locations, as depicted in Figure 3.2. The semi-structured interviews provided an opportunity to delve deeply into the perspectives and experiences of the participants regarding maritime governance and the implementation of maritime conventions. The interview format allowed for flexibility, while maintaining a clear focus on the research objectives. Targeted questions were developed to elicit detailed responses from participants and provide valuable insights into the research topic.

The interviews covered several key areas related to maritime governance. Participants were invited to share their interpretations and understanding of maritime governance, providing diverse viewpoints, and shedding light on the multifaceted nature of the concept. Additionally, the role of the IMO in maritime governance was explored by examining participants’ perceptions of the organization’s influence, effectiveness, and contributions to the implementation of maritime conventions. Another important aspect of the interviews was the examination of factors that impacted the implementation of maritime conventions. The participants were encouraged to share their experiences and insights into the challenges, barriers, and facilitators encountered in implementing these conventions. This exploration provided valuable context and helped identify critical issues that affect the successful implementation of international maritime regulations. Additionally, the effectiveness of the existing capacity-building programmes was assessed through interviews. Participants were given the opportunity to reflect on their experiences with these programs and evaluate their
usefulness, gaps, and potential areas for improvement. The participants were also invited to provide recommendations to improve the implementation of maritime conventions.

The diverse range of participants ensured a multiplicity of viewpoints, thus enriching the qualitative analysis conducted during the study. The inclusion of key stakeholders, experts, and individuals with varied backgrounds and perspectives enhances the comprehensiveness and validity of the research findings. The insights gained from the interviews contributed to the understanding of the research topic, allowing for a more comprehensive and well-rounded analysis. The majority of the interviews, totalling 15, were conducted through face-to-face interactions, following the outlined schedule: four interviews took place at the IMO Headquarters in London, six interviews were held at the headquarters of the Maritime and Port Authority of Singapore in Singapore, and five interviews were conducted at the headquarters of the Kenya Maritime Authority in Mombasa, Kenya. Four interviews were carried out remotely via Zoom, an online video telephony software, while one interview that occurred in two sessions was a hybrid of face-to-face and Zoom, due to logistical constraints.

<table>
<thead>
<tr>
<th>Round 1</th>
<th>IMO Committee, Shipping Industry Associations</th>
<th>Low analytical rigour</th>
<th>Zoom in-camera sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Respondents</td>
<td></td>
<td></td>
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<table>
<thead>
<tr>
<th>Round 2</th>
<th>IMO member state</th>
<th>Increased level of analytical rigour</th>
<th>Face-to-face sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Respondents</td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Round 3</th>
<th>IMO member state</th>
<th>Higher level of analytical rigour</th>
<th>Face-to-face and Zoom in-camera sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Respondents</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Round 4</th>
<th>IMO Secretariat</th>
<th>Higher level of analytical rigour</th>
<th>Face-to-face and Zoom in-camera sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Respondents</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Figure 3.2: Overview of Interviews Conducted within the Study**
Source: Author

All interviews were recorded to ensure the accurate capture of shared information. For the majority of the interviews, digital recording methods were employed, utilizing the recording feature within the Zoom platform or a high-quality digital recorder. Six interviews were documented using handwritten notes taken by the researcher. To transcribe the recorded interviews, an online transcription software
called Otter.ai was used. This tool uses artificial intelligence to generate automatic notes, providing real-time transcription, recorded audio, automated slide capture, and meeting summaries. However, it should be noted that transcription quality was occasionally affected by factors such as diverse accents and the origin of the interviewees, leading to the need for extensive review and verification of the transcribed scripts by the researcher. This meticulous process ensured the accuracy of transcriptions and highlighted the correct terms and concepts during the subsequent coding process. Although this review process proved to be time-consuming, it provided an opportunity for in-depth analysis and thorough understanding of the interviews at an early stage.

In conducting the interviews, the researcher was guided by the six key considerations developed by Fontana & Frey (1994):

1. *Access to the setting*: This research considers multiple settings for data collection. For the IMO, access was gained through the granting of an internship with the IMO Secretariat from 28 November 2022 to 16 December 2022 to key personnel within the IMO Secretariat for interviews, as well as observation of further meetings. Interviews were also conducted at the IMO headquarters with the Member States of the case study jurisdictions: Singapore and Kenya, which took place in March 2022 and May 2022 respectively. A small number of interviews were conducted online via the Zoom platform in-camera due to COVID-19 travel restrictions in force at the time, as well as, limited availability of a respondent.

2. *Understanding the language and culture of the respondents*: Through prior working experience within the maritime sector, and familiarity with the sector on a whole, the researcher was able to quickly connect with interviewees and respondents through previous professional and other associated networks.

3. *Deciding on how to present oneself*: From the initiation of contact with the respondent(s), the researcher was presented as a Ph.D. Candidate at the World Maritime University and the purpose of the study outlined. Additionally, very keen attention was paid to ensuring that there was no bias introduced by the researcher and that interviewees and respondents were free to express their true opinions and responses to the questions posed.

4. *Locating an informant*: Informants were purposefully selected based on their organizations and their positions within the said organization. During the first stage of the grounded theory research cycle, the first three (3) interviewees were selected based on the ease of contact with the respondents as well as the availability of the respondents. In the second stage, interviewees were identified through the maritime administration of
the case study jurisdiction, Singapore and likewise thereafter in the third stage in Kenya. The fourth stage of interviews took place from November 2022 to December 2022, during the researcher’s internship period at the IMO. The researcher was given access to the requested respondents within the IMO Secretariat by the internal contact within the Legal Affairs and External Relations Division of the IMO.

5. **Gaining trust:** This was a very important aspect of the interviews, as the topics of discussion, maritime governance and implementation, are considered very sensitive to many. Respondents were assured of the anonymity of the research and findings by the researcher. Some respondents provided consent by signing the consent form, others chose not to sign the form and gave verbal consent to their participation within the research. In all cases, consent was secured by all respondents prior to proceeding with the interview.

6. **Establishing rapport:** As the research aims to collect data from various sources, across many countries, establishing a rapport was very vital to the success of the research. The researcher was fortunate to have gained access and established a rapport with respondents through the WMU alumni and professional networks, as well as, the researcher’s previous WMU and professional networks within familiar geographical regions. Rapport was also established with respondents through the WMU faculty and IMO established networks.

### 3.5.3 Observations

Non-participant observation is a qualitative research strategy that allows researchers to gather primary data without actively engaging or interacting with the participants being observed. In this approach, researchers maintain a stance of non-involvement and refrain from directly participating in the activities under observation. Instead, they carefully observe and document the events, behaviours, and interactions occurring within the observed setting. In this study, the researcher employed non-participant observations to gain insights into specific meetings relevant to the research topic. The researcher had the opportunity to observe the following meetings:

- 127th Session of the IMO Council (July 11-15, 2022) – *held in hybrid mode*;
- 8th Session of the Sub-Committee on Implementation of IMO Instruments (July 25-29, 2022) – *held remotely*;
- 128th Session of the IMO Council (November 28 - December 2, 2022); and
- 79th Session of the Marine Environment Protection Committee (December 12-16, 2022).
During these non-participant observation sessions, the researcher maintained a neutral and unbiased stance, carefully documenting the proceedings, discussions, decision-making processes, and other significant aspects of the meetings. This approach allowed for an understanding of the dynamics and context within which maritime governance and implementation took place. The observations made during these meetings served as valuable primary data for the study and contributed to the overall analysis and findings. During the observations, the researcher engaged in detailed note taking and documented observations in written form. The field notes encompassed various aspects such as descriptions of the actions, conversations, and other pertinent details relevant to the research focus. These field notes constituted an essential component of the dataset and were subsequently coded, along with the other collected data, to facilitate the analysis. Through systematic coding of the field notes, the researcher transformed the raw observations into meaningful units of analysis. Codes were assigned to specific sections of the field notes, enabling identification of recurring patterns, themes, and concepts. This coding process facilitated the organization and structuring of the data, enabling the researcher to explore the relationships between different elements and generate theories grounded in empirical evidence. Delving into the physical environment, actions, conversations, and other observed details helped the researcher gain a more extensive understanding of the dynamics at play and the complexities inherent in the research topic.

3.5.4 Case study research

The case study research strategy involves a meticulous examination of a social unit, which encompasses various entities, such as individuals, families, institutions, cultural groups, or even entire communities (Kothari, 2004). Case studies are primarily associated with qualitative research designs, in which there is a dedicated effort to understand a singular unit or study within a complex context (Rudestam and Newton, 2015). Through the analysis of case data, researchers draw generalizations and make inferences about the phenomena under investigation. In this research, a case study research strategy was deemed most appropriate, as it allows for an empirical investigation of a contemporary phenomenon within its real-life context, particularly when the boundaries between the phenomenon and its context are not clearly defined (Yin, 2018). Case studies offer several advantages, including the provision of authentic and insightful records of personal experiences, the opportunity to trace the natural progression of a social unit or institution, the flexibility to employ multiple research methods depending on the circumstances, the ability to directly observe subject matter rather than relying on indirect and abstract approaches, and the enhancement of the researcher’s experience and
analytical skills (Kothari, 2004). By employing a case study research strategy, it was possible to conduct an empirical inquiry into the concept of maritime governance, with a specific focus on its implementation within its authentic context. This approach was supported by the use of various research methods for data collection and analysis, ensuring a holistic examination of the topic.

Case studies can be categorized into two main types: intrinsic and instrumental studies. Intrinsic case study research aims to gain a deep understanding of a unique person, group, or event being studied, while instrumental case study research focuses on shedding light on an issue or testing a generalization, rather than solely examining the case itself (Stake, 1995). In this study, an instrumental case study approach was adopted, allowing for insights into maritime governance and implementation. The study involved an examination of the role and establishment of the IMO, along with case studies of selected jurisdictions, namely Singapore and Kenya. The goal was to observe, assess, and analyze the role and involvement of the IMO and its Member States in maritime governance, as well as to observe the existing governance systems in these jurisdictions and the extent of the IMO’s input and participation. To ensure the quality of the case study research, the four constructs outlined by Judd et al. (1991) were considered: construct validity, external validity, internal validity, and reliability. Construct validity aims to minimize subjectivity by establishing a clear connection between data collection questions and measures and the research questions and propositions (Rowley, 2002). To enhance construct validity in this study, multiple sources of evidence were employed, including documents such as maritime conventions, archival records, meeting notes and recordings, and administrative records, including proposals, reports, and other internal documents.

Establishing a chain of evidence is another tactic for enhancing construct validity, which allows external observers (readers of the research) to trace the derivation of evidence from the initial research questions to the final conclusions of the case study (Yin, 2018). To accomplish this, data was collected, organized and stored securely. Throughout the research, citations were included to enable readers to follow the logical progression from research questions to conclusions, and vice versa. Furthermore, the results of the data collection and analysis were shared with key informants from each case study entity to eliminate subjectivity and to confirm the validity of the research findings based on the evidence provided by these entities. External validity concerns the generalizability of a study’s findings (Judd et al., 1991). Yin (2018) suggests that case studies rely on analytical generalization, and replication of the logic among two or three cases can provide strong support for the theory in the absence of further replications. This study involved direct observation of IMO meetings with a focus on examining the role of the IMO and the involvement of state parties in implementation. By selecting Singapore and Kenya as the state parties for the case study, replication logic could be applied to the study.
and provide support for any generalizations made regarding the phenomenon under investigation. The concept of internal validity is typically relevant to causal or explanatory case studies, where the investigator aims to determine whether a specific event (x) leads to another specific event (y) (Yin, 2018). However, in this study, internal validity pertains to instances in which events cannot be directly observed. In such cases, inferences are made based on the collected evidence, allowing the investigator to infer that a particular event resulted from an earlier occurrence. Internal validity was strengthened through iteration and explanation building, which involved an analysis of the case study data to develop ideas for further investigation. Reliability concerns whether the research would produce the same or substantially similar results if it is replicated. Although it is generally expected that replication of the same study may not yield identical results, there should be similarities in the outcomes. To minimize errors or biases, the entire case study process was documented in a case study protocol, following Yin’s (2018) recommendation. This protocol clearly outlines the procedures followed in the case study research process, ensuring the reliability of the case study.

This research primarily focused on the implementation of IMO instruments, assessing the implementation of IMO instruments and IMO’s role in implementation since its establishment. To determine the extent of the governance functions of the Member States and their implementation practices, two IMO Member States were carefully selected for a detailed review. According to the illustration provided in Figure 3.3, the factors taken into account for the selection criteria encompassed various aspects, such as gross tonnage, annual throughput, and the number of vessels, for the case study due to their relevance and significance in understanding the chosen states’ relationship with the international organization and their role in implementing conventions. Gross tonnage is a measure of a ship’s size and capacity and provides insights into the scale and magnitude of a state’s maritime activities. The gross tonnage facilitates the assessment of the level of involvement and influence a state may have in international maritime affairs. Annual throughput refers to the amount of cargo or goods passing through a particular port or maritime infrastructure within a year. It provides an indication of the economic significance and trade volume associated with a state’s maritime activities. Analyzing the annual throughput helps in understanding the state’s contribution to global trade and its role as a potential hub for maritime transportation. The number of vessels is another crucial factor to consider as it reflects the state’s maritime fleet size and composition. It provides insights into the state’s maritime capabilities, including its capacity for transportation, surveillance, and enforcement. Examining the number of vessels allows for a better understanding of a state’s resources and capabilities for implementing international conventions related to maritime affairs. These specific criteria were essential in facilitating an in-depth examination of the selected states’ association with the international organization and their pivotal contribution
to the implementation of conventions. Given the constraints posed by limited time and resources in this research, a decision was made to conduct a case study involving two state parties. This approach was deemed appropriate, as it enabled the researcher to carry out a focused and thorough investigation that aligned with the scope of the study. Additionally, in the selection of two state parties for the case study, the researchers were able to dedicate ample attention and resources to thoroughly analyze and understand the factors affecting the implementation of IMO instruments. This concentrated approach ensured that research efforts could delve deeply into the specific dynamics and intricacies of the two states, allowing for a more comprehensive examination and allocation of time and resources more efficiently, enabling detailed and in-depth analysis and meaningful conclusions to be produced within the given limitations. The Member States included in the survey sample were ranked based on the criteria: gross tonnage, annual throughput, and number of vessels, using data from 2018. The rankings allowed the identification of the two Member States with the highest and lowest cumulative characteristics. As depicted in Figure 3.3, the states selected for the case study were Singapore and Kenya. A case study protocol was developed to ensure a systematic and comprehensive approach, based on the guidelines outlined by Yin (2018). This protocol included details, such as the number of participants, sources of data, periods of observation, and the overall approach to be followed throughout the study, drawing upon previous research by Zainal (2007) and Rashid et al. (2019).

Figure 3.3: Case Selection Criteria
Source: Clarkson’s Research (2018)
Singapore and Kenya have notable differences in their characteristics. As former British colonies, both countries inherited the aspects of English common law. However, Singapore has adopted a common law system that heavily draws upon English law, relying on judicial precedents and case law to interpret statutes and guide legal decisions. Despite its common law foundation, Singapore’s legal framework has been influenced by civil law principles, particularly in contract and commercial law. In contrast, Kenya operates under a mixed legal system that encompasses elements of common law, customary law, and Islamic law. While common law principles primarily govern statutory matters, customary and Islamic laws exert a significant influence on personal and family affairs. Customary law, derived from customs and practices, also holds particular importance in Kenya.

Singapore has an advanced maritime infrastructure featuring modern ports, container terminals, and logistics facilities. The Port of Singapore is a major global hub for shipping and transhipment activities, whereas Kenya’s Port of Mombasa is the primary gateway for international trade in the country. Singapore has a highly developed and diversified maritime economy with activities spanning shipping, shipbuilding, maritime finance, and logistics services. It serves as a regional maritime centre that attracts global maritime businesses and investments. Kenya’s maritime economy, on the other hand, is relatively smaller in scale and primarily revolves around port operations, coastal tourism, and fishing. Singapore has significant presence as a flag state. Kenya, on the other hand, does not have a significant presence as a flag state and mainly focuses on port state control measures to ensure compliance of visiting vessels with international regulations.

Owing to its strategic location and importance as a global trade hub, Singapore places great emphasis on maritime security. It has implemented security measures including maritime surveillance, anti-piracy efforts, and collaborative initiatives with international partners. Kenya, situated along the eastern coast of Africa, faces maritime security challenges and has taken steps to enhance its security through international cooperation and capacity-building programmes. Singapore has established maritime educational institutions that offer comprehensive training programs for various maritime professions. These institutions play a crucial role in the development of a skilled workforce in the maritime industry. Kenya has also made efforts to improve maritime education and training and is in the process of strengthening its educational institutions. These differences in the maritime systems of Singapore and Kenya highlight the contrasting levels of development, infrastructure, legal frameworks, and maritime economies between the two countries.

Upon finalizing the selection process, the Kenya Maritime Authority and the Maritime and Port Authority of Singapore, which represent the maritime administrations of their respective countries, were invited to participate in the study.
Both entities agreed to participate and facilitated physical visits by the researcher to their headquarters in Kenya and Singapore for data-collection purposes. During these visits, various data collection methods were employed, including conducting interviews, making observations, reviewing documents, and transcribing and securely storing notes for further analysis. In addition to the primary data collected through fieldwork, this study incorporated supporting data from the International Maritime Organization’s document repository (IMODOCs). This repository granted access to a wide range of IMO meeting documents, Assembly Resolutions, Council decisions and proceedings, circulars, live and recorded meetings, reports, and circular letters. The researcher was granted access to this repository upon initiation of the study at the WMU. Furthermore, during the researcher’s internship at the IMO, access to physical archival documents located in the Maritime Knowledge Centre, which were not available online, was also provided. Additionally, primary and archival sources, secondary data were collected through a review of various documents. These included materials provided by the maritime administrations of Singapore and Kenya; maritime conventions and local maritime laws of the states within the sample; academic papers; books; reports related to maritime governance, policy, and implementation; the website of the International Maritime Organization; and the websites of the maritime administrations of Singapore and Kenya. This diverse range of secondary sources enriched the study’s analysis and provided additional context and insights into maritime governance and implementation.

3.6 Data analysis

The grounded theory cycle is a systematic approach that encompasses the collection and analysis of data, involving various stages, such as coding, categorization, constant comparison, conceptual abstraction, analysis, and the development of themes and theories. As illustrated in Figure 3.4, the grounded theory approach is iterative and cyclical in nature. The process begins with selecting a topic of interest and gathering relevant data on that topic. This data is then thoroughly reviewed, organized, and given conceptual meaning through the process of coding, as outlined by Corbin and Strauss (2008) and Barry and Roux (2013). Coding involves assigning labels or codes to different portions of data, allowing for the identification of patterns, themes, and categories. The codes were then compared and grouped based on their similarities and relationships. This categorization process helps structure and organize the data, providing a foundation for further analysis. Continuous memoing is employed throughout the process to enhance theoretical sensitivity, as highlighted by Barry and Roux (2013), and involves recording the thoughts, reflections, and insights that arise during the analysis. These memos serve as a means to capture and explore the researcher’s interpretations and ideas, thus
contributing to the development of a more refined understanding of the data. Axial coding was performed, followed by selective coding. It involves making connections between categories and subcategories and exploring the relationships and interdependencies among them. Selective coding, on the other hand, involves identifying a central category or core theme that encapsulates the essence of data. This process aims to find the storyline or narrative that emerges from the analysis. As the analysis progressed, memos, diagrams, codes, and categories were continually sorted and refined. Themes and propositions were tested against each other by utilizing tools such as the conditional/consequential matrix to further enrich the theory and strengthen its conceptual density. The goal was to develop a coherent theory that captures the complexity of the phenomenon under investigation. This iterative process continued until theoretical saturation is achieved, which refers to the point at which new data no longer significantly contribute to the development of the theory. The iterative and cyclical nature of grounded theory allowed for thorough exploration and refinement of the data, leading to the emergence of a theory that is firmly grounded in the data.

Figure 3.4: Grounded Theory Cycle
Source: Hull (2013)

Figure 3.5 provides an overview of the coding process, illustrating the iterative nature of coding and its interplay with other analytical steps in the grounded theory cycle. It serves as a visual representation of how data are organized, analyzed, and
synthesized to generate meaningful insights and develop coherent themes and theories. The application of grounded theory methodology and the rigorous coding process employed in this study ensured a systematic and rigorous analysis of the collected data, contributing to the generation of findings and theoretical understanding in the field of study.

![Figure 3.5: Coding process](Source: Author)

### 3.6.1 Open coding

Open coding serves as the initial stage of data analysis and involves an interpretive process in which the collected data are broken down analytically. Its purpose is to generate generative and comparative questions that guide researchers in further exploration (Corbin and Strauss, 1990). During open coding, the focus is on closely examining the collected data, comparing them, and conceptualizing them using descriptive words that convey action (Santos et al., 2018). To fully capture the essence of the data collected from the transcripts, the researcher initially employed in vivo coding. In vivo coding is a qualitative data analysis approach that emphasizes participants’ actual spoken words. This approach is particularly valuable when researchers interact with participants from different cultures and linguistic backgrounds (Manning, 2017). Each word within the transcripts was meticulously analyzed line by line while constantly reflecting on the meaning of the words, lines, and phrases in the data. Given the diverse nationalities and mother tongues of the interviewees, in vivo coding facilitated meaningful analysis of the data. For the open coding process, the researcher used Atlas.ti version 23, a qualitative data analysis software. This software offers various coding functions, memoing capabilities, and reporting features. The data were read multiple times to identify emerging codes, concepts, and themes, considering the pluralistic nature of the shipping industry and the diverse backgrounds of the respondents. Through iterative readings of interview transcripts and observation notes, initial codes and concepts were identified using in vivo coding, and subsequently refined through
successive rounds of coding and analysis. Atlas.ti was chosen as the software for qualitative data analysis because of its user-friendly interface and functionality. It allows for coding extensive segments of data with systemic interactions between codes, accommodating all stages of the grounded theory data analysis process, such as coding, memoing, and categorization. Additionally, software navigation and ease of use are well documented.

The first round of interviews underwent a review, transcription using Otter.ai, and coding and categorization, with relatively low analytical rigor. This served as a basis for comparison with the subsequent rounds of data collection. The second and third rounds of interviews were conducted with a higher level of analytical rigor, building upon the codes, categories, and subcategories developed in the previous rounds. The fourth round of interviews, conducted with the highest level of rigor, utilized the codes, categories, and sub-categories established through the iterative coding process. During the initial round of in vivo coding, data comprising sentences, phrases, and short paragraphs were coded as depicted in figure 3.6. These codes formed the foundation for the development of additional codes and categories.

Throughout the data collection process, 1,475 codes emerged from multiple transcripts and segments of text. These codes were subsequently reduced to 1,142 and further reduced to 111 through repeated rounds of coding, refining the analysis, and ensuring an understanding of the data.
3.6.2 Axial coding

Axial coding is a crucial phase in the data analysis process, involving the examination and evaluation of categories and subcategories in relation to both new and previously analyzed data. At this stage, Corbin and Strauss’ coding paradigm of conditions, context, strategies, and consequences was employed to guide the analysis (Corbin and Strauss, 1998). This paradigm provides a framework for analyzing data by considering the conditions that influenced the phenomena under study, the context in which it occurred, the actions or interactions involved, and the resulting consequences. The outcome of this process is the creation of a Conditional and Consequential Matrix, as described by Corbin and Strauss (1998). This matrix facilitates the alignment of codes and categories, revealing the main concern being investigated, and presenting an analytical perspective that captures the relationships between codes and concepts. Additionally, it aids in understanding the process of action and interaction within a study.

During the axial coding phase, the initial codes and categories were carefully reviewed and revisions were made as necessary. As shown in figure 3.7, connections between codes and categories were identified to deepen the understanding of the data and to facilitate theory development. To support this analysis, an analytical tool known as a consequential/conditional matrix was employed. This tool facilitates the systematic organization of data, integration of structure and process, and capture of the dynamic evolution of facts (Santos et al., 2018).

As presented in Figure 3.8, of the 111 codes generated through open coding, axial coding was used to further refine and categorize the data. These codes were systematically reviewed and arranged into six overarching categories and 14 subcategories. These categories and sub-categories provided more detailed insight
into the corresponding codes and allowed for the identification of recurring patterns and dimensions within each category. The themes resulting from this process will be further discussed in Chapter 7. The initially established categories were then expanded and enriched by developing subcategories, patterns, and dimensions within each category. This expansion provided a deeper understanding of the data and the underlying complexities. The iterative process continued until saturation was reached, implying that no further patterns or concepts emerged from the data, indicating an exploration of the research topic.

After the categorization process, the emergent elements were systematically organized within the Corbin and Strauss conditional/consequential matrix. This matrix plays a vital role in uncovering the relational factors and identifying synergies among the categories within the phenomenon being studied. This phase of the pragmatic grounded theory process is regarded as integral, as it imparts essence and depth to qualitative research (Corbin and Strauss, 2015). The conditional/consequential matrix represents a series of interconnected efforts and interactions that occur over time and in specific contexts driven by situational factors (Corbin and Strauss, 2008; Farnoodi et al., 2020). It offers a framework for gaining a better understanding of how individuals or countries engage in actions and interactions, respond to changes based on their unique circumstances, and the resulting conditions and consequences (Scriberras, 2020).
In this matrix, the phenomenon serves as the central idea or event related to the actions and interactions under study. Causal conditions are the events or factors that lead to the occurrence or development of a phenomenon. The context encompasses the specific properties and dimensions associated with the categories relevant to the phenomenon as well as the particular conditions that shape the strategies of action and interaction in response to the phenomenon. Intervening conditions encompass everything that influences the context within which a phenomenon unfolds. Action/interaction strategies refer to the actions taken, and the strategies employed in response to this phenomenon. Consequences, on the other hand, can become part of the intervening or causal conditions, or even become integrated into the context of action and interaction or the phenomenon itself. Consequently, consequences at one point in time may become the conditions for another point in time (Corbin and Strauss, 2008). By employing the conditional/consequential matrix, the relationships and dynamics among the various elements of the grounded theory framework were illuminated. This comprehensive analysis allows for a more nuanced understanding of how actions, interactions, and contextual factors are intertwined within the research context, contributing to the development of substantive theories and insights.

Consequential/conditional matrix

The application of the consequential/conditional matrix allowed for an exploration of the phenomenon, actions/interactions, and consequences while also shedding light on the causal, intervening, and contextual conditions that shape the emergent theory (Corbin and Strauss, 2008). This matrix encompasses several key components including context, causal conditions, intervening conditions, strategies, and consequences, as illustrated in Table 3.4. By systematically reviewing the codes and establishing connections between them, they were organized into 14 subcategories. To develop the consequential/conditional matrix in alignment with the Straussian grounded theory approach, the researcher conducted a thorough review of the codes, specifically examining their relationship with the core phenomenon. This analysis enabled the arrangement of codes in a manner that facilitated the construction of a consequential/conditional matrix tailored to the specific objectives of the study. Within this matrix, the context, causal conditions, intervening conditions, strategies, and consequences were identified based on insights obtained from the data.
Causal conditions represent a set of events or factors that act as triggers or influencers in the development of a phenomenon. These conditions are crucial for understanding the underlying causes that contribute to the emergence and evolution of the phenomena under investigation. By examining the data, the researcher was able to discern the contextual factors that gave rise to the observed phenomenon and gain deeper insights into the interplay between various elements. The consequential/conditional matrix provides a structured framework for organizing and analyzing data, allowing for systematic exploration of the relationships and dynamics among different elements. Through this analytical process, the researcher gained an understanding of how the identified causal, intervening, and contextual conditions shaped the actions and strategies taken by individuals or entities, ultimately leading to specific consequences. This matrix-based analysis lays the foundation for the development of a coherent and substantiated theory that captures complex interactions and dynamics within the research domain.

3.6.3 Selective coding

Selective coding represents a crucial phase in grounded theory methodology, in which the focus shifts to integrating previously developed categories into a coherent and meaningful theoretical framework (Pandit, 1996). During this stage, the researcher engages in a nuanced analysis of the coded data to identify the patterns, connections, and relationships that form the basis of a narrative that captures the essence of the research findings. While selective coding shares similarities with axial coding, it operates at a more abstract level, allowing for the identification of overarching themes and concepts (Mohajan and Mohajan, 2022). Building on the foundation laid by axial coding, the researcher applied the principles of selective coding to the 14 sub-categories that emerged from the previous analysis. Through a meticulous and iterative process, these subcategories were carefully examined and
synthesized to uncover underlying patterns and interrelationships. This holistic approach allowed the identification of three overarching themes, each supported by a set of six underlying categories. These themes and categories are discussed extensively in Chapter 7 to provide an exploration of the research findings.

The process of selective coding goes beyond mere categorization and delves into the development of a meaningful theoretical framework that elucidates the complexities and nuances of the phenomenon under investigation. By integrating and synthesizing the various categories, the researcher crafts a narrative that not only captures the essence of the data but also generates new insights and understanding. This process of theoretical construction is instrumental in constructing meaning and contributes to the broader body of knowledge within the research domain (Williams & Moser, 2019). Through selective coding, the researcher moved from individual codes and subcategories to a higher level of abstraction, uncovering the underlying theoretical constructs and establishing connections between them. This process allows for deeper interpretation and understanding of the data, leading to the development of a coherent and substantiated theory that encapsulates the key findings of the study.

3.7 Summary of data collection and analysis process

Figure 3.9 provides a visual representation of the entire data collection and analysis process, highlighting the chronological order and corresponding timeframes. The data collection process ensued over four phases and commenced by distributing survey questionnaires to 18 IMO Member States. These questionnaires were carefully designed to elicit information about the implementation of maritime conventions, and maritime governance practices within each country. Following the questionnaire distribution, a series of interviews were conducted. Three respondents from the IMO and various shipping industry representatives were interviewed in a pilot study. This pilot study allowed the researcher to fine-tune the data collection and analysis techniques before proceeding further. Subsequently, case studies were conducted in Singapore and Kenya. These case studies involved a combination of interviews and document reviews to gather specific and detailed data on the maritime implementation practices and policies in these countries. Expanding on the interview aspect, additional interviews were conducted with the members of the IMO Secretariat. These interviews provided invaluable insights into the challenges, trends, and priorities within the maritime sector from the perspective of those directly involved in the decision-making processes. Furthermore, the researcher had the opportunity to observe four IMO meetings. This direct observation of the meetings allowed for a deeper understanding of the decision-making processes and discussions among participating Member States, and for deeper insights into the factors influencing maritime policies at the international level.
Figure 3.9: Timeline of data collection and analysis process
Source: Author

Once the data collection phase was completed, the gathered information underwent extensive analysis. The data were analyzed, organized, and categorized to identify patterns, commonalities, and variations among the surveyed countries and case studies. In the grounded theory analysis, both quantitative and qualitative data presentations were utilized to enhance the depth and comprehensiveness of the research findings. Integration of these data presentations followed a complementary approach. Quantitative data presentations provided an overview and quantitative evidence of certain maritime governance practices within the IMO Member States and the factors affecting the implementation of IMO instruments, while qualitative data presentations delved deeper into the underlying meanings, interpretations, and experiences of the research participants. Quantitative data presentations that summarized the numerical data collected through the survey questionnaires were employed to provide a broader context and support the analysis of qualitative data. These data presentations helped identify patterns and frequencies within the dataset. On the other hand, qualitative data presentations played a crucial role in capturing the richness and complexity of the research subject. These presentations involved the use of quotes, excerpts from interviews, and thematic analysis to present qualitative data in a meaningful way. This allowed for the exploration of individual experiences and perspectives, and an in-depth understanding of the contextual
factors influencing the implementation of maritime conventions. The overall analysis involved extracting key themes from the data and deriving a central theory that captured the essence of the data.

3.8 Methodological limitations

The selected methodology has been acknowledged to have certain limitations. First, grounded theory relies heavily on the researcher’s interpretation and analysis of data, which introduces the possibility of bias due to preconceived notions or personal perspectives. Additionally, the research process is time-consuming and demanding, involving various data collection methods such as interviews, observations, and document analyses. An abundance of qualitative data can compromise the quality of the analysis. The iterative nature of data collection and analysis can be labour-intensive, requiring continuous comparison and refinement of codes and categories. While grounded theory produces rich and contextually relevant theories, its generalizability to other contexts or populations may be limited. The focus on an in-depth exploration of specific cases or phenomena restricts the applicability of the findings to broader settings. Moreover, the flexibility of grounded theory lacks standardized guidelines and can be considered challenging, particularly for researchers who are new to the approach, as was the case in this study. The absence of clear guidelines can lead to inconsistencies in the data analysis and theoretical development.

The research methods employed in this study also have limitations. Sampling biases may exist in the survey questionnaires, interviews, and case studies. It is acknowledged that the responses from 18 IMO Member States may not fully represent the entire population of IMO Member States, and interviews with 20 industry representatives may not fully capture the entire realm of diverse perspectives within the industry. Additionally, case studies conducted in two member states may not fully represent all member states’ experiences. Non-participant observations of IMO meetings provide valuable insights, but lack control over events, and interpretations and subjective judgments can also introduce bias into the analysis. Moreover, conducting research involving multiple methods requires substantial resources, time, and coordination, which may impact the depth and breadth of the data collected.

The researcher, being cognizant of these perceived weaknesses, sought to mitigate them through reflexivity by employing an awareness of personal preconceptions and assumptions throughout the research process and the maintenance of potential influences on data collection, analysis, and theory development. Additionally, multiple data sources and methods for data collection and analysis, although time-
consuming and extensive, were strategically integrated into the study to enhance the credibility and reliability of the findings. Combining different data sources, which include surveys, interviews, observations, and documents, allowed for cross-validation of the emergent themes and theories, reducing the likelihood of biases from a single source, and increasing the overall validity and reliability of the research.

3.9 Ethical considerations

Prior to the commencement of data collection, rigorous ethical considerations were undertaken and approved by the Research Ethics Committee of World Maritime University. The survey and interview questions underwent a thorough vetting process to ensure compliance with ethical guidelines and standards. Written or verbal informed consent was obtained from all the participants involved in the survey questionnaires, interviews, and observations, emphasizing their voluntary participation in the study. Furthermore, research activities adhered to the specific ethical requirements of each country involved in the case study. To ensure transparency and compliance, the survey and interview questions were shared with the relevant Ministries and Maritime Administrations of Singapore and Kenya in advance of the researcher’s scheduled visits. Written approval was obtained from these authorities and permission was granted to proceed with the research activities. This collaborative approach ensured that the study was conducted in accordance with the regulations and protocols of each country.

Regarding the individual participants within the study, explicit consent was obtained from each participant to ensure their understanding and willingness to record their responses. The researcher provided assurance of maintaining participant anonymity throughout the research process, thereby safeguarding their privacy and confidentiality.

To ensure the security and integrity of the data, the transcribed interviews, observation notes, and memos were securely stored on the university’s online drive, which remained under the exclusive control and access of the researcher. By implementing these measures, the research team demonstrated a commitment to uphold the highest ethical standards in data management and protection. The ethical framework and rigorous consent procedures underscored the importance of respecting the rights and well-being of participants involved in the study. These ethical considerations not only fostered trust and collaboration, but also ensured the integrity and reliability of the research findings.

Maintaining the integrity and credibility of a study necessitates the preservation of unbiased conduct of research. It is acknowledged that the donor body is located in
one of the Member States chosen for the case study, and as such multiple measures were implemented to ensure impartiality. These measures aimed to uphold the principles of scientific integrity and avoid any potential biases. The methodology selected for the study was grounded theory, which inherently promotes an unbiased approach to research. The methodology allowed the researcher to generate theories and interpretations based on the collected data, independent of any preconceived notions or external influences. This approach facilitated the exploration of the subject matter in an objective and unbiased manner. Furthermore, the research objectives were meticulously defined to align with the scientific goals of this study. Maintaining a focus on these well-defined objectives, the research remained rooted in the pursuit of knowledge and understanding, rather than being influenced by the interests or preferences of the donor body.

The researcher maintained a high degree of independence and autonomy throughout the research process, and this freedom from external pressures or influence ensured that the study’s outcomes were driven by the merits of the research itself rather than any external agendas. The study adhered to the ethical guidelines and codes of conduct established by the university or relevant research institutions. These guidelines emphasize the importance of integrity, objectivity, and avoidance of conflicts of interest in conducting research. Transparency and objectivity were maintained during the data collection and analysis. The researcher followed a systematic and transparent approach to data collection, ensuring that the data was gathered impartially and without any undue influence. Data analysis was conducted in an objective manner, employing defined analytical techniques and avoiding any potential biases in interpreting the results.

3.10 Chapter summary

In this chapter, the methodology employed in this research is expounded, offering a detailed account of the applied approach. Specifically, it focused on Straussian grounded theory, shedding light on its fundamental principles as well as the intricate processes involved in data collection, data analysis, and theory development. Additionally, the chapter explored the techniques utilized within Straussian grounded theory, such as open coding, axial coding, and selective coding, which play a pivotal role in analyzing and categorizing data, ultimately facilitating the formulation of theoretical insights.

The methodology section provided an overview of Straussian grounded theory, a robust framework employed to unravel the complexities inherent in the research subject. This chapter provided an understanding of the research process and methodology. This chapter also delved into the various stages of data collection,
data analysis, and theory development within the Straussian grounded theory framework. This highlighted the systematic approach taken to collect relevant data through interviews, observations, or other means, ensuring a rich and diverse dataset. Furthermore, it outlined the processes involved in thoroughly analyzing the collected data to identify meaningful patterns, themes, and relationships.

Applying the Straussian grounded theory, this chapter outlined the techniques employed to effectively analyze and categorize the data. Open coding, the initial stage of analysis, involves breaking down data into discrete units and assigning conceptual labels to them. Axial coding, the subsequent stage, aims to establish connections and relationships between codes, thereby constructing a more organized framework. Finally, selective coding focuses on refining and consolidating the emerging theory by identifying central themes and core categories. Employing these techniques, this study systematically analyzed the data and developed theoretical insights.

This chapter emphasized how the Straussian grounded theory approach provides a systematic framework for theory development, ensuring that the findings are grounded in the data itself. This process has facilitated the emergence of a coherent and substantive theory that captures the essence of the research subject.
4 Role of the International Organization

4.1 Chapter overview

A comprehensive understanding of the establishment and function of the International Maritime Organization (IMO) is essential for conducting studies on maritime governance and the difficulties associated with implementing conventions. International organizations (IOs) rank as the second most significant actors after states and provide valuable platforms for nation states and individuals seeking to address common challenges and find solutions (Samson and Adie, 2020). These IOs, including the United Nations and Bretton Woods institutions, play crucial roles in shaping global governance (Cannon and Biersteker, 2020). Effective international organizational action necessitates close integration with domestic policymaking and the cultivation of a culture of efficiency and quality management to develop legal and policy instruments (OECD, 2019). IOs are established based on internationally recognized treaties, conventions, or constitutions adopted by Member States at the time of the organization’s creation, with the possibility of amendments approved by Member States (Cannon and Biersteker, 2020). Membership is often a contentious issue when establishing new IOs (Koremenos et al., 2001), as decision-making becomes more challenging with an increasing number of members, particularly in consensus-based governance structures (Cannon and Biersteker, 2020). Since its inception as the Inter-Governmental Maritime Consultative Organization in 1948 (renamed the IMO in 1982), the regulatory framework of the shipping industry has evolved into an internationalized system that facilitates exchanges and supports the establishment of a level-playing field (Baumler et al., 2021).

This chapter provides a contextual framework and understanding the global maritime governance landscape. It provides insight into the key factors and dynamics that shape maritime governance at the international level and serves as a foundation for subsequent case studies of specific Member States by establishing a broader regulatory and policy context in which these states operate. It also provides a reference point for evaluating how these states navigate the global regulatory framework and implement maritime conventions. This chapter examines the historical aspects of the establishment of the IMO, emphasizing its dominant
institutional and structural characteristics. It also explores the role and functions of the IMO, delving into the challenges that hinder its implementation, with a particular focus on how these challenges arise within the current configuration of international organizations. This chapter further reviews the significance of IMO membership and investigates the institutional mechanisms in place within the IMO to support the implementation of its mandates.

4.2 Establishment of the IMO

The International Maritime Organization (IMO) is the primary international organization entrusted with the regulation of shipping and operates as a specialized agency under the United Nations (UN) (OECD, 2015). Prior to the establishment of the IMO, there was a notable absence of an international organization that could effectively coordinate shipping activities, in contrast to other sectors, such as postal communication, telecommunications, and aviation (Henry, 1985). The inception of the IMO can be traced back to 1948 when the need for a permanent UN body dedicated to shipping became apparent in the aftermath of World War II. During this period, the shipping industry faced numerous challenges, including the standardization of tonnage, navigation rules, legal responsibilities, civil jurisdiction in collision cases, and international coordination and allocation of tonnage during wartime (USDOS, 1948). Recognizing the necessity for a permanent international maritime organization, a conference convened in February 1948 with the goal of establishing such an entity (USDOS, 1948). The conference aimed to address pressing issues faced by the shipping industry and lay the foundation for a comprehensive regulatory framework. Through this gathering, the groundwork for the creation of the IMO was laid, leading to its establishment.

The journey towards the establishment of the International Maritime Organization (IMO) as we know it today involved several predecessor organizations, each playing a role in shaping international maritime cooperation (Henry, 1985). Although there is limited literature documenting the evolution of these organizations prior to the formation of the IMO, exploring their historical manifestations can provide valuable insights and knowledge. One such organization is the International Maritime Committee (more commonly referred to as the Comité Maritime International or CMI), which was established in 1897 and continues to operate. The primary objective was to promote the unification of maritime laws and practices. As aptly expressed by a former president of the CMI, the organization aimed to leverage the natural connections between nations facilitated by the sea and advocate for rational, balanced, and fair unification of maritime law (Bekiashev and Serebriakov, 1981; Henry, 1985). It is important to note that despite being an early form of international
cooperation in maritime law, the CMI is classified as a non-governmental organization.

Another notable development in international maritime cooperation was the establishment of the Allied Maritime Transport Council (AMTC) in 1917. This council emerged as a response to the recognition of shipping’s critical role during times of war and the necessity to coordinate the allocation of available tonnage among the Allied Powers (USDOS, 1948; Henry, 1985). The formation of the AMTC was extensively documented by Arthur Salter, a British politician and academic, in his book *Allied Shipping Control*. The discussions during the Paris Conference in 1917 highlighted military and economic aspects, with a committee formed specifically to address shipping-related matters. This committee received significant support from representatives of the United States, Great Britain, France, and Italy, collectively known as the ‘four great powers’ at that time (Salter, 1921). The idea of cooperation soon emerged, leading to an agreement to establish a body that would optimize the utilization of tonnage, allocate tonnage for maximum benefit, and coordinate the requirements of different Allied Powers (Salter, 1921). The formal establishment of the AMTC and its inaugural meeting took place at the Lancaster House in London on March 11, 1918. It consisted of a Council, an Executive, and various Program Committees responsible for specific matters. The AMTC and its Executive reached the peak of their authority and utility in the autumn of 1918. The Council’s formal termination occurred on April 7, 1919, when it was absorbed by the Supreme Economic Council (Salter, 1921; Henry, 1985). These early efforts toward collective action and the simultaneous creation of institutions such as the League of Nations (1920), the Permanent Court of International Justice (1922), and the codification conference in The Hague (1930) signalled significant strides towards a liberal institutionalist approach to maritime affairs, aiming to “limit” the power of states (Łukaszuk, 2018). However, the outbreak of World War II hindered further progress towards collectivism on various fronts, including matters related to the sea.

Another expression of international cooperation in the maritime domain is the establishment of the Combined Shipping Adjustment Board in 1942. This board, initially established by a memorandum of understanding between the President of the United States and the Prime Minister of the United Kingdom at the onset of World War II, aimed to harmonize policies and conserve resources in the shipping industry (Combined Shipping Adjustment Board, 1944; Henry, 1985). By 1945, most of the board’s functions were transferred to a new organization called the United Maritime Authority, which became a crucial wartime shipping entity overseeing the activities of ninety percent of the world’s tonnage (International Organization, 1947). Despite its significance during the war, the United Maritime Authority was not able to sustain its operations beyond the conclusion of World War II. Consequently, the United Maritime Consultative Council (UMCC) was
established in the post-war years as a provisional body to facilitate information exchange and discussions on common maritime issues. The UMCC aimed to provide governments with valuable insights into how other nations were addressing shipping challenges, thereby assisting them in formulating their own policies (McDonald and Cates, 1948). Initially established as a temporary entity, the UN Secretary-General sought advice from the UMCC regarding the feasibility of establishing a universal intergovernmental organization focused on technical maritime matters (Balkin, 2018). At that time, the only existing intergovernmental bodies in the field of shipping were the International Hydrographic Bureau and the International Commission for the Maintenance of the Lighthouse at Cape Spartel (McDonald and Cates, 1948).

Subsequently, discussions resumed regarding the creation of a permanent international organization for shipping, coinciding with the formation of other international bodies such as the International Civil Aviation Organization (ICAO) and the World Health Organization (WHO) (IMO, n.d.). In October 1946, the United Maritime Consultative Council convened in Washington D.C. and adopted four recommendations regarding the establishment of an Inter-Governmental Maritime Consultative Organization (IMCO). These recommendations included convening a conference to establish the IMCO, creating a temporary transitional body called the Provisional Maritime Consultative Council, and securing the government’s acceptance of an agreement to establish this temporary body (McDonald and Cates, 1948). The Provisional Maritime Consultative Council was established in 1947 (Henry 1985). On April 10, 1947, the United Nations Secretary-General issued invitations to interested governments to attend a conference in Geneva in February 1948 with the aim of establishing an intergovernmental shipping organization (United Nations, 1999). At the conclusion of the conference on March 6, 1948, the Convention establishing the Inter-Governmental Maritime Consultative Organization (IMCO) was adopted and came into force in 1958 (Henry, 1985; Balkin, 2018).

The original objectives of the IMCO, later renamed the International Maritime Organization (IMO), encompassed various aspects of cooperation in the regulatory and practical shipping realms. These objectives include promoting the adoption of high standards, facilitating global trade for ships, addressing discriminatory practices by governments, serving as a platform to raise issues with other UN Specialized Agencies, and fostering the exchange of information among governments in the shipping field (Tsimplis, 2021). Figure 4.1 provides a timeline illustrating the developments leading to the creation of a permanent international organization for shipping.
The journey towards the establishment of a permanent international shipping organization, starting with the early embodiments of the IMCO (later renamed IMO), was fraught with delays and uncertainties. Suspicions surround the organization from its inception (Padwa, 2009). One of the early predicaments arose when Greece withdrew its membership from the IMCO Convention only to reinstate it later. Withdrawal and subsequent reinstatement occurred in 1956 and 1958, respectively (Padwa 2009). Similarly, Panama withdrew from the 1948 Geneva Conference because of its exclusion from the main working party, despite being the fifth largest ship-owning nation. However, it should be noted that these challenges are not the only ones encountered. Interpretation issues with the IMCO Convention also surfaced. During the first session of IMCO, it was revealed that a significant factor delaying the establishment of IMCO was the disagreement over whether the organization should focus solely on technical matters or expand its functions into the economic field (IMCO, 1959). Eight states submitted reservations with their ratification instruments, expressing the view that the organization should engage in commercial or economic matters. Some even resorted to withdrawing membership in accordance with Article 59 of the IMCO Convention (United Nations, 2023). As a result of interpretational disputes, the International Court of Justice was requested to provide an advisory opinion on the constitution of the Maritime Safety Committee, considering what would be considered as ‘nations having an important interest in maritime safety’ as well as, ‘the largest ship owning nations’ (IMCO, 1959).
Another significant disagreement arose during the establishment of the Maritime Safety Committee of 1959. The dispute centred on the election of committee members and the perceived failure to properly implement its initial constitution (Simmonds, 1963). Discussions also took place regarding the Constitution of the Council, with Member States calling for a more democratic process, similar to those in the ICAO Council and the Council of ECOSOC, both of which were fully elective (Johnson, 1963). These early challenges and disputes highlighted a certain level of discord and divergence among Member States, which impacted the organization’s establishment and foundational standing.

In a broader context, the motivation for governments to establish organizations like IMO stems from recognizing that the shipping industry’s interests transcend those of any individual group. The sector’s multifaceted nature necessitates cooperation and coordination, which were previously lacking (Padma, 2009). Initially, the concept of IMCO revolved around being a consultative and technical organization without binding standard-setting authority, reflecting traditional maritime states’ reluctance to delegate absolute power over all international maritime matters (Basaran, 2016). However, over time, the role of the organization gradually expanded, leading to the renaming of IMCO as the International Maritime Organization (IMO) in 1982, clarifying its status as a decision-making body (Balkin, 2018).

4.3 A revised purpose

The IMO’s mission is effectively executed through its governance structure, which has evolved over time through amendments to the IMO Convention (Beckman and Sun, 2017). While the IMO operates as a specialized agency of the United Nations and provides annual reports to the United Nations Economic and Social Council, it maintains a distinct status and is not formally subordinate to the UN. Instead, its relationship with the UN is established through Articles 57 and 63 of the UN Charter and Part XV of the IMO Convention, which outlines the collaboration between the two entities (Baatz, 2018). As an independent organization, the IMO maintains its sovereignty, legal autonomy, and financial independence from the UN. It possesses its own constitution and membership structure (Balkin, 2018).

The collaborative nature of the IMO’s governance is reflected in its unanimous consensus policy. Member States strive to reach a universally agreed and adopted position through negotiation, ensuring that decisions are made collectively and taking into account the diverse perspectives and interests of all stakeholders involved. This approach fosters inclusivity, transparency, and accountability within the organization (Transparency International, 2018).
Figure 4.2 provides a visual representation of the IMO’s organizational framework. It consists of several key components including the Assembly, Council, Secretariat, five committees, and seven subcommittees. The Assembly serves as the highest decision-making body, where Member States come together to discuss and adopt universally agreed upon positions through negotiations. The Council, on the other hand, acts as the executive body responsible for overseeing the organization’s work between Assembly sessions. The Secretariat plays a crucial role in supporting the IMO’s activities and ensuring the effective functioning of the organization. Furthermore, five committees and seven subcommittees contribute to the formulation of policies and standards in specific areas of maritime affairs (IMO, n.d.).

Figure 4.2: Structure of the IMO
Source: IMO (2019)

4.3.1 Assembly

The Assembly, serving as the apex governing body of the IMO, comprises representatives from all Member States. It holds the highest authority within the organization and convenes once every two years in a plenary forum. This biennial gathering serves as the primary venue for decision-making and policy formulation at the senior level (Mbiah, 2013; Attard, 2018). Additionally, the Assembly has the
flexibility to hold extraordinary sessions when there is a need to address urgent or exceptional matters. During the Assembly sessions, representatives from Member States come together to engage in discussions and deliberations on various maritime issues. These discussions encompass a wide range of topics, including the development of international regulations, establishment of strategic goals, allocation of resources, and consideration of new initiatives to advance the IMO’s mission (Mbiah, 2013). The Assembly serves as a platform for exchanging ideas, sharing experiences, and fostering cooperation among Member States. The Assembly’s decision-making process is guided by the principles of inclusivity and consensus-building. Each Member State has equal voice and voting power, ensuring that decisions reflect the collective will of the international maritime community. The Assembly’s resolutions and recommendations have significant implications for the global shipping industry, influencing maritime policies, practices, and standards worldwide (IMO, n.d.). Recognizing the dynamic nature of maritime affairs, the role of the assembly extends beyond its regular biennial sessions. It can convene extraordinary sessions when there is an urgent need to address emerging issues or to respond to critical developments in the maritime domain. These exceptional meetings allow the Assembly to demonstrate its agility and responsiveness in tackling evolving challenges and shaping the future direction of the IMO. The Assembly functions as a platform for collaboration, consensus building, and decision-making among Member States, playing a pivotal role in shaping the policies and priorities of the IMO.

4.3.2 Council

The Council, serving as the executive body of the IMO, plays a vital role in the organization’s governance structure. Composed of 40 members, the Council is elected by the Assembly and assumes the Assembly’s responsibilities when it is not in session. Over time, adjustments have been made to the Council’s size and composition to ensure a balanced representation of Member States and accommodate the changing dynamics of the international community (Transparency International, 2018). As the international community expanded with the emergence of new states and increasing diversity, there was a need to revisit the composition of the Council to maintain equitable representation. Recognizing this, several amendments have been made to improve the balance of representation within the Council (Chircop, 2015).

In December 2021, the most recent decision to amend the Council’s composition took place following Assembly Resolution A1152(32). This decision resulted in the expansion of the Council’s size from 40 to 52 members, reflecting a commitment to inclusivity and accommodating the growing participation of Member States (IMO, 2022). The Council’s role extends beyond its representational function. It serves as
the executive organ of the IMO and oversees and coordinates the work of various committees and organs within the organization. The Council diligently considers matters that fall within their respective scopes of work and provides approvals, comments, and recommendations that are subsequently conveyed to the Assembly (Beckman and Sun, 2017). Through its executive authority, the Council ensures effective coordination and coherence in the implementation of the IMO’s policies and decisions. It plays a pivotal role in guiding the organization’s strategic direction, setting priorities, and monitoring progress in achieving the objectives of the IMO. The Council’s deliberations and decisions significantly influence the work of the IMO’s committees, subcommittees, and the Secretariat (Attard, 2018). The Council’s two-year term, aligned with the election cycle of the Assembly, allows for continuity and consistent leadership within the organization. Its elected members bring diverse perspectives and expertise from their respective Member States, contributing to informed decision-making and policy formulation at the executive level (Beckman and Sun, 2017). Acting as a bridge between the Assembly and various committees and organs of the IMO, the Council ensures effective communication and coordination, fostering a cohesive approach to maritime governance. It serves as a dynamic and responsive body that facilitates the implementation of the IMO’s mandates and promotes cooperation among Member States in addressing the multifaceted challenges facing the maritime industry.

4.3.3 Secretariat

The Secretariat plays a crucial role in supporting the organization’s bodies and facilitating its administrative functions. It is composed of a Secretary-General and a dedicated team of personnel who assist in carrying out the day-to-day operations of the IMO (Karim, 2015). One of the primary responsibilities of the Secretariat is to ensure the smooth functioning of the organization by maintaining accurate and comprehensive records. This includes the management and preservation of essential documents, circulars, and meeting minutes. The Secretariat serves as the custodian of vital information necessary for the effective operation of the IMO (Art. 48, IMO Convention; Attard, 2014). Beyond record-keeping, the Secretariat is entrusted with the overall administrative activities of the organization. It provides essential support to all organs of the IMO, assisting in the coordination of their work and facilitating communication and collaboration among them. The Secretariat acts as a central hub for information exchange, ensuring that relevant data and documentation are efficiently disseminated (Karim, 2015). Furthermore, the Secretariat plays a pivotal role in facilitating the implementation of decisions and policies adopted by the Assembly and Council. It supports the dissemination of information to Member States, enabling them to remain informed about the IMO’s activities and initiatives. The Secretariat also assists in organizing meetings, conferences, and other events.
that promote cooperation and dialogue among Member States (IMO, n.d.). The Secretary-General, as the head of the Secretariat, serves as the chief administrative officer of the IMO. This role provides leadership and guidance to the Secretariat’s personnel, ensuring the effective management of resources and implementation of the organization’s strategic objectives. The Secretary-General represents the IMO in various international fora and acts as a spokesperson for the organization, advocating for the promotion of safe, secure, and environmentally sustainable shipping (EU, 2016). The Secretariat serves as a vital support system for the IMO, and in fulfilling its role, contributes to the efficient functioning of the IMO and the achievement of its mission to promote international cooperation and coordination in maritime affairs.

4.3.4 Committees

IMO Committees play an important role in addressing a wide range of issues related to safety, environmental protection, legal matters, technical cooperation, and regulatory harmonization. The organization consists of several committees that work collaboratively to support the IMO’s objectives (Chircop, 2015). Major committees include the Maritime Safety Committee (MSC), Marine Environment Protection Committee (MEPC), Legal Committee, the Technical Cooperation Committee (TCC), and Facilitation Committee (FAL), each with its specific focus and responsibilities (Balkin, 2018).

a) Maritime Safety Committee

To understand the role of the International Maritime Organization (IMO) and its impact on maritime law and policy formulation, it is essential to delve into the origins and functions of the Maritime Safety Committee (MSC) (Ademun-Odeke 2007; Mbiah 2013). The establishment of the MSC reflects the paramount importance accorded to maritime safety within the IMO’s mandate, as it serves as the foundation for the organization’s objectives (Mbiah, 2013). In 1948, the functions of MSC were defined to encapsulate their responsibilities in ensuring safety at sea (Mbiah, 2013). However, the composition of MSC has been a controversial topic throughout history. Originally, the 1948 Convention specified that the MSC should consist of 14 Member States, including “not less than eight largest ship-owning nations” (Beckman and Sun, 2017). However, during the first election for the MSC, Liberia and Panama, two of the world’s largest ship-owning nations, were excluded by the Assembly (Ademun-Odeke, 2007; Karim, 2015). This exclusion led to a dispute regarding the interpretation of the composition provision, which prompted the Assembly to seek an Advisory Opinion from the International Court of Justice (ICJ) in 1959 (Ademun-Odeke, 2007; Karim, 2015; Beckman and
The ICJ ruled that the composition of the committee elected by the Assembly did not conform to the IMCO Convention, emphasizing that the determination of the largest ship-owning nations should be based on the tonnage registered in the respective countries (ICJ Reports, 1960). Consequently, in 1974, the Convention was amended to include all members of the IMO in MSC (Karim, 2015; Beckman and Sun, 2017).

Although the composition of MSC has evolved, their core functions have remained relatively consistent since 1948. The committee continues to address vital issues pertaining to safety and the formulation of rules to enhance safety at sea (Mbiah, 2013). Its responsibilities include developing regulations, guidelines, and standards aimed at safeguarding lives, property, and the environment in the maritime domain (IMO, n.d.). The MSC’s work encompasses diverse aspects, including ship construction and equipment, navigation, communication systems, search and rescue protocols, and maritime security measures. It plays a pivotal role in promoting safety, preventing accidents, and minimizing the risks associated with maritime operations. The MSC holds a central position within the IMO’s structure and functions as a linchpin for maritime safety initiatives and policy formulation. Despite the controversies surrounding its composition, MSC has persevered and maintained its commitment to enhancing safety standards and developing regulations for the maritime industry. By continually addressing safety-related concerns, MSC contributes to the overall goal of the IMO to create a secure and sustainable maritime environment.

b) Marine Environment Protection Committee

The Marine Environment Protection Committee (MEPC) was established as a counterpart to the Maritime Safety Committee (MSC) and holds a crucial mandate within the International Maritime Organization (IMO) to address issues related to the prevention and control of marine pollution caused by ships (Beckman and Sun, 2017). It has played a pivotal role in the development of numerous international instruments and policies aimed at safeguarding the marine environment (Mbiah, 2013). The establishment of the MEPC represents a significant milestone as it signifies the formal recognition of marine environmental protection on par with maritime safety within the IMO (Karim, 2015). The committee’s responsibilities encompass all matters pertaining to the prevention and control of marine pollution from ships (Mbiah, 2013) as well as promoting measures to facilitate the enforcement of international marine environmental conventions (Karim, 2015).

Originally formed as a subsidiary body of the Assembly in 1973, the MEPC was subsequently elevated to become a primary organ of the IMO in 1985 (Beckman and Sun, 2017). Over the years, the workload of MEPC has significantly increased...
because of the growing global concern for marine pollution and the need for effective measures to mitigate its impact (Karim, 2015). Notably, during MEPC 75 held in 2020, the committee deliberated on a wide range of crucial matters. These include addressing the issue of harmful aquatic organisms in ballast water, preventing air pollution, promoting energy efficiency in ships, reducing greenhouse gas emissions from vessels, formulating action plans to address marine plastic litter originating from ships, identifying and protecting special areas, establishing emission control areas (ECAs) and particularly sensitive sea areas (PSSAs), and enhancing pollution prevention and response mechanisms (IMO MEPC 75/88, 2020). MEPC’s multifaceted agenda demonstrates its approach to tackling marine pollution from various perspectives. By focusing on issues such as ballast water management, air emissions, energy efficiency, plastic litter, and the designation of protected areas, the committee actively contributes to the preservation and sustainable use of marine environments. This work not only addresses current challenges, but also anticipates emerging issues and formulates strategies to mitigate their environmental impact. The MEPC plays a critical role in the prevention and control of marine pollution caused by ships. Addressing emerging challenges and promoting effective pollution prevention measures, the MEPC contributes to ensuring the sustainability and health of the world’s oceans.

c) Legal Committee

The establishment of the Legal Committee came about in response to the Torrey Canyon incident in 1967, aiming to address the legal implications of the maritime disaster (McGonigle and Zacher, 1979; Attard, 2014). Its official recognition as a major organ of the IMO occurred during the ninth session of the IMO Assembly in 1975, when an amendment to the IMO Convention was adopted (Mbiah, 2013; Karim, 2015). This amendment, which entered into force in 1982, granted permanent status to the Legal Committee within the organization (Mbiah, 2013; Karim, 2015). Consequently, the Committee was vested with the authority to consider legal matters within the scope of the IMO and draft international conventions and subsequent amendments to such conventions (Beckman and Sun, 2017). Open to all members of the IMO, the Legal Committee is mandated by the IMO Convention to address legal matters within the organization’s purview. Furthermore, it possesses the capacity to fulfill any duties assigned to it by other international instruments accepted by the IMO (Mbiah, 2013). Over time, the Legal Committee has evolved into a principal committee within the IMO, delving into various subjects of maritime law. This work effectively complements the efforts of MSC and MEPC (Beckman and Sun, 2017). Notably, the committee’s contributions have been significant in areas such as liability and compensation related to pollution prevention from ships, carriage of hazardous substances, terrorism, salvage
operations, wreck removal, passenger and luggage matters, and the welfare of seafarers (Beckman and Sun, 2017; Mbiah, 2013). The Legal Committee provides support to the legislative process and helps ensure the effective functioning of the organization. Addressing the legal aspects of maritime affairs, the Committee supports the upholding of the rule of law, promoting accountability, and facilitating the development of international standards and regulations. Its work contributes to enhancing safety, security, and sustainability in the realm of maritime activities, thereby safeguarding the interests of both industry and the global community.

d) Technical Cooperation Committee

Formally institutionalized in 1984, the TCC’s mandate encompasses matters within the scope of the IMO related to the implementation of technical cooperation projects funded by the relevant United Nations program, voluntary trust fund program, and other activities linked to technical cooperation (Mbiah, 2013; Karim, 2015; Beckman and Sun, 2017). Currently, the TCC plays a crucial role in overseeing the IMO’s capacity-building program and the execution of technical cooperation projects, ensuring that the organization supports the United Nations Sustainable Development Goals and the 2030 Agenda for Sustainable Development (IMO, 2019). The establishment of the TCC initially arose from the expressed need of developing countries to enhance technical assistance to strengthen their growing shipping industries and address various matters associated with the implementation of technical cooperation projects, particularly when the IMO acts as a cooperative agency (McGonigle and Zacher, 1979; Attard, 2014). With a focus on capacity-building and technical cooperation, the TCC facilitates the transfer of knowledge, expertise, and resources to enable developing nations to improve their maritime capabilities and contribute to safe, secure, and sustainable shipping. In addition to the TCC, the Facilitation Committee (FAL) is another committee within the IMO Convention that has undergone a similar institutionalization process. The FAL Committee was established to address matters within the IMO’s purview of facilitating international maritime traffic, trade, and efficient port operations (Beckman and Sun, 2017). Its role is to develop and promote standards, guidelines, and practices to streamline procedures and enhance the efficiency of maritime transportation and port activities worldwide.

e) Facilitation Committee

The Facilitation Committee, established by the International Maritime Organization (IMO) in 1968, serves as an advisory body for the IMO Council, focusing on matters related to facilitation in the maritime industry. Its primary objective was to support the implementation of the 1965 Convention on the Facilitation of International
Maritime Traffic, which became effective in 1967 (Karim, 2015). Recognizing the importance of its role, the IMO elevated the Facilitation Committee to the status of a permanent subsidiary body of the IMO Council in 1972. Comprising all Member States of the IMO, the Facilitation Committee is entrusted with the responsibility to enhance the efficiency of ship entry and exit procedures at ports (IMO, n.d.). Its core mandate revolves around reducing the unnecessary bureaucratic requirements associated with international shipping, including those related to the arrival and departure of vessels, passengers, and cargo. Additionally, the committee plays a vital role in balancing the facilitation of international maritime trade with the imperative of maritime security (Mankabady, 1986; Attard, 2014). The establishment and continuous operation of the Facilitation Committee reflect the IMO’s commitment to fostering seamless and efficient maritime transportation. By addressing the challenges associated with port formalities and streamlining procedures, the committee endeavours to create an environment that facilitates international trade and encourages the smooth flow of maritime traffic. Moreover, in an ever-evolving landscape, the committee seeks to strike a balance between the needs of international commerce and the imperative to maintain robust maritime security measures.

The Technical Cooperation Committee (TCC) and Facilitation Committee (FAL) were initially established as subsidiary bodies of the Council, but their institutionalization as separate committees within the IMO Convention came about through subsequent amendments as the work of the organization progressed (Beckman and Sun, 2017). As components of the IMO’s organizational framework, both the TCC and FAL committees play a pivotal role in advancing the objectives of the IMO and promoting global cooperation in the maritime sector. Both Committees consist of all members of the IMO and convene to discuss and address pertinent issues at least once per year. These committees significantly contribute to the work of the IMO by providing valuable recommendations and reports on their activities to the IMO Council and exemplifying the IMO’s commitment to addressing specific aspects of the maritime industry (Beckman and Sun, 2017).

\( f) \ IMO \ Sub\text{-}Committtees \)

Given its extensive agenda, the International Maritime Organization (IMO) delegates much of its preparatory work to several standing sub-committees that report to both the Maritime Safety Committee (MSC) and Marine Environment Protection Committee (MEPC). These sub-committees play a vital role in addressing specific areas of focus within the maritime industry and contribute to the overall mandate of the IMO. Some of these sub-committees include the Sub-Committee on Ship Design and Construction (SDC), Sub-Committee on Human Element, Training, and Watchkeeping (HTW), Sub-Committee on Pollution
Prevention and Response (PPR), Sub-Committee on Navigation, Communications, and Search and Rescue (NCSR), Sub-Committee on Ship Systems and Equipment (SSE), Sub-Committee on Implementation of IMO Instruments (III), and Sub-Committee on Carriage of Cargoes and Containers (CCC). The names of these sub-committees reflect the broad spectrum of issues addressed by the IMO, covering various aspects of maritime safety, pollution prevention, operational procedures, and legal compliance (Karim, 2015; Balkin, 2018).

While all sub-committees play significant roles in advancing the IMO’s objectives, the Sub-Committee on Implementation of IMO Instruments (III) holds particular importance for this research because of its critical role in ensuring effective implementation and enforcement of the IMO’s legal framework across jurisdictions. The III Sub-Committee serves as a platform for collaboration among flag states, port states, and coastal states, specifically focusing on implementation-related matters. This includes analyzing consolidated audit summary reports from the mandatory IMO Member State Audit Scheme, conducting casualty analysis, and disseminating lessons learned from marine incidents. The III Sub-Committee also examines port State Control data, continuously reviewing procedures related to port State Control. Additionally, it develops guidelines for survey and certification processes, including survey guidelines under the Harmonized System of Survey and Certification (HSSC), which falls within its purview (IMO, n.d.).

Its multifaceted responsibilities, the III Sub-Committee plays a crucial role in promoting compliance with international maritime regulations and enhancing the safety and security of shipping operations. By facilitating collaboration and knowledge sharing among states, it strengthens collective efforts toward ensuring adherence to IMO instruments and harmonizing survey and certification practices. Furthermore, the III Sub-Committee’s involvement in casualty analysis and dissemination of lessons learned contributes to the prevention of future incidents and the continuous improvement of maritime safety standards. The standing sub-committees, including the III Sub-Committee, demonstrate the approach taken by the IMO in addressing a wide range of maritime challenges. By distributing the workload among these specialized bodies, the IMO leverages the expertise and diverse perspectives of its Member States, fostering effective decision-making and ensuring the sustained progress of the global maritime industry.

4.3.5 Membership

Membership in the IMO is open exclusively to states. When the IMO was initially established, it comprised 36 Member States. Over time, the organization has seen significant growth, and it currently has 175 Member States, with the most recent addition being Botswana, which joined in 2021. In addition to the Member States, the IMO also includes three Associate Members. In recognition of the importance
of collaboration and inclusivity, the IMO has also granted observer status to 66 intergovernmental organizations. These organizations have the opportunity to participate in IMO meetings and contribute their expertise in relevant areas. Furthermore, the IMO welcomes the involvement of non-governmental organizations (NGOs) and has 88 NGOs as part of its network (IMO, 2022). This inclusive approach allows for a diverse range of perspectives and contributions to the IMO’s work. Within the organization, full membership is limited to states, as outlined in Article 4 of the IMO Convention. Full members possess voting rights and have the ability to actively shape the organization’s decisions and policies. On the other hand, other members, such as associate members, intergovernmental organizations, and NGOs, have observer status. While they do not possess voting rights, they are still able to participate in meetings and discussions, providing valuable input and sharing insights on matters of mutual interest. This membership structure reflects the IMO’s commitment to fostering cooperation and collaboration among nations, intergovernmental organizations, and non-governmental entities. Bringing a diverse array of stakeholders together, the IMO facilitates the consideration of multiple perspectives when addressing maritime challenges and formulating global standards and regulations. The involvement of observer organizations and NGOs further enhances the organization’s ability to draw upon a wide range of expertise and experiences in pursuing its objectives.

4.4 International machinery for governance

As per the IMO Convention, the primary objective of the International Maritime Organization (IMO) is to promote and facilitate the adoption of the highest feasible standards in matters related to maritime safety, efficient navigation, and the prevention and control of marine pollution caused by ships (OECD, 2014). The IMO’s mandate primarily revolves around the promotion of safe, secure, environmentally friendly, efficient, and sustainable shipping, as summarized in Article 1(a) (Attard, 2014). It is crucial to examine the role of the IMO within the context of maritime law and policy, which is outlined in the IMO Convention (Mbiah, 2013).

Article 1 of the IMO Convention explicitly defines the purpose of the organization, which involves establishing a platform for governmental cooperation to regulate shipping in areas such as maritime safety, navigation efficiency, and the prevention and control of marine pollution from ships. The IMO is responsible for handling legal and administrative matters related to these areas. The IMO’s contributions to the development of maritime law and policy are captured appropriately in Article 2, which outlines its functions. These functions include considering matters referred to by Member States, the United Nations, other specialized agencies, or
intergovernmental international organizations (IGOs); drafting conventions, agreements, and other instruments; organizing diplomatic conferences; facilitating consultation and information exchange among Member States; and promoting technical cooperation within its scope (Mbiah, 2013). To fulfill its mandate, the IMO relies on its standing committees, each dedicated to a specific aspect of global maritime governance, and the oversight provided by its governing bodies, the Assembly and Council. These committees, with their clearly defined agendas, play an indispensable role in providing a platform for discussion and decision-making (Balkin, 2018). The IMO’s main role has expanded beyond technical and operational functions to encompass the establishment of an international regulatory framework for the shipping industry that is fair, effective, universally adopted, and implemented (Chircop, 2015; Beckman and Sun, 2017). The mission statement of the IMO, as outlined in Resolution A.1011(26), focuses on promoting safe, secure, environmentally sound, efficient, and sustainable shipping through cooperation achieved by adopting and implementing IMO instruments with the goal of universal and uniform application (IMO, 2009). According to McLaughlin (2010), the IMO’s raison d’être involves developing and maintaining a regulatory framework for shipping that addresses safety, environmental concerns, legal matters, technical cooperation, maritime safety, and shipping efficiency. The IMO’s decision-making mechanism promotes inclusivity by providing a platform for all stakeholders to voice their perspectives (Baumler et al., 2021).

The establishment of the IMO can be attributed to governments recognizing the vital role of shipping in the welfare of individual nations and the global economy (Balkin, 2018). As outlined in the IMO Convention, the organization’s role and function can be classified as facilitatory and advisory, wherein it assists and advises Member States in achieving their maritime objectives (Mbiah, 2013). The IMO assumes the professed role of a global authority in establishing standards concerning the safety, security, and environmental performance of international shipping (IMO, 2015). The need for global standards is imperative for several reasons, including ensuring consistent and effective safety measures in the shipping industry, fostering certainty and a level playing field, and promoting healthy competition (Balkin, 2018). The function of the IMO entails drafting conventions and other instruments that form the foundation of maritime regulations. Article 2 of the IMO Convention explicitly recognizes the drafting of conventions and suitable instruments as one of the primary means by which the organization seeks to accomplish its objectives, as outlined in Article 1 of the Convention (Lost-Sieminska, 2020). Treaty-making occurs in various organs of the IMO (Schermers and Blokker, 2011). Drafting activities take place at the committee level, with proposals submitted to the Council and subsequently transmitted to the Assembly for adoption (Lost-Sieminska, 2020). The IMO primarily focuses on facilitation as reflected in Articles 1 and 2 of the IMO Convention (Balkin, 2018). While shipping regulations are negotiated under
the auspices of the IMO, Member States assume a central role in negotiating, approving, adopting, and implementing them. However, the IMO acts as a facilitator or forum through which these negotiations and subsequent actions take place (Balkin, 2018). The facilitatory role of the IMO extends beyond the shipping regulations. As outlined in the IMO Convention, the organization also facilitates technical cooperation to support Member States, encourages consultation among Member States for information exchange, and convenes diplomatic conferences when necessary for the adoption of regulations. Additionally, the IMO assumes an advisory role by leveraging its technical expertise to consider matters referred to by Member States, the United Nations, other specialized UN agencies, or intergovernmental organizations (IGOs) (IMO Convention, Article 2(a)). The IMO plays a key role in establishing global standards and provides a platform for negotiation and cooperation among Member States, acting as a facilitator and advisor in matters pertaining to maritime regulations, technical cooperation, and consultation (Balkin, 2018; Beckman and Sun, 2017).

4.5 Implementation of IMO instruments

The effective operation of the shipping industry relies on the harmonization, adoption, and implementation of international regulations and standards. The IMO serves as a pivotal forum for these processes (IMO, n.d.). The mission of the IMO extends beyond the mere adoption of relevant instruments, emphasizing the importance of effectively implementing these instruments and ensuring their universal application (Mbiah, 2013). While international organizations (IOs) develop regulatory instruments at the global level, their enforcement and application occur at the domestic level (OECD, 2019). The role of IOs, including the IMO, in implementing international agreements often stir controversy and debate regarding their significance and relevance (Udalla, 2012). The state typically assumes responsibility for implementation, although in some cases, certain aspects of implementation may be delegated to international organizations (Joachim et al., 2010). However, it is essential to recognize that governments remain essential actors, as they possess the necessary resources and facilities for effective implementation (Caplan, 2005). Other actors, such as non-governmental organizations (NGOs), intergovernmental organizations (IGOs), governmental agencies, and interest groups may also participate in the implementation process (Joachim et al., 2010). The distribution of responsibility among various actors is intended to enhance efficiency, but it can also lead to complexities and challenges in regulatory governance, particularly at the national level (OECD, 2015). To support Member States in implementing international maritime regulations, the IMO has introduced several mechanisms. These include the IMO Member State
Audit Scheme (IMSAS), the Facilitation (FAL) Convention and Committee, and technical cooperation (Balkin, 2018). The IMO Member State Audit Scheme, implemented in 2016, represents an effort to improve compliance with flag state obligations. It establishes a regime for monitoring Member States’ compliance through audits along with associated frameworks, procedures, and codes (Barchue, 2018). The IMSAS is regarded by the IMO as a vital tool for assisting Member States in enhancing their performance and effectively fulfilling their international obligations (Balkin, 2018).

For many years, the shipping industry has faced challenges in the implementation of international regulations. However, the introduction of the IMO Member State Audit Scheme (IMSAS) has shed light on the weaknesses within Member States’ jurisdictions that hinder the effective implementation and universal application of international maritime regulations. Member States have become more aware of these shortcomings and the need for improvement (IMO, 2015). Recognizing that not all Member States possess the technical capacity to pass legislation or undertake the administrative actions required by IMO instruments, the IMO offers assistance through its Integrated Technical Cooperation Programme (ITCP) (IMO, 2015). The ITCP primarily focuses on capacity building initiatives to help developing countries overcome limitations. The key components of the programme include the Technical Cooperation Committee and two prominent training institutions, the World Maritime University (WMU) and the International Maritime Law Institute (IMLI), which contribute to the objectives of the IMO through education, research, and maritime capacity building (Balkin, 2018). Harmonizing paperwork and formalities associated with ships entering ports has been a persistent implementation challenge in the shipping industry (Balkin, 2018). In response, the IMO introduced the Convention on the Facilitation of International Maritime Traffic (FAL Convention) in 1965 and established the Facilitation Committee in 1967 to assist Member States in addressing these issues. Both the convention and committee focus on facilitating the arrival, stay, and departure of ships by streamlining formalities (Balkin, 2018; IMO, n.d.). While flag states bear the primary responsibility for implementing maritime conventions and regulating vessels under their jurisdiction, port states also play a role in regulating shipping activities (Balkin, 2018). Port state control, which involves inspecting foreign ships at national ports, serves as a supporting mechanism for flag states in terms of compliance and enforcement (IMO, n.d.). Port state control offers opportunities to gather valuable data on substandard shipping and enables the international maritime community to analyze the causes of incidents and casualties more effectively (Balkin, 2018). To support port state control efforts, the IMO adopted Resolution A.682(17), which encouraged the establishment of regional agreements. Currently, nine regional agreements on port state control exist: the Paris MOU, Tokyo MOU, Acuerdo de Viña del Mar, Caribbean MOU, Abuja MOU, Black Sea MOU, Mediterranean MOU, Indian Ocean MOU, and Riyadh
MOU. Additionally, the United States Coast Guard operates its own port state control regime, similar to the regional agreements mentioned (IMO, 2019).

Apart from port state control, which is primarily led and managed by states at the regional level, the IMO’s other mechanisms primarily focus on assisting Member States in implementing international regulations. Victor et al. (1998) discussed the international system’s governance and available tools for addressing implementation issues. International organizations generally adopt two approaches: enforcement and management. Additionally, Joachim et al. (2010) mentioned a third approach: the normative approach. The enforcement approach employs coercive measures such as monitoring and sanctioning to encourage compliance (Downs et al., 1996; Joachim et al., 2010). The process of monitoring implementation can include the submission of reports by Member States, which are then reviewed and recommendations provided by the IO, as demonstrated in the case of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Joachim et al., 2010). It may also include ad hoc, routine, or special inspections carried out by organizations, such as the International Atomic Energy Agency (Rockwood, 2022).

Conversely, the managerial approach recognizes that state compliance with treaty obligations is affected by factors such as the ambiguity of treaties, the resource and capacity limitations of states, and complex social or economic changes (Weiss, 1998). In this approach, international organizations play a crucial role in supporting implementation by assisting Member States in developing the necessary capacities, providing technical and, in some cases, financial assistance (Tallberg, 2002; Joachim et al., 2010). The normative approach, which has emerged in recent years, suggests that international organizations use reasoned arguments to persuade states that fulfilling implementation requirements is the morally right thing to do rather than relying on coercion or managerial techniques (Börzel & Risse, 2000; Joachim et al., 2010). An examination of these approaches reveals that the IMO does not strictly adhere to a single approach. The mechanisms in place at the IMO encompass elements of both the managerial and normative approaches, but do not include elements of the enforcement approach. The IMSAS, which involves scheduled visits to Member States to observe implementation, as well as capacity building programs and other initiatives under the ITCP, aligns with the managerial approach. Without relying on sanctions, the IMO has consistently encouraged Member States to fulfill their treaty obligations in good faith, reflecting a normative approach. As the role of the IMO has evolved over the years, it is evident that the organization has played a part in the implementation of international regulations. However, the specific extent of this role remains largely unknown.
4.6 Chapter summary

This chapter delved into an exploration of the International Maritime Organization (IMO) providing a deeper understanding of its historical development, evolving role, and engagement in implementing IMO instruments. By examining the roots and growth of the organization, valuable insights are gained into the key factors that have shaped the IMO’s current global prominence. This chapter emphasized the significance of a historical perspective in establishing a solid foundation for comprehending the operational context and challenges faced by the IMO. The chapter began with the historical evolution of the IMO and highlighted its origins and pivotal milestones, including the establishment of precursor organizations including the Allied Maritime Transport Council (AMTC), the Provisional Maritime Consultative Council (PMCC), and the Inter-Governmental Maritime Consultative Organization (IMCO), which was eventually renamed the IMO. This historical narrative provided an understanding of the factors that paved the way for the creation of the IMO and its subsequent development as a specialized agency responsible for international maritime affairs. This chapter also outlined the structure of the IMO and examined the evolving role of the IMO in addressing global maritime challenges. It highlighted the organization’s expanding mandate and the increasing complexity of the issues it tackles, ranging from maritime safety and security to environmental protection and the facilitation of international trade. Additionally, the chapter explored the IMO’s engagement in the implementation of its instruments and delved into the mechanisms and strategies employed by the organization to ensure effective compliance and enforcement of its regulations by Member States and the shipping industry.
5 Case Studies

5.1 Chapter overview

This chapter presents findings derived from an exploration of the literature and case study research conducted in two selected jurisdictions. Case study research is a method employed to thoroughly investigate and analyze specific phenomena, events, organizations, or individuals with the aim of gaining an understanding of the complexities inherent in the subject under investigation. Case studies enable researchers to delve into real-life situations in natural settings. By capturing the intricate details and nuances that quantitative methods may overlook, case studies provide a rich and contextualized understanding of the subject matter. Furthermore, case studies contribute to theory building and development as they allow researchers to uncover patterns, relationships, and underlying mechanisms through in-depth analysis. They also serve practical purposes by offering guidance for problem-solving and decision-making in real-world contexts. Through the examination of successful cases or instances of failure, case studies provide valuable insights, best practices, and recommendations for policy making, management strategies, and practical interventions.

This study focuses on IMO Member States, each possessing unique characteristics that may sometimes be compromised to facilitate international negotiations. Although decisions are made collaboratively at the international level, their implementation occurs within the national frameworks of individual states, encompassing laws, policy frameworks, and legal systems. These individual idiosyncrasies heavily influence and dictate Member States’ approaches to implementing decisions made by the IMO within their respective national jurisdictions. Case studies in Singapore and Kenya were designed to gain deeper insights into implementation approaches and mechanisms. Both countries are IMO Member States and have membership in the IMO Council. The selection of these specific Member States followed the process outlined in Chapter 3, which was designed to facilitate an in-depth investigation of the mechanisms employed by these states. This case study research sought to uncover the challenges faced by Member States and identify recommendations to enhance Member State implementation more broadly. Within the maritime governance context, the structure, roles, and responsibilities of the Maritime and Port Authority (MPA) of
Singapore and the Kenya Maritime Authority serve as central features in this chapter. By examining these key institutions, we can better understand their functions and contributions within the maritime sector, shedding light on their roles in facilitating the implementation of IMO regulations.

5.2 Case I: Singapore

Situated off the southern tip of the Malay Peninsula, Singapore comprises a mainland island and approximately 60 small islets (MFA Singapore, 2023). Positioned on the Asian continent, Singapore has the largest seaport in Southeast Asia and ranks among the busiest ports globally (MPA, 2022). Despite its relatively small population of 5.64 million (Singapore Department of Statistics, 2022), Singapore is renowned for its world-class seaports, well-developed infrastructure, and skilled and professional workforce (Kumar & Siddique, 2010).

Singapore’s engagement in international affairs has traced its roots back to the 1960s. Following its independence in 1965, the country swiftly acquired membership in prominent international organizations, such as the United Nations and the Commonwealth of Nations (MFA Singapore, 2023). In the same year, Singapore joined the International Monetary Fund (IMF) and World Bank (WB). Additionally, on January 17, 1966, Singapore became a member of the International Maritime Organization (IMO) (MFA Singapore, 2023; IMO, 2021). Since then, Singapore has actively cultivated diplomatic relations with over 187 sovereign states, and has consistently participated in significant multilateral fora and institutions (Kwee, 2017). As a nation with deep-rooted maritime traditions, Singapore acknowledges its diverse interests inherent in international shipping and has consistently played an influential role in global maritime affairs (Maritime Singapore, n.d.).

5.2.1 Singapore’s maritime profile

Singapore’s maritime heritage can be traced back to the 14th century when it served as an independent entrepôt within the maritime network of Southeast Asia. During the 15th century, Singapore became part of the Melaka Sultanate and served as a collection point for local products from Malacca and Johor (MPA Singapore, 2022). However, in 1819, Singapore’s maritime architecture underwent significant transformation. With the establishment of the East India Company’s trading post, Singapore gained the status of a free port and emerged as a crucial sea mail hub for the region. The subsequent expansion of the seaborne trade and the opening of the Suez Canal further propelled Singapore’s maritime growth. By 1982, Singapore had
become one of the world’s busiest ports in terms of tonnage (Cullinane et al., 2006). This achievement can be attributed to Singapore’s strategic location at the convergence of key international shipping routes, which enabled it to develop into the world’s busiest transhipment hub, facilitating the transit of approximately 70% of the global maritime trade (MINDEF Singapore, 2018).

Figure 5.1 provides a visual representation of container throughput growth in Singapore from 1990 to 2022. The graph illustrates a consistent upward trend, with minimal declines observed during specific periods, such as between 2000 and 2002, 2008 and 2010, and 2014 and 2016. This demonstrates Singapore’s sustained expansion and resilience in the face of economic challenges and global events. Singapore’s evolution as a maritime nation has been shaped by its historical significance as a trading hub, its strategic location on international shipping routes, and its continuous efforts to develop its port infrastructure and services. These factors propelled Singapore to become a pivotal player in global maritime trade and a key contributor to the growth and efficiency of the maritime industry.

![Figure 5.1: Singapore Container Throughput 1990-2022](source: Clarkson’s Research (2023))

During the initial phase of development, Singapore underwent administrative reforms to enhance the management of its maritime affairs, leading to the establishment of the dynamic Maritime and Port Authority of Singapore (MPA). Recognized as the driving force behind Singapore’s thriving maritime ecosystem, the MPA fosters the growth of a global hub port, the shipping industry, and a wide range of maritime services (MPA Singapore, 2022). As a maritime nation, Singapore boasts a national registry comprising approximately 3,224 vessels (Clarkson’s Research, 2023). Furthermore, the state has made considerable contributions to the seafaring workforce, producing approximately 6,000 skilled
seafarers (BIMCO, 2021). Testament to its prominence in global trade, Singapore’s ports attract approximately 130,000 vessel calls annually, with a staggering container throughput of 37,277,900 TEU recorded in 2022 (MPA Singapore, 2022).

Singapore’s achievements in the maritime industry can be attributed to its maritime ecosystem within its International Maritime Centre (IMC) as depicted in Figure 5.2. This visual representation illustrates the amalgamation of diverse maritime, shipping, and logistics networks that are effectively coordinated by the state. Within this ecosystem, approximately 5,000 maritime organizations and businesses are situated (MPA Singapore, 2022). The IMC acts as a nexus for activities such as ship financing, enabling the secure and efficient allocation of capital for the acquisition and operation of vessels. It also serves as a hub for ship broking, facilitating transactions between buyers and sellers in the maritime market. Singapore’s maritime ecosystem is an interconnected network in which industry players collaborate, innovate, and contribute to the growth of the maritime sector. The concentration of diverse maritime organizations and businesses within IMC fosters an environment for knowledge exchange, fostering partnerships, and attracting investments. It is through these coordinated efforts that Singapore has established itself as a prominent player in the international maritime industry (MPA Singapore, 2022).

Singapore’s active involvement in international maritime governance has been reflected in its membership to the IMO Council since 1993. Additionally, the state holds council membership in the International Hydrographic Organization (IHO) and the Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) (MPA Singapore 2022). These affiliations highlight Singapore’s commitment to promoting effective maritime governance, safety, and navigational standards on a global scale.
5.2.2 A collaborative approach to maritime management

A significant milestone in Singapore’s maritime management occurred in 1996, when the organization underwent comprehensive reform. Prior to this reform, maritime and port operations were overseen by three separate entities: the National Maritime Board, Port of Singapore Authority, and Maritime Department. The National Maritime Board was responsible for overseeing seafarer training and ensuring the development of a skilled maritime workforce. The Port of Singapore Authority focused on matters related to cargo operations and port regulations to ensure smooth and efficient port operations. The Maritime Department, under the Ministry of Transport, was tasked with managing the ship registry and ensuring compliance with relevant regulations and conventions. In 1996, a significant structural change took place with the establishment of the Maritime and Port
Authority of Singapore (MPA). The creation of the MPA marked consolidation of various maritime and port services under a single authority. However, the newly formed PSA Corporation was responsible for managing the terminal operations and other commercial activities. The MPA took on several crucial responsibilities to discharge Singapore’s obligations as both a flag state and port state.

The Maritime and Port Authority of Singapore (MPA) was established as a statutory body under the Maritime and Port Authority Singapore Act. Its primary role is to represent Singapore in international sea transport, marine, and port matters while also serving as an advisor to the government on maritime-related issues (MPA Singapore, 2021). It ensures compliance with conventions established by the International Maritime Organization (IMO) and other international agreements to which Singapore is a party. This involves enforcing regulations, conducting inspections, and providing guidance to the maritime stakeholders. Beyond its regulatory functions, the MPA plays a multifaceted role in Singapore’s maritime ecosystem. It issues licenses to operators, overseeing and regulating their activities to maintain high standards and safety. The authority manages Singapore’s merchant fleet, promoting its growth and competitiveness in the global market. The MPA also focuses on protecting the marine environment, ensuring navigational safety, and addressing maritime security concerns. Collaboration is central to the MPA’s work. The authority works closely with various agencies and partners to develop and promote efficient logistics processes, thus enhancing Singapore’s position as a key logistics hub. Additionally, the MPA actively represents Singapore’s maritime interests on the international stage, participating in global maritime discussions and negotiations. Through its range of functions, the MPA plays a vital role in advancing Singapore’s maritime industry, ensuring its competitiveness, and safeguarding its maritime interests. The establishment of this unified authority has resulted in more streamlined maritime operations, improved regulatory oversight, and coordinated efforts to drive the growth and development of Singapore’s maritime sector.

The MPA operates under the sea transport division of the Ministry of Transport (MOT), and major policy decisions are typically made in consultation with key stakeholders in the maritime community. The MPA’s governance is entrusted to a Board of Directors appointed by the minister for a three-year term. This board comprises individuals from both the public sector and industry, and plays a crucial role in overseeing the strategic direction and decision-making of the organization. The board is led by a chairman and includes the Chief Executive along with representatives from various sectors. These representatives include the Office of the Prime Minister, the Ministry of Transport, national security, the Navy, information technology, investments, insurance, offshore operations, shipowner and shipping operations, and the national maritime union. This diverse composition ensures a well-rounded perspective on managing the affairs of the MPA.
Reporting to the Board of Directors is a Senior Management team consisting of approximately 25 members. This team assumes responsibility for the day-to-day operations of the organization and reports on key matters to the board. At the helm of the MPA is the Chief Executive, who holds overall accountability for overseeing the organization’s activities. As depicted in figure 5.3, the Chief Executive, along with the four Assistant Chief Executives, oversees specific areas, such as engineering and project management, shipping, port systems, human resources, information technology, legal affairs, hydrographic operations, the International Maritime Centre, and strategy and policy. This well-structured leadership structure ensures effective coordination and management across a wide range of functions within the MPA. The MPA’s organizational structure reflects its mandate and the need for expertise from various sectors involving representatives from both the public and private sectors, as well as incorporating specialized knowledge from different domains, which can effectively address diverse challenges and opportunities in the maritime industry and fulfill its role as Singapore’s representative in international maritime affairs and as a trusted advisor to the government on matters related to the maritime sector.

Figure 5.3: MPA Singapore organizational chart
Source: MPA Singapore (2022)

5.2.3 An implementation infrastructure

Singapore’s national strategy for implementing IMO instruments reflects its approach to uphold international maritime rules, regulations, and standards. The Maritime and Port Authority (MPA) plays a key role in ensuring Singapore’s
compliance with these obligations and serves as the primary representative of the country at the IMO. As illustrated in figure 5.4, the strategic principles of the process, performance, partnership, and people guide Singapore’s implementation efforts and provide a governance framework. The principle of the process highlights the importance of establishing and maintaining a systematic approach to implementing the relevant IMO instruments. This involves a coordinated effort that encompasses various aspects, including legislative procedures, inter-agency and inter-ministry coordination, and establishment of targeted structures to facilitate efficient operations. By following a well-defined process, Singapore ensures consistency and effectiveness in the implementation of its IMO requirements.

The principle of performance emphasizes the need for continuous monitoring and review of implementation activities. Singapore places great importance on tracking key performance indicators related to flag state and port state control. This allows authorities to assess compliance levels and ensure that recognized organizations meet the required performance standards. Singapore’s decision-making is guided by data gathering and analysis to enhance its implementation. The Annual Marine Services Survey serves as a valuable evaluation mechanism, providing insights into performance and identifying areas for improvement.

Figure 5.4: Singapore’s strategy for implementation of IMO instruments
Source: MPA Singapore (2022)

Singapore employs this evaluation mechanism to assess the performance of its maritime services and identify areas for improvement. Conducted annually, the survey collects data and feedback from various stakeholders involved in maritime services, including shipowners, ship managers, shipping agents, and maritime
service providers. It covers a wide range of aspects related to the delivery of maritime services such as efficiency, reliability, professionalism, and customer satisfaction. The objective of the Annual Marine Services Survey is twofold: it allows Singapore to monitor and evaluate the performance of its maritime services against established benchmarks and key performance indicators, and also serves as a platform for stakeholders to provide feedback and voice their opinions regarding the quality of maritime services in Singapore. In addition to process and performance, Singapore recognizes the significance of partnerships in achieving effective implementation. Collaborative efforts with international organizations, industry stakeholders, and other countries are crucial for exchanging knowledge, best practices, and technical expertise. Singapore strengthened its capacity to meet international obligations through partnerships and contributed to the collective advancement of its maritime governance. The fourth principle acknowledges the critical role of human capital in successful implementation. Singapore emphasizes developing a skilled workforce, nurturing talent, and promoting professional growth throughout the maritime sector. Through training programs, educational initiatives, and industry collaboration, Singapore ensures that its maritime professionals within and outside Singapore are equipped with the necessary knowledge and skills to fulfill their responsibilities.

Singapore’s strategy for implementing international maritime regulations is founded on the principles of partnership and capacity building. The country prioritizes stakeholder engagement in the maritime industry and fosters collaboration to achieve effective implementation. To facilitate dialogue and collaboration, Singapore organizes the Singapore Ship Registry (SRS) Forum annually. This forum serves as a platform for shipowners, shipping associations, classification societies, ship managers, operators, training institutions, charterers, academics, and unions to come together. Participants discussed emerging regulations, shared insights and experiences, and addressed existing challenges in the maritime industry. This inclusive approach ensures that diverse perspectives are considered and that industry stakeholders actively contribute to the regulatory framework. In addition to partnerships, Singapore places significant emphasis on capacity building in the maritime sector. The country supports the training and development of personnel through financial assistance, and other means. This investment in skills and knowledge aims to enhance the competency and professionalism of individuals working in an industry. Singapore has also adopted a tailored recruitment process to attract and engage qualified personnel. The state actively participates in regional and international fora to foster expertise and knowledge exchanges. By engaging in these platforms, the country stays abreast of the latest developments in the maritime industry and contributes to the formulation of international regulations and standards. This overarching strategy permeates Singapore’s activities and processes for implementing international maritime regulations. The country employs three
major procedures within its system: the promulgation of national laws, coordination of administrative functions, and monitoring and enforcement of existing laws and policies. The promulgation of national laws involves enactment of legislation that aligns with international maritime regulations. Singapore ensures that its legal framework reflects the requirements set forth by international bodies such as the IMO. Through the coordination of administrative functions, the country streamlines processes and facilitates efficient implementation. This coordination involves collaboration among various government agencies, industry stakeholders, and international partners to facilitate compliance with international maritime regulations.

**Promulgation of national laws**

After gaining independence in 1965, Singapore adopted a parliamentary, democratic governance system. As a former British colony, the country inherited the English common law tradition. Singapore’s governance is guided by a written constitution that upholds the principle of the separation of powers, requiring the legislature, executive, and judiciary to operate within their respective domains. While Singapore’s Constitution does not explicitly address international law obligations, it does not automatically create international rights and obligations in the domestic context. For international laws to be enforceable domestically, they must be transposed into domestic law through legislation. This approach is known as dualism, and Singapore follows this method, requiring the introduction of national legislation as the first step toward implementing international laws. Given the significant scale and importance of Singapore’s maritime industry, the country has developed a sophisticated maritime legal framework. Singapore has enacted specific laws to fulfill its obligations under maritime and shipping-related conventions and treaties. The promulgation of national laws in Singapore is the responsibility of the legislature, which involves the drafting of laws by the Attorney General’s Chambers. In the context of maritime laws, Singapore has adopted a diversified approach to the promulgation of national legislation. Section 100 of the Merchant Shipping Act grants the Maritime and Port Authority (MPA) statutory-delegated authority to create regulations with the approval of the minister.

To facilitate the drafting of implementing legislation, a team of legislative drafters, comprising personnel from both the Attorney General’s Chambers and the MPA, collaboratively work on subsidiary regulations. Once drafted, the regulations are submitted to the MPA Board of Directors for approval. After receiving approval from the Board, the regulations are presented to the Minister of Transport for endorsement, as outlined in the Merchant Shipping Act. This streamlined process
enables Singapore to effectively introduce legislation to give effect to the relevant IMO instruments to which it is a party. Singapore’s legal framework for maritime matters operates within the country’s broader governance system, and the enhanced involvement of the MPA and the collaborative drafting process contributes to the effectiveness of introducing implementing legislation for the relevant IMO instruments.

Figure 5.5: Singapore’s national implementing statutes
Source: MPA Singapore (2022)

Singapore ratified more than 30 IMO instruments, including mandatory instruments covered by the IMO III Code. These instruments, aimed at ensuring the safety, security, and environmental sustainability of the maritime industry, were incorporated into Singapore’s legal framework through a series of key local statutes and subsidiary regulations. Figure 5.5 provides an overview of the seven key statutes that serve as the foundation for implementing these IMO instruments in Singapore. These statutes play a crucial role in defining the rights, obligations, and regulatory frameworks of maritime activities within the country. The first key statute is the Merchant Shipping Act, which serves as a legislative framework that governs various aspects of shipping and maritime operations. It covers areas such as vessel registration, safety standards, crew requirements, pollution prevention and liability provisions. The second statute, the Maritime and Port Authority of Singapore Act, establishes the Maritime and Port Authority (MPA) as a statutory body responsible for regulating and overseeing maritime and port operations in Singapore. The MPA plays a pivotal role in ensuring compliance with the IMO regulations and facilitating the smooth functioning of Singapore’s maritime
industry. The third statute, the Maritime Offences Act, addressed offenses related to maritime safety, security, and environmental protection. It sets out a legal framework for prosecuting and penalizing individuals or entities involved in illegal activities within Singapore’s maritime domain. The fourth statute, the Prevention of Pollution of the Sea Act, focuses on preventing marine pollution from ships. This aligns with international conventions such as the International Convention for the Prevention of Pollution from Ships (MARPOL) and imposes strict regulations on the discharge of pollutants into the marine environment. The Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act, the fifth statute, specifically focuses on civil liability and compensation for oil pollution incidents. This legislation establishes the legal framework for addressing oil pollution caused by maritime activities. It holds that shipowners and operators are accountable for any damage or pollution resulting from oil spills and ensures that appropriate compensation is provided to the affected parties. The sixth statute, the Merchant Shipping (Maritime Labour Convention) Act, serves as the implementation mechanism for the Maritime Labour Convention (MLC). This act is designed to protect the rights and welfare of seafarers by setting internationally recognized standards for working conditions, employment rights, and social security. It ensures that seafarers are provided with fair and equitable treatment, access to medical care, decent living conditions, and other essential rights and benefits. Lastly, the Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act, as the seventh statute, focuses on the removal of wrecks and the prevention of navigation hazards caused by sunken or stranded vessels. This act places responsibility on shipowners to remove wrecks, maintain navigational safety, and protect the marine environment promptly and effectively. It establishes procedures and regulations for wreck removal, ensuring that the potential risks to maritime navigation and the marine ecosystem are mitigated. By holding shipowners accountable for the removal of wrecks, this act contributes to maintaining the safety and sustainability of Singapore’s waters and the surrounding areas. In addition to these key statutes, Singapore enacts subsidiary regulations that provide further details and specific requirements for implementing IMO instruments. The legal framework established through these key statutes and subsidiary regulations forms the basis of Singapore’s adherence to international maritime obligations.

**Coordinating administrative functions**

In accordance with Part 2 of the IMO III Code, flag states, in addition to enacting national legislation and policies, are required to assign specific responsibilities within their administrations to update and revise relevant policies, establish and maintain an audit and inspection program for maritime education and training, develop guidance, and conduct casualty investigations (IMO Res. A.1078(28), 2013). These activities are carried out by a dedicated internal body at the Maritime and Port Authority (MPA) of Singapore, known as the IMO Issues Coordination
Committee (IICC). The IICC consists of senior management and subject matter experts from various departments within the MPA. This committee convenes regularly to discuss the latest developments at the IMO and to ensure that Singapore effectively implements the relevant IMO regulations and any amendments that may arise. The responsibilities assigned within the administration, as guided by the IMO III Code, serve as a framework for Singapore’s proactive approach to maritime governance. Through the IICC, the MPA ensures that relevant policies are kept up-to-date, maritime education and training programs are audited and inspected, guidance materials are developed to support industry stakeholders, and thorough investigations are conducted in the event of maritime casualties. This approach helps Singapore maintain compliance with the IMO regulations and contributes to the safety, efficiency, and sustainability of its maritime industry. The continuous dialogue and coordination facilitated by the IICC enabled Singapore to adapt and enhance its maritime policies and practices in response to evolving global requirements.

The IICC plays a pivotal role in the established network infrastructure for implementation at the Maritime and Port Authority (MPA) of Singapore. This network includes representatives from various line divisions, each with distinct responsibilities (Figure 5.6). The Shipping Division and the Operations and Marine Services Division of the MPA are entrusted with managing the matters of the IMO’s Maritime Safety Committee (MSC) and Marine Environment Protection Committee (MEPC) respectively, along with their respective sub-committees and working groups. The Shipping Division focuses on policy development in consultation with legal and industrial stakeholders. It assumes a primary role in enforcing regulations through flag state and port state controls. Additionally, this division is responsible for communicating information to the IMO through the Global Integrated Shipping Information System (GISIS). On the other hand, the Operations and Marine Services Division is responsible for overseeing Singapore’s vessel traffic system (VTS). They provided expertise and advice on international rules and decisions regarding navigational safety. Within this division, the Hydrographic Division specifically deals with navigational information, particularly aids in navigation. Their role is vital in ensuring the accuracy and reliability of navigational aids for a safe passage.

The Operations Technology Division monitors issues discussed by the IMO’s Facilitation (FAL) Committee and its initiatives, such as the maritime single window. This division focuses on leveraging technology and streamlining processes to enhance efficiency and facilitate seamless maritime operation. The Legal Division monitors matters discussed by the IMO’s Legal Committee. Collaborating with the Ministry of Transport and the Attorney General’s Chambers, they work towards developing local legislation for the international conventions that Singapore has ratified. This collaborative effort ensures that international obligations are effectively transposed into domestic law, thus enabling Singapore to meet its
commitments under these conventions. Through the coordinated efforts of these divisions and their engagement with the relevant IMO committees, Singapore’s implementation framework remains comprehensive. The IICC serves as the central coordination point, ensuring effective communication, information sharing, and alignment of Singapore’s policies and practices with international maritime standards.

Figure 5.6: MPA’s implementation network
Source: MPA Singapore (2022)

Under the purview of the Maritime and Port Authority (MPA), the MPA Academy plays a pivotal role in managing Singapore’s technical assistance and capacity-building programs. These programmes aim to support the implementation of IMO instruments not only in Singapore, but also in other IMO Member States. Through these initiatives, Singapore actively contributes to global development and enhancement of maritime capabilities. Singapore’s responsibilities as an IMO Council member are overseen by the MPA’s International Division, which operates through a permanent liaison office in London. This division closely monitors administrative matters at the IMO, including the organization’s long-term strategic plan, biennial work plans, and budget. By actively participating in these discussions and decision-making processes, Singapore ensures that its interests and priorities are represented internationally.
The coordinated efforts of the various divisions within the MPA converge at the IICC. The outcomes and decisions made within the IICC are then effectively executed at the IMO by Singapore’s representatives, who work under the supervision of the International Division. In addition to its internal implementation infrastructure, Singapore also engages recognized organizations to support its role as a flag state. These recognized organizations assist in carrying out essential functions related to ship inspections and certifications. To ensure competence and reliability, a verification and auditing process was conducted, as illustrated in figure 5.7. This process includes rigorous checks, such as character and fit and proper assessments, criminal record verifications, verification of membership in international organizations, and the assessment of quality management systems. The ongoing monitoring of recognized organizations involves field oversight of inspections, review of reports, and periodic meetings. These activities were conducted in accordance with the IMO Code for Recognized Organizations, formal agreements between the MPA and the respective recognized organizations, and national legislation, specifically the Merchant Shipping Regulations on Authorized Organizations and Survey of Singapore Ships. Singapore prioritizes compliance and safety in its maritime activities by establishing mechanisms for engagement with recognized organizations and ensuring effective oversight. Through technical assistance, capacity building programs, and active participation at the international level, Singapore has demonstrated a commitment to promoting effective maritime governance.

**Figure 5.7: Singapore’s RO engagement framework**
Source: MPA Singapore (2022)
Monitoring and Enforcement of national laws

Similar to its approach in promulgating national legislation and coordinating administrative functions, Singapore has adopted a collaborative strategy for monitoring and enforcement in the maritime domain. This involves the concerted efforts of multiple agencies, including the Maritime and Port Authority (MPA), the Singapore Navy, and the Singapore Police Coast Guard. As a central coordinating body, the MPA plays a crucial role in monitoring and enforcing maritime regulation. Working in tandem with the Singapore Navy and the Singapore Police Coast Guard, the MPA ensures the effective oversight of maritime activities within Singapore’s jurisdiction. These agencies work together to enforce laws and regulations, conduct inspections, and respond to maritime incidents.

Under the authority granted by the Merchant Shipping Act, the Director of Marine assumed direct responsibility for enforcement oversight. This includes the power to delegate inspections, enforce detentions, and cancel or exemption certificates when necessary. To enhance maritime security, Singapore has established the Maritime Crisis Centre, which operates as a ‘Whole-of-Government’ initiative. This initiative brings together key agencies such as the MPA, Singapore Navy, Singapore Police Coast Guard, Immigration and Checkpoints Authority, Singapore Civil Defence Force, and Singapore Customs. On a regional scale, Singapore actively participates in port state control initiatives, particularly under the Tokyo Memorandum of Understanding (MOU). Working closely with the IMO as well as neighbouring countries such as Indonesia and Malaysia, Singapore coordinates the protection of the Straits of Malacca and Singapore. These collaborative efforts aimed to preserve the safety and security of international shipping in the region. Singapore’s approach to monitoring and enforcement reflects its commitment to maritime safety, security, and environmental preservation. Through effective coordination, information sharing, and regional partnerships, Singapore has played an active role in upholding international standards and fostering a conducive maritime environment for global trade and commerce.

5.3 Case II: Kenya

The Republic of Kenya, situated in Eastern Africa, has the largest and most advanced economy in the East and Central African region. With a population of approximately 54 million, Kenya serves as a pivotal production and distribution hub for Africa, Europe, the Middle East, South Asia, and various islands of the Indian Ocean. Kenya’s strategic location along one of the world’s busiest international shipping routes has contributed to its vibrant shipping industry. The country enjoys significant maritime activity owing to its proximity to major trade routes and ports.
This favourable position enables Kenya to facilitate efficient trade and transportation links, fostering economic growth and regional connectivity. As a participant in the international community, Kenya is a member of prominent global organizations such as the United Nations, the African Union (formerly the Organization of African Unity), and the Commonwealth of Nations. Kenya joined the IMO in 1973 to recognize its maritime interests and commitment to maritime safety and governance. Its strategic location and active participation in international organizations highlight its significant role in regional and global maritime affairs. The country’s commitment to the principles and objectives of the IMO reflects its pursuit of a thriving and sustainable maritime industry that benefits both Kenya and the broader international community.

5.3.1 Kenya’s maritime profile

The emergence of Kenya as a maritime nation can be traced back to the late 19th century when the construction of the Kenya-Uganda Railway prompted the establishment of a port to support the transportation of goods and materials in the region. In 1890, the first jetty was constructed in Kilindini, which eventually evolved into the renowned Port of Mombasa. The Kenya-Uganda Railway, a significant colonial-era infrastructure project, played a pivotal role in shaping Kenya’s maritime development. The need for efficient transportation of resources and commodities led to the establishment of ports, laying the foundation for Kenya’s maritime activities and trade (Kenya Ports Authority, 2020). With a vast coastline spanning more than 600 km, stretching from Tanzania in the south to Somalia in the north, Kenya has long been a prominent player in maritime affairs. Its strategic geographical position along the Indian Ocean has made it a vital maritime gateway for East Africa and a crucial link in global trade. Kenya’s primary seaport, Port of Mombasa, has become a hub for regional and international trade. It facilitates the movement of goods, supports economic activities, and connects Kenya with various global markets. Kenya’s extensive coastline not only provides access to the sea, but also encompasses diverse marine ecosystems and resources. The country recognizes the importance of sustainable marine management and is actively engaged in marine conservation and the protection of its maritime environment. As a result of its historical development and strategic location, Kenya continues to play a significant role in maritime affairs, both regionally and globally (Kenya Maritime Authority, 2020). The country’s maritime industry contributes to national economic growth, is a vital link in international trade networks, and ensures its continued presence as a key maritime player in and beyond East Africa.
The Port of Mombasa is vital in facilitating international trade for neighbouring landlocked countries, including Uganda, South Sudan, Rwanda, Ethiopia, the Democratic Republic of Congo, Burundi, and Somalia. These countries rely heavily on ports as gateways for their imports and exports, utilizing their efficient logistics and connectivity (Kenya Maritime Authority, 2020). An analysis of container throughput from 2009 to 2020, depicted in figure 5.8, demonstrated a consistent upward trend until 2019, followed by a slight decline in 2020. This trend reflects the port’s significant contribution to Kenya’s trade activities and its ability to handle increasing volumes of containerized goods. Kenya’s maritime influence extends beyond the Port of Mombasa. The country is home to various inland water bodies that have historically been used for regional trade and transportation. Notable examples include Lake Victoria, Lake Turkana, smaller bodies within the Rift Valley and coastal waterways. These water bodies provide additional avenues for trade and serve as important transportation corridors (Kenya Maritime Authority, 2020). In the past, maritime affairs were primarily overseen by the Ministry of Transport and Communications, with the Kenya Ports Authority (KPA) assuming responsibility for managing most maritime matters. The KPA administered the Merchant Shipping Act through a dedicated Merchant Shipping Department within its organizational structure, while the Ministry of Transport and Communications handled maritime policies, investments, regulatory issues, and communication with the IMO, requiring approval from the Ministry for various maritime-related matters.

To enhance the efficiency and effectiveness of maritime governance, the Government of Kenya decided in 2004 to establish the Kenya Maritime Authority (KMA). The primary objective was to transfer the responsibilities related to shipping concerns from the Merchant Shipping Department of the Kenya Ports
Authority to an independent governmental authority. This move aimed to consolidate and streamline maritime oversight, ensuring a dedicated and specialized institution focused on the development, regulation, and promotion of the maritime sector (Kenya Maritime Authority, 2021). Through the establishment of the Kenya Maritime Authority, the government reaffirmed its commitment to maritime development and recognized the importance of having a dedicated agency to effectively address the evolving challenges and opportunities within the maritime industry. The KMA now plays a key role in overseeing and regulating various aspects of Kenya’s maritime sector, fostering growth and ensuring compliance with international standards and best practices.

5.3.2 A ministerial approach to maritime management

Kenya’s maritime affairs management primarily falls under the jurisdiction of the Ministry of Mining, Blue Economy, and Maritime Affairs, which holds advisory, coordination, and supervisory roles. To carry out these responsibilities effectively, the Kenya Maritime Authority (KMA) was established in 2006, marking a significant milestone in the country’s maritime history. The KMA operates under the regulatory framework provided by the Kenya Maritime Authority Act, with a focus on enhancing safety, security, and implementation of international maritime conventions and related instruments (Kenya Maritime Authority, 2021). As a statutory body, the KMA reports directly to the State Department for Shipping and Maritime Affairs, which operates under the Ministry of Mining, Blue Economy, and Maritime Affairs (State Department for Shipping and Maritime Affairs, 2022). The KMA’s mandate includes administering and enforcing the Merchant Shipping Act as well as overseeing other international maritime treaties and agreements that Kenya has ratified. Additionally, the KMA plays an advisory role in the development of legislation and is responsible for the management and administration of the national ship register. The KMA assumes crucial responsibilities in flag state and port state control, maritime search and rescue operations, ensuring the safety of shipping activities, overseeing maritime education and training, and conducting investigations into maritime casualties (Section 8, KMA Act, 2012). These functions contributed to the overall regulation and governance of Kenya’s maritime sector. The governance of the KMA is carried out by a Board of Directors, which includes the Chairman serving a three-year term and five independent directors. The Principal Secretary for the State Department for Shipping and Maritime, the Cabinet Secretary for National Treasury and Planning, and the Attorney General also hold positions on the Board. Leading the organization is the Director-General, who not only heads the KMA but also sits on the Board of Directors, ensuring effective coordination and decision-making (Kenya Maritime Authority, 2021).
The organizational structure of the Kenya Maritime Authority (KMA) is illustrated in figure 5.9, highlighting the oversight of the Director General and the five core line divisions known as Directorates. These Directorates are responsible for specific areas within the maritime sector and operate under the supervision of the State Department for Shipping and Maritime Affairs. The five divisions include the Maritime Safety Directorate which focuses on ensuring safety and security in maritime operations, implementing regulatory measures, and conducting inspections to enforce compliance with international maritime safety standards; the Maritime Education, Training, and Labour Directorate, which is responsible for
overseeing maritime education and training programs, ensuring the availability of skilled workforce in the maritime sector, and safeguarding the rights and welfare of seafarers; the Maritime Trade and Development Directorate tasked with promoting and developing the maritime and shipping industry in Kenya, attracting investments, facilitating trade, and exploring opportunities for economic growth in the maritime sector; the Corporate Secretarial and Legal Services Directorate: Handles corporate governance matters, provides legal advice and support, and ensures compliance with legal and regulatory requirements within the KMA; and the Corporate Services and Regional Administration Directorate, which manages administrative functions, including human resources, finance, procurement, and general administrative support. This division also oversees regional administration matters related to KMA operations. Prior to 2004, the Ministry held the primary responsibility for policy-related functions concerning maritime and shipping affairs. However, with the establishment of the State Department for Shipping and Maritime Affairs, these policy-related functions were transferred. Figure 5.10 provides an overview of the areas of responsibility assigned to the State Department, showcasing its role in promoting and governing the maritime and shipping industry in Kenya.

![Figure 5.10: Overview of the State Department of Shipping and Maritime Affairs](source)

The State Department for Shipping and Maritime Affairs in Kenya assumes crucial responsibilities in three key domains: maritime administration, inland water development, and commercial services. These areas are effectively managed
through coordination and collaboration with various inter-agency stakeholders. Under the umbrella of maritime administration, the department focuses on diverse aspects, such as information management, enhancing human resource capacity, promoting Kenya’s blue economy, and fulfilling the state’s international obligations pertaining to maritime instruments. This entails providing guidance and strategic directions for the formulation and adoption of international maritime conventions. In addition, the department plays a pivotal role in developing, reviewing, and updating laws, regulations, and other legal frameworks related to both international and domestic shipping. A key function is to monitor and evaluate policy implementation following the establishment of national regulations to ensure compliance with international standards. The State Department for Shipping and Maritime Affairs is also actively involved in the development and utilization of inland water within the country. This includes an exploration of the potential of Kenya’s inland water bodies for transportation, trade, and economic development. The department engages in initiatives aimed at harnessing the economic potential of lakes, rivers, and other water resources; fostering sustainable use and management practices; and promoting connectivity between maritime and inland transport networks. As it relates to maritime commercial services, the department facilitates Kenya’s maritime industry growth and prosperity by providing support and services. This involves promoting trade facilitation, encouraging investment in the maritime sector, and fostering partnerships between domestic and international stakeholders. The department actively engages industry players, regulatory bodies, and relevant agencies to create an enabling environment for maritime businesses, stimulate economic growth, and enhance the competitiveness of Kenya’s maritime services.

5.3.3 A tiered approach to implementation

Promulgation of national legislation

Kenya’s legal system is a composite of English common law, tribal law, and Islamic law, which form the basis of its legal framework. In the maritime context, national legislation plays a role in upholding international standards of safety, security, and environmental conservation within the maritime industry (Kenya Maritime Authority, 2022). The State Department for Shipping and Maritime Affairs is responsible for incorporating international maritime instruments into Kenya’s national legislative framework. The Constitution of Kenya, enacted in 2010, explicitly outlines the relationship between international and national law within the country. While Kenya follows the English common law system and employs a dualistic approach to implement international conventions, constitutional amendments have integrated international law as an integral component of Kenya’s legal system. As per the Constitution, any treaty or convention ratified by the state
becomes an integral part of Kenya’s law (Article 2(5),(6), Constitution of Kenya, 2010).

Under the framework of the Merchant Shipping Act of Kenya, the authority to establish regulations lies with the Minister. Thus, the process of implementing national legislation involves the drafting of regulations by the Attorney General’s Chambers in consultation with the State Department for Shipping and Maritime Affairs. Similar to Singapore, Kenya ratified over 30 International Maritime Organization (IMO) instruments (IMO, 2023), including mandatory instruments. Approximately 20 of these instruments were effectively incorporated into the Merchant Shipping Act and its associated regulations. Additionally, during the period of this study, several draft implementing legislations were undergoing the parliamentary process. These encompassed the Merchant Shipping (Load Lines) Regulations 2022, Merchant Shipping (Recognized Organizations) Regulations 2022, Merchant Shipping (Tonnage Measurements) Regulations 2022, and Merchant Shipping (Maritime Labour) Regulations 2022. Through the interplay of national legislation, international conventions, and constitutional amendments, Kenya has established mechanisms to ensure adherence to international maritime standards and strengthen maritime governance.

**Administrative mechanisms**

Once national legislation is introduced at a higher tier through the State Department for Shipping and Maritime Affairs, the implementation process moves to the next tier, where administrative mechanisms are coordinated by the Kenya Maritime Authority (KMA). Within the KMA, a significant portion of the administrative functions is carried out by the Maritime Safety Directorate. The Maritime Safety Directorate oversees and administers the various aspects of maritime safety and security. One of its key responsibilities is the formulation and implementation of policies aimed at protecting marine environments. This involves developing and enforcing regulations to prevent pollution and ensure sustainable practices within the maritime industry. In addition, the directorate is responsible for coordinating and managing maritime search and rescue operations, establishing protocols and procedures for responding to distress signals, and coordinating efforts among relevant stakeholders to ensure swift and effective rescue operations within Kenya’s maritime jurisdiction. Another important function of the Maritime Safety Directorate is the administration of ship registration, inspections, and survey activities. This includes the registration of ships under the national flag, conducting regular inspections to verify compliance with international standards and regulations, and conducting surveys to assess the seaworthiness and safety of vessels operating within Kenyan waters. Ensuring navigation safety is also a crucial aspect of the directorate’s purview. This involves monitoring and regulating navigational aids such as lighthouses and buoys to facilitate safe passage for ships.
and prevent maritime accidents. The directorate collaborates with stakeholders to develop and enforce regulations that promote navigational safety and mitigate potential hazards.

In addition to safety-related responsibilities, the Maritime Safety Directorate is involved in the investigation of maritime incidents. This includes conducting thorough investigations to determine the causes and contributing factors of incidents with the aim of improving safety practices and preventing similar occurrences in the future.

**Enforcement**

Enforcement of maritime regulations in Kenya is a shared responsibility among various entities. The state engages recognized organizations in executing implementation activities. These organizations assist with inspections, surveys, and other enforcement-related tasks. To enhance oversight and ensure the proper functioning of recognized organizations, the state introduced an oversight program in 2018. The establishment of this oversight program is part of the Draft Merchant Shipping (Recognized Organizations) Regulations 2022. It involves the appointment of a dedicated team of individuals responsible for monitoring and supervising the work of recognized organizations.

The primary responsibility for enforcing maritime regulations lies with the Kenya Maritime Authority (KMA), which is done in collaboration with the Kenya Ports Authority (KPA) and Kenya Navy. These entities work together to ensure compliance with maritime laws and regulations, safeguard the interests of the maritime industry, and promote maritime safety and security. Depending on the specific nature and scope of the matter, additional parties may be engaged to assist in enforcement activities. Kenya participates in port state control activities to monitor foreign-flagged vessels visiting its ports and maintains a focus on maritime security to counter threats, such as piracy, terrorism, and smuggling, in coordination with the Kenya Navy.

**5.4 Chapter summary**

This chapter examined the implementation mechanisms employed by Singapore and Kenya as case studies. These two countries were chosen to shed light on the unique features of their respective approaches to implementing international maritime regulation. This chapter explores the specific implementation strategies and structures adopted by Singapore and Kenya. Singapore’s collaborative approach, in which the Maritime and Port Authority (MPA) plays a pivotal role in managing technical assistance, capacity-building programs, and coordination with
international bodies, such as other industry stakeholders, was discussed. Singapore’s engagement with recognized organizations for flag state duties and coordination among different agencies for monitoring and enforcement activities was also examined. As it relates to Kenya, the historical development of its maritime sector was explored, identifying the significance of the Port of Mombasa as a trade facilitator for neighbouring landlocked countries and the role of the Kenya Maritime Authority (KMA) in overseeing maritime affairs. The role of the State Department for Shipping and Maritime Affairs and its coordination with the KMA to implement international maritime instruments and develop national legislation.

The legal systems of both countries and incorporation of international law into their national frameworks were also examined. Singapore’s adoption of English common law and its delegation of regulatory authority to the Maritime and Port Authority with the approval of the Minister was contrasted with Kenya’s legal system based on English common law, tribal law, Islamic law, and its fairly recently amended constitutional provisions that make international treaties and conventions a part of the law of the land.

The information collected from these case studies, along with other relevant data, was analyzed and coded. The results of this analysis are presented in the following chapter, offering insights into the effectiveness, challenges, and success of the implementation mechanisms employed by Singapore and Kenya. By examining these findings, a deeper understanding of the approaches taken by each country can be gained to draw valuable lessons for enhancing the implementation practices in the maritime sector.
6 Research Findings

6.1 Chapter overview

This chapter outlines the research findings based on data collected from the survey, interviews, and observations. The results of the survey questionnaire have been outlined, giving a detailed account of the responses received from 48 respondents from the sample population of 16 IMO Member States. The survey responses provided quantitative data that complemented the qualitative insights obtained from the interviews. This survey aimed to gather a broader perspective by reaching a larger sample size. The analysis of the survey data identified noteworthy trends and patterns presented in this chapter.

As outlined in Chapter 3, 20 interviews were conducted with members of the maritime administration of IMO Member States, members from IMO Secretariat and Committees, and members from industry, specifically shipowners and classification societies. The interviews conducted with the participants yielded valuable insights into their experiences and perceptions regarding maritime governance and the implementation of IMO instruments. The analysis of the interview data revealed several key themes, which are presented and discussed in Chapter 7.

The findings from the observations of the four IMO meetings are also presented in this chapter. The non-participant observations involved systematically observing teams in their natural work settings, without direct participation. These observations allowed for an objective assessment of meeting and negotiation dynamics, communication patterns, and problem-solving approaches among the IMO Member States and other stakeholders. This chapter presents the foundation for the analysis and discussion that ensue in the following chapter.

6.2 Findings from survey

As outlined in Chapter 3, a survey was developed in the form of an online questionnaire and distributed via email to the maritime administration offices of eighteen (18) IMO Member States, with a desired response rate of three respondents
per Member State. Of the intended 54 responses, 49 were received. Of these, one (1) response was ineligible as the respondent was not from the selected sample. Despite follow up, responses were not received from two (2) Member States in the target population. The selected sample consisted of an equal number of Member States from each of the UNCTAD country classifications: nine (9) developed and nine (9) developing. The final survey responses amounted to 48: 21 from Member States within the developed classification represented 43.75% of the total responses, and 27 from Member States within the developing classification, representing 56.25% of the total responses.

The final representation of the survey findings is shown in Figure 6.1. This depiction served the purpose of offering a general overview of the geographical and demographic representation of the responses received. The survey inquiries focused on maritime administration and the challenges experienced in implementing IMO instruments. Questions were asked about the appointment of the head of the administration, implementation practices, challenges affecting the implementation of IMO instruments, enforcement, and recommendations to improve state party implementation.

![Figure 6.1: Survey responses by country classification within target population](Source: Author)

### 6.2.1 Leadership of the national maritime administration

Respondents were asked to indicate whether the head of the maritime administration fell into one of the following categories: (1) political appointee, a person who is appointed to a position under the power of appointment by an authority figure, such as a Minister, and is usually accountable to the appointing political party; (2) a civil servant, being employed within the public sector by a government department or agency, recruited according to employment policies, and
accountable to the state; or (3) to state any other type of appointment that exists within their jurisdiction. Member States were also asked to indicate whether appointees or employees were replaced when the government changed. Of the 48 responses, the majority 59% indicated that the head of the maritime administration was a civil servant, duly recruited, and usually not replaced when the government changed. However, a close second majority (31%) stated that the position is held by a political appointee who is usually replaced when the government changes.

A total of 6% indicated that there was a political appointee who was usually not replaced when the government changed, and none of the respondents had a civil servant who was usually replaced when the government changed within their jurisdictions. Four percent of the responses indicated that they had other arrangements in place. One involved the head of the maritime administration being appointed by the President through a delegated Admiral appointed as secretary of the navy every new administration; and the other, being a 4-star Admiral appointed by the President, confirmed by the Senate, and serving a 4-year term.

6.2.2 Implementation practices

Member States have diverse practices and apply international standards according to the systems in place within their jurisdictions. Regarding the responsibility for implementation within the administration, one respondent stated that there is an officer within the organization hired to manage implementation specifically, four respondents each indicated that the responsibility rests with the Legal Counsel and the Chief Executive Officer/Head of the maritime administration, and a majority 34 respondents outlined that the responsibility for implementation is a shared function of different officers within the maritime administration. Five respondents stated that responsibility was allocated as follows:

Implementation is a shared responsibility that involves the Congress as the legislators, the maritime authority as the regulations overseer and the navy as the enforcer.

By an Act of Parliament.

Responsibility of the Minister in charge with recommendation and support from the Head of the Authority and Attorney General.

Some instruments are the responsibility of maritime authority and others rest with the portfolio department.

Department of Transport (domestication of conventions) and maritime administration (implementation).
Respondents were also asked to indicate which stakeholders are involved in the following implementing activities: (1) establishment of an action plan for the implementation of the conventions; (2) draft proposed new legislation or amendment to existing ones; (3) raise awareness about the conventions; (4) build capacity within government entities on matters addressed by the conventions; (5) provide or collect data and statistics for effective policy programming and evaluation of implementation; (6) build capacity of non-governmental entities that support implementation activities; and (7) provide input or feedback on implementing legislation through position papers or public consultation.

As shown in Figure 6.2, other government ministries/agencies play an integral role in supporting implementation activities managed by the maritime administration. It was also noted that in a considerable number of Member States, non-governmental organizations and maritime industry associations also contributed to implementation, particularly in raising awareness of the conventions, building capacity, and providing feedback on implementing legislation. Similar levels of involvement in these activities were evident in the responses of academia, private sector organizations, and unions. The involvement of regional associations, however, was most evident in capacity-building activities for government entities and non-governmental organizations.
6.2.3 Challenges affecting implementation of IMO instruments

Following the ratification of or accession to a convention, states are required to implement the convention within their national jurisdiction for it to take effect within their territories. In an effort to assist Member States in identifying and addressing problems associated with implementation, the IMO introduced the IMO Member State Audit Scheme (IMSAS). Audits outcomes are recorded and reported in a series of consolidated audit summary reports (CASRs) that identify the main recurrent findings, observations, and root causes associated with difficulties experienced by Member States. Member States were asked to rate the challenges most frequently identified in CASRs, from not challenging to very challenging. These challenges concerned availability of personnel to implement national
legislation, access to financial resources, availability of human resource capacity, and level of political interest for maritime affairs.

a) Challenge 1: Inadequate and insufficiently trained personnel to implement national legislation

Of the 48 responses, 10 (21%) indicated that there was no challenge in accessing adequately and sufficiently trained personnel to implement national legislation. The majority, 38 respondents or 79%, experienced differing levels of challenges. Eleven respondents (23%) found it slightly challenging, 19 (40%) found it somewhat challenging, and 8 respondents or 17% found it very challenging. None of the respondents found this extremely challenging. Figure 6.3 indicates the levels of challenge indicated by the respondents.

Upon further review of the responses by geographical region, it was noted that the majority of respondents from North America, Asia, and Europe either experienced no challenge or found it to be slightly challenging. Fewer respondents indicated that this was somewhat or extremely challenging. The majority of respondents from Africa found it slightly challenging and somewhat challenging. Oceania had a majority somewhat challenging with others finding it very challenging, and one respondent indicated it was not challenging. In Latin America and the Caribbean, all nine respondents found access to trained legal personnel to implement national legislation somewhat challenging. Overall, the majority of respondents from all regions found this somewhat challenging.


**b) Challenge 2: Lack of financial resources**

Member States faced two challenges related to financial resources. The first deals with adequate resources to support the operations of maritime administration, including property, capital development, and staffing. The other was related to implementation activities, which involved any specific obligations under existing, new, or amended conventions, such as the establishment of new infrastructure, contracting relevant expertise, and talent retention and capacity building. Figure 6.4 provides an overview of the responses. The majority 29.2% of respondents found access to financial resources for maritime administration somewhat challenging, and 37.5% of respondents found access to financial resources for implementation activities and administrative mechanisms challenging. Notably, 25% of the respondents found funding the maritime administration not challenging, while 27.1% of the respondents had no challenge funding implementation activities. A close to even number of respondents found access to financial resources slightly challenging: 11 relating to maritime administration, and 10 relating to implementation activities. It was also noted that a number of respondents (12 for maritime administration and six for implementation activities) found it very challenging to access financial resources.

![Figure 6.4: Lack of financial resources](source: Author)
c) **Challenge 3: Lack of or limited human resources (capacities and capabilities)**

As it relates to the challenge of human resource capacity and competence for implementation and enforcement, as shown in Figure 6.5, 42 respondents representing 87% found it challenging, whilst 6 respondents representing 13% experienced no challenge at all. Of the respondents experiencing challenges, 18 found it somewhat challenging, 15 found it slightly challenging, and six found it very challenging. Three respondents found this extremely challenging.

![Figure 6.5: Lack of human resource capacity and competence](source: Author)

It is also evident from the data that access to adequate human resource capacity and competence is a challenge across all regions. All the respondents from North America indicated that it was challenging and slightly challenging. An equal number of respondents from Europe found no challenges as well as varying levels of challenges. The majority of respondents from Asia found some challenges, with two respondents finding no challenge at all. Respondents from Africa indicated that it was slightly and somewhat challenging, while one respondent indicated that there was no challenge. All the respondents from Oceania, Latin America, and the Caribbean stated that this was a challenge at varying levels.
Another identified challenge was political interest among policymakers in maritime affairs. As shown in Figure 6.6, 2% of respondents found this extremely challenging and 10% found it very challenging, while 23% found it not challenging. The majority 33% of respondents found political interest slightly challenging, and 31% found it somewhat challenging. On reviewing the responses by country status, both developed and developing countries found this a challenge. The majority of developing countries have found it somewhat challenging to find it slightly and very challenging. Developed states found it largely slightly and somewhat challenging, with a considerable number of respondents (eleven) finding it unchallenging.

![Figure 6.6: Lack of political interest](Source: Author)

### 6.2.4 Recommendations to improve implementation of IMO instruments

Member States were also asked to provide recommendations for improving their implementation. Respondents were allowed to make multiple selections from a range of options, including regional monitoring of Member State implementation activities, imposing sanctions on non-performing Member States, compulsory reporting on all maritime activities undertaken by the Member State, reforming the current structure of the IMO, and fostering increased engagement of non-state actors. Respondents were also given the opportunity to offer recommendations that were not explicitly listed as options to capture a broader spectrum of ideas, enabling a more holistic consideration of potential improvements to implementation. As depicted in Figure 6.7, 38 respondents (37%) favoured greater or more regional monitoring of all maritime activities. Others (30 respondents or 29%) indicated that
mandatory reporting of all maritime activities would yield some improvement. There was also a common belief that greater involvement of non-state actors (23 respondents, or 3%) and increased capacity building (four respondents) would result in improvement in implementation. Others also supported the imposition of sanctions on non-performing states (16 respondents or 16%), a diversified state party approach to implementation (three respondents), reform of the IMO (five respondents or 5%), increased political will (two respondents), and a model for legislative drafting (one respondent). Respondents also proposed that the attraction of port state control officers and technical cooperation and coordination at the national and regional levels would bring about improvements to implementation.

![Figure 6.7: Recommendations for improvement of implementation](image)

Source: Author

6.3 Findings from interviews and non-participant observations

Semi-structured interviews were conducted with 20 individuals from IMO Member States, committees, and other maritime industry stakeholders. Interviewees were asked questions related to the conceptualization of maritime governance, the stakeholders involved, challenges affecting implementation of IMO instruments, the role of the IMO, and recommendations to improve implementation. The recorded interviews were transcribed using Otter.ai voice to text transcription software, and data in the transcribed transcripts was analysed using the ATLAS.ti qualitative data analysis software. Additional data was collected through non-participant observations of four IMO meetings as indicated in Chapter 3.
6.3.1 The concept of maritime governance

The interviewees were asked to share their understanding of maritime governance. The results revealed that most, if not all, participants believed that maritime governance was largely centred on the regulation of the maritime sector. There were 95 references to maritime governance. The words/terms used in connection with this concept were *overarching systems and structures, operating maritime activities, regulation, evolving mission*. Some participants had the following definitions.

I think it’s about the regulation of the shipping industry.

It’s not the governance for the sake of governance, it’s the governance for the sake of enabling the industry to serve the markets and in the country’s, in a safe, sustainable, environmentally friendly way.

It entails the systems, procedures, your structures, the entities that you have in place, the policies that you have in place, the laws to cover the activities of the sector.

It’s an evolving mission.

Some respondents recognized the far-reaching scope of maritime governance and elaborated the same.

There’s no one entity I’ve seen so far, that is totally responsible, all the maritime activities.

Others went further to indicate the need for flexibility within maritime governance due to its expansive scope.

The governance of shipping cannot be, in my opinion, a rigid set of frameworks or regulations, or it needs to recognise that fluid fluidity, and that’s flexibility.

Because of that kind of balancing act, and the flexibility that is needed in the industry to enact those decisions, those consensus decisions, but in a robust manner, they respond, going back to my opening remarks, the responsibilities to govern fall upon the individual parties within the governance chain.

Despite the differing scope of interpretations, interviewees commented on the nature of the concept stating that maritime governance is,

Connected, cross-cutting, multi-dimensional, and extensive.
6.3.2 Stakeholders

The interviewees presented similar responses to the identification of key stakeholders in maritime governance. There were 89 references to the term stakeholders within the transcripts. According to one interviewee, maritime governance must include stakeholders other than the Member State.

From experience, other stakeholders such as the class societies, ICS, etc. all have a role to play in the governance of maritime activities.

All interviewees acknowledged that multiple stakeholders were involved in the maritime governance. Some attempted to provide a list of the key stakeholders involved, whereas others did not. Reference was made to the Member States as integral to maritime governance.

As stated by one interviewee,

The state is the first stakeholder... key… the biggest one.

From the interview transcripts, a list of the most commonly mentioned stakeholders was identified. As outlined in Table 6.1, stakeholders were referenced on numerous occasions throughout the transcripts. From the data collected, the stakeholders were referred to in three main groupings: (1) local actors, (2) global actors, and (3) interested parties.

Table 6.1: Stakeholder references from interviews

<table>
<thead>
<tr>
<th>Stakeholders</th>
<th>Number of References</th>
</tr>
</thead>
<tbody>
<tr>
<td>State/Government</td>
<td>159</td>
</tr>
<tr>
<td>Recognized Organizations</td>
<td>15</td>
</tr>
<tr>
<td>Non-governmental Organizations</td>
<td>11</td>
</tr>
<tr>
<td>Shipowners</td>
<td>13</td>
</tr>
<tr>
<td>IMO</td>
<td>143</td>
</tr>
<tr>
<td>Classification Societies</td>
<td>5</td>
</tr>
<tr>
<td>Government Agencies</td>
<td>5</td>
</tr>
<tr>
<td>Private Sector</td>
<td>4</td>
</tr>
<tr>
<td>Academia/Training Institutions</td>
<td>5</td>
</tr>
<tr>
<td>IGOs</td>
<td>2</td>
</tr>
<tr>
<td>Unions</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Author

States, Member States, or governments, considered the most critical stakeholders in maritime governance, appeared 159 times, which represented the highest frequency
of mentions within the transcripts. This stakeholder has been categorized as a local actor responsible for implementation activities within national territories. Another stakeholder within this category is the government agencies, referenced five times within the transcripts, and those entities that play a supportive role in maritime administration through the execution of associated tasks or obligations under the international convention to which the state has become party.

Global actors comprise the IMO, which has been described by one interviewee as,

> The central locus of international discussion and the establishment of standards for governance.

The IMO was referenced 143 times as a stakeholder, making it the second most referenced stakeholder. The United Nations and other IGOs were referenced seven times and NGOs were referenced 11 times. Interviewees highlighted the fact that the United Nations and some other UN agencies play a part in maritime governance and that at some point, the IMO will need to collaborate with these entities. Those specifically mentioned are The International Labour Organization (ILO), Food and Agriculture Organization (FAO), and International Civil Aviation Organization (ICAO). The importance of the non-governmental organizations was highlighted by the interviewees throughout the study. Their role and contribution to maritime governance, particularly at the international level, were considered significant, particularly as they relate to supporting Member States through capacity building, funding, and providing other resources that may not be readily available to them.

According to one interviewee,

> There are also crucial people who are very, very important. And they may not be fully represented. We have a very active NGO.

Another stated,

> IGOs and NGOs in particular, these could really be facilitators and help a lot in promoting, facilitating, funding, even some activities that, you know, the international or national, government, government structures basically cannot fulfill.

Stakeholders identified as interested parties included the private sector (four references), academia/training institutions (three references), and unions (two references). Member States authorize classification societies to conduct surveys and certifications on their behalf under the name of recognized organizations (ROs), which translates to the engagement or delegation of responsibility for statutory shipping standards to the private sector. Although they belong to the same category of stakeholders, recognized organizations (mentioned 15 times) and classification societies (mentioned five times) were mentioned independently by some
interviewees and thereby treated, as shown in Table 6.1. Shipowners have been acknowledged as prominent stakeholders in maritime governance, described as those affected by maritime conventions. Despite being directly referenced 13 times throughout the transcripts compared to other stakeholders, such as states and the IMO, some respondents highlighted the observed or perceived role played by this stakeholder in influencing the decision-makers within the industry. Interviewees stated,

There were some governments who were more influenced by the shipowners and the IMO has been criticized for over particularly the past five or six years, by saying that it is overly influenced by shipowners [the industry].
6.3.3 Role of the IMO

From the data, it is suggestive that the IMO plays a profound role in regulatory governance. As mentioned earlier, the interviewees regarded the IMO as a key stakeholder in maritime governance, considering the implementation of IMO instruments. The interviewees were asked to share, based on their knowledge, opinions, or a combination of both, the role of this stakeholder. There are varying opinions on the role of the IMO. From the responses, it was found that interviewees perceived the IMO’s role as supervisory, facilitatory, or supportive. The IMO was deemed to be a regulator (eight respondents) by some, and by others, it was a body to oversee and control the regulation of shipping (three respondents). It was also deemed to be a facilitatory forum for Member States to meet (two respondents), a repository for text (one respondent), and/or a body that developed rules and regulations (10 respondents). Interviewees also indicated that the IMO’s role is to provide consultation (two respondents) and to provide assistance to Member States (two respondents) through the delivery of training, workshops, and other capacity building. Notably, five references from the interview transcripts highlighted that the IMO system is unique and should be considered as such. Some interviewees commented on IMO’s structure indicating that IMO is the sum total of its Member States and acknowledging that this also affects the role IMO plays in governance of the shipping industry.

In the discussion on the IMO’s role, although some hesitancy was observed with some interviewees, others shared further opinions regarding the organization and the timeliness of a review of the IMO as follows:

IMO is weak by design.

I think it’s timely that somebody takes a review of how IMO is working.

There’s no good coordination mechanism to kind of prioritize what countries need what help and then make sure it’s delivered in an efficient, cohesive fashion.

For too long, far too long IMO continues to run the same programmes.

I need to say that the IMO has been successful in developing treaties affecting ship construction, design, construction, and operation of ships, but implementing these treaties is completely and totally a different aspect.

6.3.4 Challenges affecting implementation of IMO instruments

From the data, it was observed that despite the success in producing and adopting international standards to regulate the shipping industry, the implementation of these standards has remained elusive. The interviewees were asked to indicate the
challenges that affected implementation based on their knowledge and/or experience. There was a general consensus among all respondents that implementation has been, and continues to be, an issue.

As one respondent stated,

Implementation remains a problem.

According to another,

Implementation is failing, and there is more that needs to be done.

There were a total of 12 references to the terms “challenge” or “challenging” in relation to implementation.

One interviewee stated,

I do agree that there is a slow progress in implementation, but challenges are huge.

Others indicated that,

Implementing it (the convention) is a challenge; it is a tough job, the implementation of conventions is challenging, and it is quite challenging sometimes to ensure implementation.

Interviewees also identified the challenges that affected their implementation. Figure 6.8 presents a tree map of the challenges provided by the respondents based on the frequency of references made to each challenge. The most frequent challenge identified in the transcripts was the misaligned organizational structure of maritime administration. Many interviewees expounded on the importance of organizational structure and noted that this can have positive or negative effects on implementation. There were 65 references to organizational structure. In recognizing the elements to support implementation, one interviewee stated,

It’s about organisational structure. It’s about processes, it’s about resources, and only then as a fourth come competencies.

Another shared,

But there needs to be, let’s say organisational structures and resources built with whom IMO can work.

In discussing this challenge, respondents shared that the organizational structure of maritime administrations was not designed to support implementation, nor have they been revised or restructured to align with the obligations placed upon the state by existing and emerging IMO instruments.
As stated by another interviewee,

A lot of the maritime administrations they were coming from back in the day when it was a small thing for the country.

Although identified as the most prominent among Member States in this study, there has been very little discourse about this issue within the industry to date. There have been minor references to this challenge; however, to date, an extensive review and discussion of this challenge has been missing.

![Tree map of challenges presented by interviewees](image)

**Figure 6.8: Tree map of challenges presented by interviewees**
*Source: Author*

Limited human resource capacity and competence have been identified as the second most prominent challenge. There were a total of 45 references. There was a general consensus among the interviewees that this was a major challenge. This
challenge has also been widely acknowledged and discussed throughout the industry and forms the basis of the IMO’s Integrated Technical Cooperation Program (ITCP). As depicted in the results of the survey questionnaire, states have experienced issues with adequate human resource capacity for some time.

Interviewees shared,

States have a problem with implementation because they lack capacity, numbers and skills of the persons.

Also, because you do (ratify) the convention, but there are no qualified people to ensure that they are implemented.

This has been identified as one of the key challenges affecting the implementation of conventions and continues to persist to date. Despite the many capacity-building programs that exist at all levels, including the IMO’s ITCP, interviewees indicated that Member States have been experiencing issues in retaining trained personnel, which perpetuates the challenge of limited human resource capacity/competence. There are 12 references to this challenge. It has been shared that many states have invested in training personnel to support the work of the maritime administration and the implementation activities; however, many of these persons were ultimately hired elsewhere due to more attractive salary packages or due to availability of jobs. One interviewee pointed out that the lack of attractiveness in providing decent salaries to people to be able to do the job and to help the country be on top of the implementation of international standards. Additionally, due to the previously mentioned challenge of misaligned organizational structures, it was revealed that, in some cases, trained personnel were unable to secure employment within their maritime administration due to limited positions and lack of vacancies within the organization. Lack of political will was also highlighted as a key challenge. With 42 references, interviewees acknowledged the role of political support or will in supporting implementation.

One interviewee expressed that,

I think the number one driver or blocker of effective implementation is political will.

All interviewees acknowledged that the government, maritime vision, and political will are important for implementation. According to one interviewee for implementation to be effective,

You need quite some commitment from political levels in the government.
Another stated,

There are political reasons why many countries have not seen legislation passed.

One interviewee accentuated the role that the head of maritime administration plays in promoting political will. It was stated,

So there is a responsibility on heads of Maritime Administration, you know, at that level, raising awareness should be encouraged, you know, strengthening the need for this high-level political commitment.

Competing local priorities is a challenge that is closely related to a lack of political will. Interviewees illustrated that maritime transport is not a priority in many jurisdictions. One interviewee stated that many countries face a multitude of problems. Similarly, another stated that

States have to decide what to prioritize and, as such, maritime affairs will usually be overlooked for other matters, whether it is dealing with the education system, dealing with a health care system, dealing with national security, or dealing with other issues that sit right in their face on a daily basis.

Compounding with competing local priorities is the lack of communication. There were 17 references to this challenge in the data collected. Interviewees shared that communication was lacking between states, and more so between local entities and other stakeholders involved in maritime affairs, which in turn affected implementation. According to one interviewee,

There is a weak link in the communication chain between the government, the recognised organization and the shipyard or the shipowner.

Sharing a similar sentiment, other respondents shared that there’s no industry communications and shipping does not communicate well as an industry. One interviewee further illustrated that

When considering the maritime industry as a whole and its overall governance, you start to appreciate why there should be discussions with technical people and why discussions with policy people are necessary.

The introduction of national legislation is one of the first steps in the implementation of conventions. Several interviewees (31 references) stated that Member States have been experiencing challenges associated with drafting national legislation. It was stated that drafting of national legislation is one of the biggest issues, as it lies within the remit of a technical entity or agency such as the Attorney-General’s office, which makes it very difficult to implement IMO conventions, especially technical conventions. Similarly, complicated law-making processes (16 references) and
limited legal expertise (5 references) were also identified as challenging. Interviewees stated that in common law jurisdictions, drafting of legislation is undertaken by a central body, and in cases where you have countries that do have domestic implementing legislation, they do not have an effective system to keep up with the changes that are constantly being made at the IMO as technology changes and industry changes. In response to the requirements of the local law-making process that affects implementation in a timely manner, one interviewee expounded as follows:

I can tell you in practice, public participation is really giving us a hit. It is giving us a very difficult time.

To introduce national legislation, adequate legal expertise must be available within the Member State. Interviewees noted that this was also a deterrent to implementation faced by Member States, indicating that legal expertise is lacking in several jurisdictions. One interviewee stated,

States don’t have the lawyers or the resources technical people or the legal people.

This challenge signals the need for greater legal capacity to support Member State implementation. Interviewees also acknowledge that this challenge of limited capacity is not unique to any particular Member State but common to many states worldwide. In acknowledgment of the introduction of national legislation as a global problem, one interviewee stated,

I mean, even the EU has a problem with domestication of EU legislation into national law.

A further challenge highlighted was the lack of awareness and understanding of the maritime industry and affairs, and about implementation by Member States. A significant number of interviewees (28 references) found this to be a prevalent challenge within the industry. Interviewees revealed that there was a lack of awareness regarding the importance of implementation, and that awareness was quite low. In general, it was stated that people do not know how important shipping is to their lives and that among Member States, there was a lack of understanding of the importance of maritime to the economy and a lack of awareness of the importance of a well-run maritime administration. With respect to implementation, interviewees shared as follows,

You’ll be surprised that not all countries have the awareness about the international law.

You do have some countries that yes, they didn’t really know what to implement.
This lack of awareness and understanding at the national level is said to be more frequent among developing nations, which has resulted in continual delays in implementation.

Limited resources, referenced 20 times, also emerged from this study as a challenge. One interviewee stated that resources featured as a major challenge to implementation. According to another interviewee, Member States are challenged with human and financial resources to fully govern their maritime sector. Other respondents indicated that a lack of resources is not synonymous with a lack of intention or commitment. One respondent stated that

Some states are committed but lack many things and need a lot of support.

Others stated,

Resources are a bit limited, there’s a cost associated with implementation, it’s all about funds.

According to interviewees, there is a lack of readily available data on the maritime industry. One respondent revealed that this aspect of maritime administration must be strengthened. It was shared that there is a need for readily available data; however, there is no mechanism to acquire data. Another felt that these datasets might provide a good basis for identifying issues in implementation, highlighting the fact that data would assist in informing decision-making processes to improve governance gaps.

Another challenge is inefficient local operating structures, which were referenced seven times. Interviewees indicated that Member States have been operating with outdated systems and structures that are not suited to the current operating space of the maritime industry and emerging demands.

It was shared by an interviewee that,

For a long time, they (states) have been so far behind in terms of implementing amendments to IMO conventions, because their governance system wasn’t set up to incorporate amendments quickly and easily.

Another interviewee stated that Member States are operating under old and outdated structures that have to be approved by the finance ministry, the Treasury, and all other ministries, and this cannot serve the growing purpose of the maritime sector. Lack of certainty was also noted as a challenge. Although the frequency is lower compared to other challenges, an interviewee shared that,

Certainty from an industry point of view is the biggest problem.
It can be argued that certainty derives from the universal application of international conventions that stem from their global implementation of the said conventions. Interviewees also provided comments on the implementation, in general. Many have expounded on the state of national actions and the diversity of these actions across Member States, indicating that it goes down to interpretation and that it also affects implementation. According to other interviewees,

Implementation problems are really structural, specific decisions on how to implement are left to the state, but at the same time being more cautious about what it means to the satisfaction of the administration.

States are very diverse in their interests. They’re very diverse in their legislature, how they go about legislating, and how they go about receiving input into that process. So to bring those different, very different interests and diversity under one roof, and to legislate on the basis of it is not a small feat.

It was also shared that there was a common understanding that states would implement rules. Despite this common understanding, respondents also shared that implementation is a process that is supposed to be free-flow, but the process has been a bit overwhelming. States are not only obliged to implement but also to check how the rules are implemented. However, the conventions are complicated, and the motivation to implement conventions is lacking. It was also acknowledged that implementation would not be an easy task. One interviewee stated,

So when we speak about improving implementation levels, it’s really difficult. It will be a journey.

6.3.5 Recommendations to improve implementation

Following the discussion about the challenges experienced by states with regard to implementing maritime conventions, participants were also asked to share any recommendations they believed would assist in improving implementation. As depicted in Figure 6.9, a number of recommendations were suggested by respondents, some of which were received from multiple participants. The study revealed that the most prominent recommendation was capacity building (74 references). Generally, interviewees were of the opinion that capacity building is important, however, there were varying opinions as to how these programmes should be executed. Several participants believed that the capacity building programmes that currently exist, such as workshops and short training courses, were now outdated and should be modified to reflect the current maritime space. For some, this would entail the inclusion of new topics, and for others, it would involve employing new modes of delivery. One interviewee stated that capacity building programmes should also include organizational and soft skills communications.
Following the discussion about the challenges experienced by states with regard to implementing maritime conventions, participants were also asked to share any recommendations they believed would assist in improving implementation. As depicted in Figure 6.9, a number of recommendations were suggested by respondents, some of which were received from multiple participants. The study revealed that the most prominent recommendation was capacity building (74 references). Generally, interviewees were of the opinion that capacity building is important, however, there were varying opinions as to how these programmes should be executed. Several participants believed that the capacity building programmes that currently exist, such as workshops and short training courses, were now outdated and should be modified to reflect the current maritime space. For some, this would entail the inclusion of new topics, and for others, it would involve employing new modes of delivery. One interviewee stated that capacity building programmes should also include organizational and soft skills communications.
According to another interviewee, technology negates the need to travel around the world for training, indicating that online modes of delivery should be explored to a much greater extent. Another respondent stated that the approach to capacity building should also be revised to promote greater retention of trained personnel, stating that there needs to be awareness and commitment to send those personnel right somewhere for two years, and then to follow up and improve when they come back home. One respondent explained that capacity building should go further than the human element and extend to the infrastructure required to support the administration in complying with various international regulations. This respondent shared,

> We really focus on the human aspect and capacity building, which is very important, but sometimes it’s not enough to train the people, they really need the equipment and infrastructure.

Following capacity building, the respondents shared that best practices would be helpful for Member States to learn and adapt new techniques to assist with the challenges currently experienced. Respondents generally believed that the success of colleague Member States would be beneficial to them. It was stated that:

> There should really be clarity and minimum goal-based objectives to show the way one country implements and the equivalent to what another country is doing.

Correspondingly, some interviewees suggested that states engage in twinning arrangements to improve their implementation. It was believed that one-to-one engagement produces benefits and that it is a useful tool to assist developing states in particular to see how best to improve and transform themselves. However, some respondents were either in favour of regional cooperation (17 references) or a combination of both regional cooperation and global twinning arrangements. According to one respondent, much can be gained from regional partners.

Another respondent indicated that all modes of cooperation, whether regional or national, should be explored. Notably, another interviewee suggested that regional cooperation should take a more administrative form, stating that regional maritime administration could help improve its implementation. Despite the common opinion on the benefits of regional cooperation, a smaller number of interviewees sought to qualify this position. One interviewee stated,

> I will say that regional is not enough.

Another shared,

> it will benefit, but it will benefit to a certain degree.
Some interviewees shared that greater benefits could be derived if regional cooperation was supplemented by twinning arrangements. It was stated:

Where I would see this being more effective is if that regional cooperation is supplemented by this twinning arrangement where a country which already has experience in a certain field, twins with a country which doesn’t have or needs the support and have the kind of the transfer of knowledge.

Another interviewee supported regional cooperation but further cautioned this strategy, highlighting that the existing competence within the region will affect the intended outcome.

If you take a regional perspective, once in the region you have that mixture of experience that would work well because you have somebody with a high degree of competence and knowledge, twinning with somebody within that region under the auspices of regional governance to make it better. If you don’t have that within the region, then you will just be stewing in your own juices.

According to another interviewee, technology negates the need to travel around the world for training, indicating that online modes of delivery should be explored to a much greater extent. Another respondent stated that the approach to capacity building should also be revised to promote greater retention of trained personnel, stating that there needs to be awareness and commitment to send those personnel right somewhere for two years, and then to follow up and improve when they come back home. One respondent explained that capacity building should go further than the human element and extend to the infrastructure required to support the administration in complying with various international regulations. This respondent shared,

We really focus on the human aspect and capacity building, which is very important, but sometimes it’s not enough to train the people, they really need the equipment and infrastructure.

Following capacity building, the respondents shared that best practices would be helpful for Member States to learn and adapt new techniques to assist with the challenges currently experienced. Respondents generally believed that the success of colleague Member States would be beneficial to them. It was stated that:

There should really be clarity and minimum goal-based objectives to show the way one country implements and the equivalent to what another country is doing.

Outside of regional cooperation, another recommendation was that of collaboration in general. It was discussed that collaboration/cooperation (14 references) is necessary to achieve effectiveness in governance and improve implementation.
According to interviewees, collaboration should be among states, the IMO, and other stakeholders within the industry, whether at the local, regional, or international levels. One interviewee stated that there must be collaboration with the institutions. It was further elaborated that there should be a collaboration framework that brings stakeholders to address issues with collective responsibility. With specific reference to the issue of national legislation implementation, the interviewee proposed the following:

There should be a synergy of lawyers understanding the legal system of the state and finding all the efficiencies on how any, let’s say, roadblocks in the national legal framework can be removed in order to enhance or to facilitate the implementation of IMO conventions.

A common consensus among interviewees was that maritime administrations missed opportunities to benefit more by ignoring the commercial or economic aspects of the maritime sector. Alluding to the aforementioned challenge of a lack of financial resources, respondents highlighted that Member States could earn from the sector through a new way of thinking or doing business. According to the respondents, maritime administrations operate under the same structure and with the same strategies that have existed for years. Respondents shared that, in some cases, Member States were also operating under the same legislation that had been in place in colonial times. One interviewee stated that commercial and economic aspects were important. Another, in discussing Member States, particularly those with greater implementation challenges, shared,

Perhaps they will have a vision and say, look, this sector has the potential to generate more revenue for us.

Greater transparency (16 references) was also provided as a recommendation by the interviewees. The majority of respondents agreed that greater transparency within the industry, both at the international and state levels, would be beneficial. One interviewee shared that transparency is a tool applicable to situations where it can bring benefits. The findings establish the importance of the IMO Member State Audit Scheme (IMSAS) and its role in assisting states in identifying shortcomings that have affected implementation. However, the confidentiality of the IMSAS reports was found by some interviewees to be somewhat restrictive to the intended outcome. One interviewee stated the following.

It does not help that some of the audit reports are confidential, they are not published. Making everything public would definitely put much more pressure on states to implement things properly.
Another interviewee, in reference to the IMSAS reports, believed that greater accountability could be achieved if others could scrutinize. Despite this sentiment, it was believed that greater transparency would not be easily achieved. As stated by an interviewee,

Shipping likes to operate below the radar.

Similarly, another shared that,

Transparency is generally a very sensitive issue for many Member States.

Respondents indicated that for this particular recommendation of greater transparency to be achieved, the IMO Council would play an integral role. This, it was communicated, would begin with the sharing of IMO documents and meetings, stating that the Council would need to decide what documents needed to be further protected, and what could be freely available to the public as a starting point.

Other recommendations for improvement include more active participation at the IMO by Member States (seven references), better follow up by the IMO and Member States (five references), sustainable thinking and future proofing (two references), and diversified approaches by the IMO to assist Member States, and by Member States towards implementation.

A notable recommendation relates to the IMO Convention. Respondents discussing the role of the IMO shared that the IMO receives its mandate from the IMO Convention, which does not holistically speak to all the functions currently being carried out by the organization. There were 143 references to IMO throughout the transcripts. With reference to the conduct of IMSAS audits and the matter of enforcement, one interviewee stated,

We have the IMO convention that governs how the organisation is run, and that aspect is not part of it.

Others also commented on this matter saying,

If the IMO is given more and more responsibilities and funding and a mandate, I’m sure it will be able to deliver even more.

In considering IMO’s role in maritime governance and ways to achieve effectiveness, one interviewee indicated,

We either need to amend or significantly reinterpret the IMO convention.
Research has shown that there are many challenges affecting Member State implementation of IMO Instruments, and that there is no simple solution to these challenges. Despite the responsibility for implementing resting squarely on the Member State, there is a clear indication that coordinated collaboration could yield some benefits across the wider industry. The study has shown that challenges are experienced by many states, regardless of geographical regions and/or. Determining how states can leverage their potential to improve implementation has been a question that has been pondered for some time. One interviewee proffered,

I think the question lies in how the government is actually full of different ways to do it as a sovereign state.

6.4 Chapter summary

This chapter presented an overview of the study’s findings. The data collected in this study provided valuable insights into the perceptions and perspectives of stakeholders regarding the concept of maritime governance, implementation of IMO instruments and the role of the International Maritime Organization (IMO) in the process. By examining the opinions and experiences of the participants, a deeper understanding of the challenges faced by IMO Member States in the implementation of IMO instruments was gained.

The findings highlighted several key challenges that the IMO Member States encountered during the implementation of IMO instruments. These challenges encompass various aspects such as limited financial resources, inadequate technical capacities, and complex regulatory frameworks. The study also revealed the importance of addressing these challenges to ensure the effective implementation of maritime conventions and attainment of desired outcomes. Furthermore, based on the identified challenges, recommendations were proposed to improve the implementation process. These recommendations aim to enhance the capacity of Member States, promote international cooperation and assistance, streamline regulatory procedures, and strengthen compliance and enforcement mechanisms. By implementing these recommendations, it is believed that the challenges faced by Member States can be addressed more effectively, leading to improved maritime governance and successful implementation of IMO instruments.

The subsequent chapter will delve deeper into the analysis of the findings, presenting a detailed exploration of the identified core categories and themes and providing a more comprehensive understanding of their implications for maritime governance and the work of the IMO.
7 Discussion of Research Findings

7.1 Chapter overview

This chapter provides an exploration and analysis of the findings presented in Chapter 6. The primary focus of this study was to investigate the concept of maritime governance and examine the elements of implementation within this context. In addition, this study aimed to identify the contextual factors that impact the implementation of International Maritime Organization (IMO) instruments. The overarching objective of this chapter is to provide answers to the research questions posed in Chapter 3, based on the insights derived from the study’s findings.

The discussion in this chapter revolves around the themes that emerged from the analysis of the collected data, drawing connections to the research objectives and questions. This study sought to uncover the defining characteristics of maritime governance while delving into the central concern of implementing IMO instruments. This exploration involved not only identifying the key challenges faced by Member States in the implementation process but also adopting a theoretical standpoint to propose strategies for overcoming these challenges. Throughout the data analysis, a variety of themes and categories surfaced from the dataset. These themes are presented and discussed in this chapter, utilizing empirically grounded indicators, such as codes and direct quotations from interviews conducted with the participants. Through the incorporation of these qualitative elements, the analysis sought to enhance the credibility and validity of the findings, ensuring an extensive understanding of the research topic.

The identified themes shed light on various aspects of maritime governance and implementation of IMO instruments. They provide insights into the complexities and nuances surrounding these concepts, uncovering underlying patterns and highlighting the key factors that influence their effectiveness. Additionally, the discussion draws attention to the specific challenges faced by Member States, offering a deeper understanding of the contextual factors that impact the successful implementation of maritime conventions. This chapter goes beyond a mere description of the themes by delving into their theoretical implications and practical significance. It offers a theoretical framework that encompasses the identified challenges and proposes strategies for overcoming them. By doing so, this research provides valuable recommendations and insights for policymakers, regulatory
bodies, and industry stakeholders involved in maritime governance and the implementation of IMO instruments. Combining theoretical perspectives and empirical evidence, this chapter discusses the understanding of maritime governance from the data and offers practical recommendations for improving the implementation of IMO instruments.

7.2 Theory grounded in data

Upon careful examination of the data, it became evident that while the challenges associated with the implementation of IMO instruments were not exclusive to the maritime industry, strategies to address these challenges required a nuanced understanding of maritime governance and the historical development of the maritime sector. Weiss (1998) have previously identified factors that hinder the implementation of treaties by states, such as the ambiguity and indeterminacy of treaty provisions, resource and capacity limitations, and unexpected social or economic changes. Similarly, the dataset in this study revealed that the IMO Member States faced several challenges in implementing IMO instruments. To analyze the relationship between observed transactions in the empirical world and their interconnectedness with the core phenomenon of the study, these challenges were incorporated into the conditional/consequential matrix during the data analysis process. The conditional/consequential matrix, as depicted in Figure 7.1, served as an initial step towards the development of grounded theory. The matrix served as a catalyst for critical analysis and allowed for a deeper understanding of the interconnectedness among the various elements within the dataset. It facilitated the critical analysis of the relationships and interdependencies among elements within the dataset, assisting in making theoretical sampling decisions and identifying the contextual contexts in which the conditions emerged. The matrix also aimed to advance the research beyond mere description of the studied phenomenon and provide a structured framework for analyzing and understanding the relationship between the conditions under which the phenomenon operates and the resulting consequences or outcomes that arise from different strategies or approaches (Corbin and Strauss, 1998).
The conditional/consequential matrix highlights the need for adaptability to governance approaches. As conditions change over time, governance systems may need to evolve and adjust to address new challenges and opportunities. Flexibility and responsiveness to changing conditions can help to mitigate potential negative consequences and promote positive outcomes. Overall, the conditional/consequential matrix provides a framework for analyzing and understanding the dynamic relationship between governance conditions and consequences. This underscores the importance of considering the broader contextual factors that shape governance and highlights the potential impact of governance decisions on societal and organizational dynamics.

The conditional/consequential matrix developed within the context of maritime governance with a multi-level application provides a framework for understanding the factors influencing governance and strategies that can be employed to enhance it. This matrix examines casual conditions, the conditions affecting governance, strategies for improvement, and the resulting consequences. The casual conditions identified in the matrix are lack of domestic legislation, capacity, formal processes, and resources. These conditions act as barriers to effective governance and impede the implementation of maritime regulations and policies. A lack of domestic legislation refers to the absence or inadequacy of legal frameworks at the national
level, which can hinder enforcement of international maritime standards. Lack of capacity refers to insufficient knowledge, skills, and resources within maritime institutions to govern and regulate the industry effectively. A lack of formal processes refers to the absence of structured procedures and mechanisms for decision-making and coordination, whereas a lack of resources encompasses limited financial, technological, and other resources available for governance activities.

The conditions affecting governance identified in the matrix include technology, resources, stakeholder involvement, cultural and national diversity, and political will. These factors shape the governance landscape and can facilitate or hinder effective governance practices. Technology, for example, plays a crucial role in enhancing transparency, efficiency, and information-sharing within the maritime sector. Resources encompass the availability and allocation of the financial, human, and technological resources necessary for effective governance. The involvement of stakeholders, including governments and industry players, affects decision-making and effective implementation, and cultural and national diversity recognizes the challenges posed by different cultural norms, practices, and legal systems across maritime nations. Political will refers to the commitment and willingness of governments to prioritize and invest in effective governance measures.

The strategies outlined in the matrix focus on managing people, processes, and particularities in order to improve governance. Managing people involves stakeholder management, emphasizing the need to engage and involve various stakeholders in the decision-making process, and foster collaboration. Managing processes involves process improvement techniques and legislative processes, aiming to streamline procedures, enhance efficiency, and ensure compliance with regulations. Adapting based on particularities recognizes that each state has its unique characteristics and challenges, requiring customized approaches to governance. State centrality and reliance on collaboration influence the design and implementation of governance strategies. The consequences of implementing these strategies include improved governance in the maritime sector. Transparency is enhanced through stakeholder involvement and information sharing, thereby promoting trust and accountability. Competence is improved through capacity development initiatives, ensuring that maritime institutions have the necessary skills and knowledge to effectively govern. Compliance with regulations has been strengthened, leading to greater certainty and adherence to international standards, and a quality flag refers to the reputation of a state’s maritime administration and reflects its adherence to high standards of governance and safety. Through the application of this matrix, the study examined the relationships and interdependencies within the dataset and identified strategies for improving governance in the maritime context while contributing to theoretical insights to advance the understanding of maritime governance and the implementation of IMO instruments.
7.2.1 Theoretical sensitivity

The concept of theoretical sensitivity is integral to the research process, encompassing the researcher’s ability to discern and extract pertinent elements from data that contribute to the development of an emerging theory. This involves comprehending and interpreting the meanings and patterns inherent in the data. In the context of grounded theory, theoretical sensitivity assumes a pivotal role, as it enables researchers to transcend mere data descriptions and engender novel insights that inform future research and practical applications. Grounded theory is characterized by the creation of a theory that emerges directly from data collected by the researcher. Theoretical sensitivity and coding are interrelated processes in this methodology. They involve conceptualizing phenomena in abstract terms and discerning abstract relationships between the phenomena under investigation. This allows researchers to identify overarching themes that encapsulate significant aspects of the data, thereby illuminating patterns or meanings within the dataset relevant to their research questions. Employing theoretical sensitivity and coding, researchers can derive valuable insights from data, facilitate theory development, and contribute to the advancement of knowledge in their respective fields. In this study, the development of themes involved a comprehensive and iterative process, starting with open coding and progressing through axial coding to selective coding. Through a continuous review of the themes, theoretical saturation was achieved, leading to the emergence of a theory grounded in data. The analysis reveals that the implementation of maritime conventions plays a critical role in the maritime industry by obligating states to comply with their contractual obligations, thereby supporting improved maritime governance. The interplay between homogeneous and heterogeneous characteristics within maritime governance can lead to friction and chaos, thus necessitating stability. Effective management of all elements within a governance system is crucial for maintaining stability.

The substantive grounded theory that emerged from data analysis is referred to as organization-driven network management. This theory explains governance in the maritime context from the perspective of governmental or state-led organizations as key actors in maritime network infrastructure and how governing practices manifest. It is supported by three major themes: balancing people-oriented factors, advocating process design strategies, and adapting based on particularities, as depicted in figure 7.2. These themes encompassed six categories related to overarching themes, providing an understanding of governance in the maritime industry. The theory takes an organizational approach to the governance of maritime affairs, with a focus on meta-governance, which involves governing through reorganization (Jacobsson et al., 2015). This perspective recognizes the dynamic nature of governance and highlights the importance of adapting and adjusting governance practices to meet the evolving needs of the maritime industry.
Organization-driven network management

Organization-driven network management is proposed as a version of network management that is rooted in network governance. As supported by literature, in the context of governance, network management refers to the administration and coordination of various stakeholders, organizations, and processes involved in the governance of a specific domain or sector. It involves the management and coordination of relationships, interactions, and decision-making among multiple actors within a networked governance structure. Network management recognizes that governance is often characterized by a distributed and interconnected system involving multiple actors, such as government agencies, non-governmental organizations, private sector entities, civil society groups, and individuals. Despite its theoretical components, network management mechanisms have been designed to overcome perceived weaknesses, such as a lack of accountability. The data from this study suggest that the application of a network management mechanism that
allows for the flexibility to account for ebbs and flows of governance in operation would be beneficial. Klijn emphasized the importance of effective network management in network governance settings and proposed several key principles and strategies for successful network management. One such proposal involves the appointment of a network manager to facilitate the creation of an environment that fosters collaboration, communication, and active participation of the actors within the network.

Organization-driven network management involves the appointment of a meta-governor or network manager which holds the responsibility for overseeing and coordinating the activities, relationships, and operations within the network. This contributes to defining the network’s purpose, goals, and objectives as well as determining the scope, structure, and composition of the network. They also help identify key stakeholders and facilitate communication, collaboration, and coordination among network participants; specifically, they act as a central point of contact, ensuring that information flows smoothly within the network. The network manager monitors and evaluates the performance and progress of the network, establishes monitoring mechanisms, collects data, and assesses the network outcomes and impacts. The network manager tracks the achievement of goals, identifies areas for improvement, and adjusts strategies as needed. They also report the network’s progress to stakeholders, funders, and other relevant parties. Overall, the network manager plays a pivotal role in network management by providing leadership, coordination, and support to ensure the smooth functioning and success of the governance network. They facilitate collaboration, manage relationships, mobilize resources, monitor progress, and advocate for the network’s objectives, thereby contributing to effective and impactful governance outcomes.

The data shows that implementation is managed in different ways in Member States, largely through the national agency with responsibility for maritime affairs. In some states, the execution and supervision of implementation was through an appointed implementation officer or was shared among various officers. In the present context, the network manager could be the national agency responsible for maritime affairs; it could also be an agency or institution that is formed or reformed for that purpose. The assignment of dedicated responsibility for implementation through network management, enhanced by a number of contextual factors, and driven and managed by an identified organization at the national level, is presented as a viable approach to improve Member State implementation.

### 7.3 Emergent themes

Emergent themes refer to patterns, concepts, or categories that emerge from the data analysis process. They were derived by coding the experiences of the research participants. Themes were derived directly from the data rather than being
preconceived or imposed by the researcher. They represent central ideas or concepts that capture the essence of the data and provide a framework for understanding the phenomenon under study. The researcher achieved an understanding of the data and the phenomenon under study through the identification and saturation of themes. The emergent themes in grounded theory provide a foundation for the development of core theory and organization-driven network management. They reflect the lived experiences and perspectives of the participants, comprise the key concepts, patterns, and relationships that emerge from the data, and guide the subsequent analysis and interpretation of the research findings.

The three themes that emerged from the data are not mutually exclusive and continuously interact in different ways to ensure an appropriate balance in the governance within the network. These themes are supported by six categories that form the building blocks upon which they are grounded in the data. The categories were identified through systematic coding and analysis of the data, which facilitated the organization and synthesis of information, leading to the development of theories that explain the phenomena of interest. Figure 7.3 depicts the categories that emerged from the data. These are stakeholder management, result-focused capacity development, process improvement techniques, legislative processes, state centrality, and reliance on collaboration.

![Figure 7.3: Emergent theory, themes and categories](Source: Author)
7.3.1 Balancing people-oriented factors

Central to governance is the involvement and participation of people. It is the people who are organized into networks through which they participate in governance. Balancing people-oriented factors in governance involves considering and prioritizing the needs and interests of individuals and networks of individuals who are affected by governance decisions and actions. It involves a number of elements related to aspects associated with people within governance. It entails promoting meaningful and structured participation and engagement of individuals in the decision-making processes. In the maritime context, people operate through networks of representative Member States at the IMO within the networks of the IMO Secretariat, Committees, Sub-Committees and Working Groups, in the IGOs and NGO networks, and as actors within the industry network. At any given stage of the governance process, through these networks, people develop or formulate standards governing the industry and subsequently execute these procedures at various levels to ensure the desired outcome. Additionally, the objectives of the industry (safety and security of shipping and the prevention of marine pollution from ships) surround and ultimately benefit people. Operating under the umbrellas of different networks can create a complicated web, particularly within the maritime industry, which is characterized by the involvement of multiple networks executing obligations at different levels. This becomes especially complicated when people represent multiple networks on the same level or at different levels. When discussing the role of people in public administrative processes, the literature and discussions focus on the participation of citizens and their interactions with the government as separate stakeholders; however, in the context of this study, people are being discussed from the perspective of being representatives of the state, industry organizations, and other stakeholder networks in maritime governance. Within the processes involved, there may be overlaps of interests or responsibilities among networks that bring about added complications within the larger scheme. As such, two categories emerged from the data as central to this theme: stakeholder management and result-focused capacity development. Generally, balancing people-oriented factors in governance requires focusing on promoting the participation and inclusiveness of individuals within networks. By considering the people, their positions, and their contributions within the networks, governance can become more responsive and effective.

Stakeholder management

The global focus on governance arises from the imperative to accurately identify stakeholders and understand their respective roles. Stakeholders play a role in governance and the effectiveness of their coordination affects governance outcomes. Roe (2016) expressed that stakeholders have a close relationship with governance and policymaking in maritime. The data reveal that the multiplicity of
stakeholders seemingly complicates aspects of the governance process. One interviewee commented on stakeholder engagement:

But then when you think about all the intricacies and everything that is required, even just incorporating stakeholder input can be very complicated and a very tedious task.

Nonetheless, it was acknowledged that stakeholder involvement was integral to maritime governance, and that all stakeholders had a symbiotic relationship. Thus, stakeholder management is important. Despite being the main responsibility of the national agency responsible for a state’s maritime affairs, to be effectively carried out, implementation will often require the involvement of other stakeholders. As mentioned by Maguire et al. (2012), the range of stakeholder activities, their connection to the marine environment, and interest in their management are likely to vary considerably on local, regional, and national scales. Owing to their impact, effective management and control of stakeholders and their expectations have become essential to the success of projects or initiatives. Although much of the literature on stakeholder management is centered on project management and corporate governance, the underlying theories and approaches appear to be more general in nature and can be considered applicable across disciplines. Adapting Freeman’s (1984) definition of stakeholders within the context of this study, a stakeholder in maritime governance is defined as any group or individual who can affect or is affected by the achievement of maritime administration’s objectives.

One of the objectives of this study is to identify the key stakeholders involved in maritime governance. While the dynamism of the industry is noted in that, depending on the subject matter of the international shipping regulations and the operating environments, the stakeholders may differ, and different patterns of networks may be involved in the process, it is also garnered that there are some static stakeholders despite the subject matter. Stakeholder identification is essential in governance as it promotes inclusiveness, understanding stakeholder needs, collaboration, accountability, and efficiency. The stakeholder salience framework guides and explains stakeholder identification and importance. While Osobajo et al. (2021) provided a comprehensive compilation of stakeholders within the maritime industry, this study sheds light on a more focused set of stakeholders directly involved in maritime governance. This study identified 11 distinct types of stakeholders who play varying roles in shaping and influencing maritime governance. Interestingly, some of these stakeholders overlapped with those included in the list by Osobajo et al. (2021). However, it is important to note that the list presented by Osobajo et al. (2021) did not specifically mention recognized organizations as a distinct stakeholder category, despite their significant presence in the data collected for this study. Recognized organizations have emerged as a prominent stakeholder type throughout the research, warranting specific attention and recognition in the analysis of maritime governance. These organizations serve
as important intermediaries between government authorities, industry stakeholders, and other relevant actors involved in the governance of the maritime sector.

Flag administrations are required to conduct inspections and surveys on ships to ensure compliance with the mandatory IMO instruments. However, flag administrations have the option to delegate these responsibilities to engaged surveyors or recognized organizations. In this context, recognized organizations play a significant role in maritime governance by contributing to the implementation and enforcement of regulations. It is important to note that recognized organizations do not hold full membership within the IMO but instead have a consultative status. However, through the delegation of responsibilities by the Member State, recognized organizations assume supervised responsibilities in governance to assist in achieving harmonized and consistent implementation of the IMO instrument requirements. To ensure effective oversight of recognized organizations, IMO Resolution MEPC.237(65) introduced the Code for Recognized Organizations (RO Code). This code establishes the minimum criteria to guide flag States in overseeing the work of recognized organizations.

Stakeholder identification is a crucial aspect of effective decision-making, inclusive participation, and successful implementation of laws and policies. This inclusivity improves the overall efficiency and effectiveness of governance processes. Applying Mitchell’s (1997) stakeholder salience model, an assessment was conducted to determine the level of salience for various stakeholders in the maritime industry. This model evaluates stakeholders based on their power, legitimacy, and urgency in relation to the organization or activity. Analyzing the collected data, the salience of stakeholders was determined by examining the extent to which their roles overlapped and their influence on maritime governance. The stakeholder salience model provides a framework for prioritizing stakeholders based on their significance. In the context of maritime governance, stakeholders with higher salience are considered key stakeholders. The analysis of the data revealed that the most salient stakeholder in the maritime industry is the Member State, as they hold the authority and responsibility for overseeing and regulating maritime activities within their jurisdiction.

Member States hold crucial responsibilities in the global governance of shipping. They are entrusted with decision-making processes that shape regulations governing maritime activities on an international scale. Subsequently, Member States adopt and ratify these regulations, which are implemented within their own jurisdictions through their respective maritime administrations or authorities. This implementation process involves collaboration and support from various stakeholders, including state legislatures, engaged recognized organizations or in-house surveyors, and naval or maritime/marine police units. Shipowners, as key actors in the maritime industry, play a significant role in adhering to conventions.
and subsequent local regulations and policies established by Member States. Compliance with these regulations ensures safe and sustainable shipping practices. The collected data highlight the interconnected nature of the maritime industry, emphasizing the need for effective collaboration and coordination among its various clusters or networks. Stakeholder management is essential for bringing together diverse stakeholders and fostering synergistic relationships.

In addition to the Member States, another important stakeholder in maritime governance is the IMO. The IMO, as the specialized agency of the United Nations responsible for regulating shipping, plays a central role in developing global maritime policies and standards. On the other hand, local government agencies have jurisdictional authority and are involved in implementing and enforcing maritime regulations within their specific regions. Additionally, as stakeholders in maritime governance, shipowners contribute to shaping policies and practices through their compliance with regulations. They have a vested interest in ensuring the effectiveness and sustainability of the maritime industry as their operations are directly impacted by regulatory frameworks. Recognized organizations and classification societies have emerged as key stakeholders in maritime governance owing to their delegated roles and responsibilities. These organizations support the flag state in fulfilling their obligations by conducting surveys, audits, and monitoring compliance with regulatory requirements. Their expertise and involvement contribute to maintaining high safety standards, promoting environmental sustainability, and ensuring overall compliance in the maritime sector.

The case study research provides evidence of effective stakeholder management practices. In the context of national maritime governance, Singapore has showcased its commitment to stakeholder management by actively identifying and incorporating a diverse range of stakeholders. The participation of multiple stakeholders on the board of the agency responsible for maritime affairs and implementation activities has been recognized by participants as a valuable contribution to ensuring effective governance at the national level. The inclusion of multiple maritime stakeholders on the board has played a pivotal role in facilitating timely formulation of policies and regulations. This inclusive approach has created shared spaces for dialogue and collaboration, enabling stakeholders to collectively identify and address potential gaps, challenges, and opportunities in implementing maritime policies. Consequently, the policies developed through this inclusive process have been more effective in addressing the needs of all stakeholders involved. Furthermore, the inclusive stakeholder management approach employed in Singapore’s maritime governance has yielded several positive results. This has enhanced the overall transparency and accountability of the governance process by actively engaging stakeholders in decision-making and implementation activities. This participatory approach has increased stakeholder trust and confidence in
governance processes as their voices and perspectives are considered and valued. The involvement of diverse stakeholders also facilitated the incorporation of different insights, expertise, and feedback throughout the implementation process. This has led to a more informed and well-rounded decision-making process, which has improved the quality and effectiveness of maritime governance. In addition to the broad range of stakeholders involved, the case study research highlights the importance of managing recognized organizations in Singapore’s maritime governance. Recognized organizations play a crucial role in ensuring compliance with international maritime conventions and regulations. Singapore has adopted a systematic and legislated approach to oversee these organizations, ensuring that they meet specific criteria and standards set by the IMO. Through verification, auditing processes, and performance reviews, the flag state actively monitors and evaluates the performance of recognized organizations, ensuring their adherence to regulations and maintaining high-quality standards.

The active engagement and participation of multiple stakeholders, as shared by the study participants, has been instrumental in facilitating the contribution of a wide range of insights, expertise, and feedback throughout the implementation process. This inclusive approach has significant implications for transparency, accountability, and legitimacy within a governance framework. Stakeholder involvement directly shapes and monitors implementation activities, thus making the governance process more transparent. Stakeholders have the opportunity to provide their input, voice their concerns, and influence their decision-making processes. This transparency not only fosters a sense of ownership among stakeholders, but also enhances the accountability of the governing bodies. Stakeholders can hold decision-makers accountable for their actions and ensure that their interests are adequately represented. Stakeholder engagement contributes to the legitimacy of the governance process. When stakeholders are actively involved and play a direct role in shaping policies and regulations, the decision-making process gains credibility and legitimacy. The diverse perspectives and inputs provided by stakeholders help address complex challenges and identify innovative solutions. This inclusivity ensures that the governance framework is more responsive and adaptive to emerging challenges, technological advancements, and changing dynamics in the maritime industry. Moreover, stakeholder engagement enhances stakeholder trust and confidence in the governance processes. When stakeholders are given opportunities to participate and contribute, their confidence in the effectiveness and fairness of a governance system increases. This trust fosters stronger collaboration, cooperation, and partnerships between stakeholders, leading to better outcomes, shared goals, and an enrichment of the governance process.

Managing multiple stakeholders requires actors to engage in collaborative, non-hierarchical interactions. However, the horizontal structure of network governance has faced criticism for potentially lacking accountability within the governance
frameworks. As proffered by Torfing (2018), meta-governance offers a potential solution to this challenge by effectively guiding and managing networks, ensuring that they self-regulate to achieve overall beneficial outcomes. Typically, states tend to exhibit a strong sectoral bias in their organizational architecture, leading to a siloed approach that hampers inter-sectoral coordination. To overcome this limitation, a transformative shift from the traditional silo-based approach to a meta-governance-informed strategy is needed. This can be achieved through organizational reforms and realignment, promoting better coordination and collaboration among various activities and stakeholders within maritime governance. A crucial starting point for such reforms is the national agency responsible for maritime affairs, which serves as a central entity in the governance of the maritime sector. To effectively manage stakeholder networks, the data emphasize the importance of adequate training and equipping individuals within these networks. They must possess the necessary competencies, awareness, and knowledge about the subject matter, industry dynamics, and governance processes. This expertise enables stakeholders to navigate complex governance challenges, make informed decisions, and actively contribute to achieving desired outcomes.

Result-focused capacity development

The data highlights a significant challenge in the implementation of IMO instruments, namely the limited or insufficient capacity within Member States. Addressing this challenge requires a result-focused approach to capacity development, which entails strategic and country-led initiatives that harness knowledge and learning to empower local agents and drive change. While the terms “capacity building” and “capacity development” have been used interchangeably, they hold some conceptual distinctions. Capacity building primarily focuses on developing skills, knowledge, and abilities through various activities, such as training programs, technical assistance, and resource provision. It emphasizes the adoption of effective strategies to enhance capacity acquisition and entails collaborative efforts to build stakeholder support given the dynamic and interactive nature of policy-making processes. Capacity development on the other hand involves strengthening the management and governance of an organization to effectively achieve its objectives and fulfill its mission.

The study findings reveal that capacity issues significantly impact the maritime sector and hinder the effective implementation of IMO instruments. The IMO’s Consolidated Audit Summary Reports (CASRs) also highlighted the limited capacity available to states to support implementation efforts. Recognizing the need to assist developing states in improving their implementation capabilities, the IMO’s Integrated Technical Cooperation Program (ITCP) focuses on the development of technical assistance programs that emphasize human resource development and
institutional capacity building. During the interviews, the participants emphasized the importance of capacity building and the creation or engagement of adequate capacity in the implementation process. They suggest that capacity building is implicit in maritime conventions as an integral part of the implementation process. In addition to the ITCP, the IMO established two institutions dedicated to higher education: the World Maritime University (WMU) and the International Maritime Law Institute (IMLI). These institutions play a crucial role in providing maritime knowledge and expertise to Member States and supporting the national and global implementation efforts of IMO instruments. The significance of these institutions is widely acknowledged by the study participants. They recognized the instrumental role of the WMU and IMLI in training individuals who will join and work within a Member State’s maritime administration. These institutions contribute to building the necessary human capacity and skills required for the effective governance and implementation of maritime conventions.

It is important to highlight that capacity building is not a one-time effort, but requires sustained attention and support. Capacity development is a critical component in the context of organization-driven network management which forms the core theory of this study. The study findings revealed that the lack of or limited capacity was not exclusive to maritime administration or authority but was a challenge faced by various organizations and networks operating at different levels within maritime governance. Case studies provide insights into the different approaches employed to address this capacity gap. For instance, in Kenya, there was a focus on role-specific training and capacity building aimed at acquiring the necessary skills and knowledge to effectively carry out specific tasks or projects related to the organization’s obligations. On the other hand, Singapore adopted an industry-focused approach, establishing programs aimed at building technical capacity for specific roles within the agency responsible for maritime affairs as well as within the broader maritime network, including private sector entities involved in their national commercial initiative, the International Maritime Centre. Study participants further suggested that capacity development should extend beyond technical and administrative skills and encompass the development of physical capacity, such as infrastructure and equipment, which are essential for supporting implementation efforts. This approach recognizes the multifaceted nature of capacity and the diverse needs that must be addressed to ensure effective governance and implementation within the maritime sector. Sustaining capacity is crucial to the success of maritime governance. This study highlights the need for an organization or actor to steer capacity development, the existence of capacity challenges across different levels of maritime governance, and the diverse approaches employed to build and sustain capacity.

In addressing the acquisition and importance of sufficient capacity within maritime governance, participants emphasized the need for more targeted and specific
training. They expressed the view that the national agency responsible for maritime affairs should develop a training plan that treats capacity development as an ongoing and continuous process, rather than a one-time endeavour. The data suggest a need for a fresh approach to building competence and capacity within the industry to support effective maritime governance. Participants recognized the benefits of the IMO’s Integrated Technical Cooperation Programme (ITCP) over the past three decades. However, they also noted that the program was executed in a largely unchanged manner. The study reveals that capacity building is implicitly embedded within the conventions and international instruments developed at the IMO. While the significance of human capacity in governance activities is acknowledged, the maritime sector should consider other dimensions of capacity beyond individuals. The data indicate the necessity for a paradigm shift in capacity development, expanding beyond individual selection and training to encompass the development of capacity within institutions and networks. Participants highlighted that the emphasis on human capacity in the maritime industry has led to a loss of capacity, as trained personnel often seek employment outside their home state or within other organizations within the same state. This situation poses challenges for entities that nominate or sponsor training. Interviewees further emphasized the importance of developing capacity across the entire skills base, not solely focusing on technical education and knowledge. They stressed the need for programs and initiatives that target the development of soft skills, managerial skills, and other essential business ethics within the broader context of maritime governance.

Applying a result-focused approach to capacity development entails tailoring strategies and initiatives to achieve specific outcomes. This approach involves engaging in outcome-oriented planning in which the primary focus is on achieving the desired results. It requires a clear understanding of the desired outcomes and goals as well as prioritizing activities and tasks that contribute to these outcomes. Result-focused capacity development encompasses various forms of capacity, including human, organizational, structural, and material resources, within the maritime context and organization-driven approach of this study. In the maritime governance context, result-focused capacity development involves identifying key nodes within the maritime governance network infrastructure and assessing their individual and collective capacity needs. It requires developing a sector-wide strategy that aligns with the goals and objectives of the agency responsible for implementing IMO instruments as well as the broader national maritime sector. The strategy aims to achieve outcomes that benefit the agency, enhance the overall capacity of the state, and contribute to the effective governance of maritime affairs. This approach emphasizes the identification and prioritization of critical actions and initiatives that have the most significant impact on achieving the desired outcomes; and ensures that resources and efforts are directed towards activities that lead to tangible and measurable results.
Balancing people-oriented factors is essential for cultivating a skilled and competent workforce across various networks. Effective coordination and management of these networks can lead to an overall enhancement of governance and improved outcomes and performance. The term, people-oriented factors, refers to considerations related to individuals within networks, such as their skills, knowledge, expertise, and engagement. It involves recognizing the importance of human resources and their role in driving effective governance. Balancing these factors ensures that the workforce within the network possesses the necessary competencies and capabilities to fulfill their roles and responsibilities effectively. Proper coordination and management of networks is crucial for maintaining a harmonious and efficient working environment. This involves establishing clear communication channels, promoting collaboration and cooperation, and fostering a culture of trust and mutual respect among the network participants. Effective coordination ensures that tasks are assigned appropriately, information flows smoothly, and decision-making processes are streamlined. Through the balanced integration of people-oriented factors and coordination of networks, governance can be strengthened in several ways. First, it enables the identification and utilization of diverse skills and perspectives, which promotes innovative thinking and problem-solving. Second, it fosters a sense of ownership and accountability among network participants as they are actively engaged in decision-making processes. This leads to improved efficiency as individuals invest more in the success of the network and strive to achieve common goals. Moreover, a balanced approach to people-oriented factors encourages continuous learning and professional development within the networks. This can be achieved through training programmes, knowledge-sharing initiatives, and mentoring opportunities. By investing in the growth and development of individuals, networks can ensure that they remain adaptable, resilient, and capable of meeting the evolving demands and challenges of governance.

7.3.2 Advocating process design strategies

Governance, when effectively executed, can lead to positive outcomes, while inefficiencies in governance can result in negative consequences. This dynamic concept has been the subject of ongoing discourse since the early 2000s, but its understanding remains incomplete. Despite the various perspectives and contradictions surrounding governance, it is widely recognized as a process that can facilitate desired outcomes. However, application of this process varies across sectors and operating environments.

Within the scope of this study, the key objective was to explore the fundamental characteristics of maritime governance. Maritime governance encompasses a complex framework of rules and regulations that is established to regulate the
shipping industry. This involves coordination and interaction among multiple stakeholders, including the International Maritime Organization (IMO), Member States, and other entities involved in international shipping. Governance of the maritime sector as put by Roe (2016), entails the establishment of overarching structures and relationships that direct, control, and influence activities related to shipping and ports. It requires continuous collaboration and engagement among stakeholders to ensure the effective implementation of regulations, enforcement of standards, and promotion of safety, security, and sustainability within the industry. The IMO plays a central role in shaping maritime governance as a global regulatory body. It formulates international conventions and standards that guide the behaviour and practices of Member States and other stakeholders. Member States are responsible for incorporating these regulations into their national frameworks and ensuring compliance within their jurisdictions. Effective maritime governance requires ongoing cooperation, communication, and coordination among the IMO, Member States, and other stakeholders. This collaborative approach aims to address shared challenges, resolve conflicts, and promote harmonization in international shipping practices. It also facilitates the exchange of knowledge, best practices, and expertise to improve overall governance of the maritime sector.

The findings of this study provide insights into maritime practitioners’ perceptions and viewpoints regarding the fundamental principles and characteristics of maritime governance. To gather this information, participants were asked a series of questions aimed at capturing their perspectives on the current state of maritime governance. The responses provided by the participants were carefully analyzed, coded, and weighted based on their frequency in the interview transcripts. Figure 7.4 illustrates the key terms that emerged prominently in the respondents’ discussions. Among these, the relevance of the state in maritime governance was a recurring theme, highlighting the significance of the state’s role in shaping and overseeing maritime affairs. The discussions also emphasized the specific focus on maritime issues and challenges, recognizing the unique nature of the maritime sector and its global scope. The pivotal role of the IMO is frequently mentioned, underscoring its central position in maritime governance. The relationship between the IMO and Member States was also a recurring topic throughout the interview transcripts. Several other terms appeared consistently in the dataset, reflecting important aspects of maritime governance. These terms include implementation, standards, management, administration, regional collaboration, capacity development, policy formulation, importance, expertise, and certainty. These concepts highlight the multifaceted nature of maritime governance and shed light on the diverse factors that influence its effectiveness. Furthermore, many respondents highlighted the absence or insufficiency of certain elements within states when discussing challenges related to the implementation of IMO instruments. This suggests that there are gaps or
deficiencies in the components or resources needed to effectively implement and comply with international maritime regulations.

From the data analysis, the concept of maritime governance can be understood as a dynamic process that encompasses shipping regulation within an international framework. It operates as a system that guides and directs the actions of various stakeholders involved in the governance chain, with an emphasis on state-led entities. These entities bear the responsibility of committing to and complying with international instruments through effective implementation. Maritime governance goes beyond the mere existence of regulations and policies; it involves the coordination and harmonization of efforts at the national and international levels to ensure the proper functioning of the maritime industry. The data highlights the crucial role of states in upholding their commitments and responsibilities as key players in maritime governance. At the international level, maritime governance is guided by a set of overarching principles and regulations established by organizations such as the IMO. These regulations serve as a foundation for national governments to develop their own frameworks and mechanisms to implement and enforce maritime policies and standards. Implementation, as revealed in the data, has emerged as a critical aspect of maritime governance. This entails the translation of international agreements and conventions into concrete actions and practices at the national level. Effective implementation requires the commitment and compliance of state-led entities as well as coordination and collaboration among various stakeholders within the maritime sector. The data suggest that maritime governance operates within a system of shared responsibilities in which each entity along the governance chain plays a specific role.
The findings from the data closely align with the working definition of maritime governance developed through a literature review. This definition characterizes maritime governance as a process that involves steering activities related to the development and implementation of rules and objectives through coordination and coherence among various actors in shipping regulation. The participants’ comments on the characteristics of maritime governance further reinforce this definition, highlighting its wider infrastructure, cross-cutting and interconnected nature, complexity, multidimensionality, and evolutionary aspects. The characteristics of maritime governance identified at the beginning of the study align with the descriptions and definitions provided by the participants. These characteristics, including being state-focused, applicable at multiple levels, institutionally relevant, and involving multiple parties, serve as a conceptual framework for understanding maritime governance.
The embodiment of maritime governance takes various forms in different Member States, led by the state’s representative agency, typically maritime administration, in accordance with local policies and operating structures. Process design has emerged as a crucial factor for maritime governance success. This entails understanding how work is carried out within an organization and intentionally designing and implementing strategies to improve it. Process design strategies involve a systematic and deliberate approach to structuring processes to achieve the desired outcomes. This includes analyzing, re-engineering, and optimizing processes to enhance performance, productivity, and overall organizational effectiveness. These strategies aim to eliminate unnecessary steps, reduce complexities, and simplify processes to enhance the efficiency. By identifying and eliminating bottlenecks, minimizing delays, and optimizing resource utilization, streamlining and simplification contribute to improved productivity, reduced costs, and enhanced customer satisfaction through faster and more streamlined processes.

Process improvement techniques

The collected data indicate that adopting process improvement techniques (PIT) could be valuable in addressing the existing challenges related to the implementation of IMO instruments. PITs are commonly discussed within the field of organizational development and are defined as a set of tools or methods used to identify, analyze, and optimize processes. These encompass various methodologies and tools employed to assess, enhance, and streamline existing processes, ultimately leading to improved outcomes. In the context of maritime governance, the interviewees identified two key tools that could aid states in enhancing their governance processes. The first tool involves workflow optimization, which entails examining and redesigning the flow of activities and tasks within the governance structure. Through the identification of inefficiencies, redundancies, and bottlenecks, organizations can streamline their operations, reduce delays, and enhance their overall efficiency. Workflow optimization aims to ensure that processes are well-aligned, sequenced effectively, and integrated seamlessly across different stakeholders and departments. The data collected in the study highlighted the significance of workflow optimization in facilitating better coordination and collaboration among stakeholders involved in maritime governance. Respondents emphasized that optimizing workflows both within the national entity responsible for maritime affairs and in external interactions is crucial. This includes coordination with other government agencies, industry stakeholders, international organizations, and other relevant entities involved in maritime governance. Additionally, streamlining the flow of information, communication, and decision-making across these different entities, the implementation of maritime conventions can be improved. Better workflow optimization offers several benefits. It leads to more efficient resource utilization, reduces operational costs, and enhances overall
productivity. It also improves transparency and accountability, as clear processes and responsibilities help stakeholders understand their roles and contributions. The major technique under workflow optimization discussed by the interviewees was the establishment of a best-fit organizational structure. This involves designing a governance framework tailored to the specific needs and contexts of the maritime industry. Considering factors such as the size of the organization, complexity of operations, and interdependencies among stakeholders, a well-designed organizational structure can facilitate effective coordination, decision-making, and communication. This ensures that roles and responsibilities are clearly defined, resources are efficiently allocated, and accountability is established.

Maritime administrations are governed by distinct departments that vary in terms of their structure and operations, guided by the relevant state legislation (Donner et al., 2018). Like any organization, most maritime administrations have an organizational structure to provide guidance on how individuals within the organization should function and interact. However, it is important to note that the mere existence of an organizational structure does not guarantee its effectiveness or suitability for an organization’s needs. Determining the best-fit organizational structure for maritime administration is a complex task. It requires careful consideration of various factors, such as the skills and capabilities of the personnel, specific operational requirements, and overall mandate and scope of work. Each maritime administration operates in a unique context, and finding the optimal structure requires a deep understanding of the organization and its specific challenges and goals. The implementation of policies within a maritime administration occurs within the context of its institutional setting, which includes its organizational structure. A well-designed and appropriate organizational structure is crucial for effective policy implementation. It provides a necessary framework for clear lines of authority, efficient communication, and coordinated efforts among different departments and personnel. During the interviews, participants emphasized that weak organizational structures, processes, and resources are significant underlying factors that hinder the effectiveness of Member States in implementing maritime conventions. These weaknesses can impede decision-making, coordination, and the allocation of resources, leading to inefficiencies and challenges in achieving policy objectives. To address these issues, maritime administrations must critically evaluate existing organizational structures, processes, and resources. This evaluation should consider factors, such as roles and responsibilities, communication channels, decision-making mechanisms, and resource allocation. It is important to note that organizational structure alone is not a panacea for addressing all implementation challenges and must be applied as part of a more holistic approach to network management.

The survey findings substantiated the significance of organizational structure in the implementation process. The organization itself plays a crucial role in policy design,
determining the competences and resources available to the agents responsible for implementation. Decision-making authority is allocated within institutions and organizational structures, and specific roles are assigned to shape the implementation process. An effective organizational structure is essential for fostering good governance. It provides a clear framework for decision making, ensures the distribution of authority, and assigns responsibilities within the organization. Clear definition of roles, responsibilities, and reporting relationships, an organizational structure helps individuals within networks understand their positions and their associated accountability. Furthermore, it facilitates efficient decision making by establishing effective communication channels and optimizing resource allocation. In the context of implementation, various actions, such as allocating funds, establishing structures and procedures, hiring personnel, and managing activities, are essential to achieving the intended outcomes. However, if the implementing organization lacks managerial capabilities or its organizational structure is weak or non-existent, the implementation process is likely to encounter difficulties and may even fail. Determining the most suitable organizational structure for maritime administrations to support maritime governance requires careful consideration and may involve multiple attempts to find the best fit. It also varies across different Member States, as each state operates within its own unique context and institutional framework. It is important to recognize that organizational structure is just one aspect of a comprehensive approach for effective implementation. It should be complemented by other factors, such as capacity development, stakeholder engagement, and institutional policies and structures, to ensure a holistic and integrated approach to governance.

Another PIT technique that can contribute to improving the implementation of maritime conventions is reflective-improvement capability. Member States bear the primary responsibility for implementation, which is carried out through their respective maritime administrations or authorities. While states are expected to effectively implement IMO instruments, many encounter challenges and struggle to fulfill this goal due to various factors, including a lack of knowledge and other obstacles. It is worth noting that each maritime nation’s policy regarding maritime administration is typically formulated by the government, predominantly through a national agency tasked with ensuring compliance with relevant international and national maritime laws and regulations (Donner et al., 2018). In certain countries, this role may be fulfilled by the navy or the coast guard. During the interviews, participants consistently highlighted the national agency responsible for maritime affairs as the primary entity responsible for the implementation of maritime conventions. In fact, two interviewees specifically referred to maritime administration as the nucleus, emphasizing its central and vital role within the implementation process. Reflective-improvement capability, as a PIT, focuses on promoting self-reflection and continuous improvement within maritime
administration. It encourages organizations to engage in regular evaluations of their implementation strategies, identify areas of improvement, and adapt their approaches accordingly. To strengthen reflective-improvement capability, maritime administrations can adopt mechanisms such as performance monitoring and evaluation, knowledge sharing and exchange, regular feedback loops, and fostering a learning culture within the organization. These practices enable the identification of gaps, best practices, and lessons learned, allowing targeted improvements in the implementation process. Additionally, fostering partnerships and collaborations with other stakeholders, including international organizations and industry experts, can provide valuable insights and support the reflective-improvement efforts of maritime administrations.

Reflective-improvement capability, as a process design mechanism, encompasses an organization’s capacity to recognize the need for change, measure performance, learn from experiences, and adapt accordingly. It involves viewing the organization’s theory of change as a dynamic and evolving framework that brings stakeholders together and aligns their efforts towards achieving intervention goals. This approach is rooted in problem-oriented governance, which embraces a dynamic approach to change by explicitly formulating strategic goals, revising organizational alignments and work processes, and leveraging data collection and analysis to inform decision-making. Reflective-improvement capability serves as a performance improvement strategy that involves critically assessing past experiences, identifying areas for improvement, and implementing changes to enhance future outcomes. Essentially, it recognizes that learning from both mistakes and successes, as well as actively seeking feedback, is crucial for organizational growth and progress.

To cultivate reflective-improvement capability, organizations can establish mechanisms that facilitate continuous learning and adaptation. This can include regular evaluations and assessments to gauge performance, systematic data collection and analysis to gain insights into the effectiveness of interventions, and the integration of feedback loops to capture the lessons learned. These practices enable organizations to identify strengths and weaknesses, make informed adjustments to strategies, and enhance their overall performance. Fostering a culture of reflection and learning is essential for building reflective-improvement capability. This involves encouraging individuals and teams to engage in critical self-assessment, openly share their experiences and insights, and actively participate in knowledge-sharing activities. It also requires creating a supportive environment that values innovation, embraces experimentation, and views setbacks as opportunities for improvement.

Organizational leadership assumes a pivotal position in guiding and shaping the progression of an organization towards the realization of its goals. However,
leadership turnover poses a considerable challenge and disruption to most organizations as it entails the responsibility of making critical strategic decisions and establishing the organizational structures necessary for success. The frequency of changes in top leadership positions can exert a significant impact on various aspects of the organization, including its culture, processes, and overall efficiency. Effective organizational leadership provides stability, direction, and a clear vision that aligns employees’ efforts towards common objectives. It involves inspiring and motivating individuals, fostering a positive work environment, and ensuring effective communication and collaboration throughout the organization. When leadership turnover occurs frequently, these vital elements may be compromised, resulting in uncertainty, confusion, and a loss of momentum. One of the key challenges associated with leadership turnover is the disruption of the organizational culture. Organizational culture encompasses the shared values, beliefs, norms, and practices that shape the behaviour and interactions of employees. Effective leadership is instrumental in cultivating and reinforcing the desired culture within an organization. However, when leadership changes occur frequently, they can lead to inconsistent messages, conflicting priorities, and a lack of continuity in cultural practices. This can erode employee morale, weaken organizational identity, and hinder the development of a cohesive and productive work environment.

Moreover, leadership turnover can affect organizational processes and efficiency. Leadership plays a critical role in strategic decision-making, resource allocation, and the design of operational systems. Frequent changes in top leadership positions may result in a lack of continuity in decision-making approaches, inconsistencies in resource utilization, and disruptions in the implementation of planned initiatives. This can lead to inefficiencies, progress delays, and suboptimal outcomes. To mitigate the negative effects of leadership turnover, organizations can implement strategies to ensure smooth transition and maintain organizational stability. This includes effective succession planning in which potential leaders are identified, nurtured, and prepared for leadership roles. Succession planning ensures a seamless transfer of knowledge, skills, and leadership qualities from outgoing leaders to their successors, minimizing disruptions and facilitating a smooth transition. Additionally, organizations can invest in leadership development programs that focus on cultivating a pipeline of capable leaders within the organization.

The findings from the data analysis revealed significant variations in the leadership of maritime administrations, particularly in terms of recruitment, appointment, and tenure across different Member States. In most states, the leadership positions within the maritime administration were occupied by civil servants who were recruited in accordance with public sector labour policies. However, a considerable number of Member States had maritime administrations headed by political appointees. These political appointments were made directly by the Minister responsible for maritime affairs and, in some instances, aligned with the state’s
election cycle, resulting in leadership changes that could potentially disrupt the long-term vision and continuity of the state’s maritime affairs. In a minority of Member States, the head of maritime administration was appointed by the president, following the local governance procedure. This appointment process introduced a different dynamic to the leadership structure within maritime administration. The data also indicated that establishing stability in the maritime sector, particularly through succession planning and shared goals, would be advantageous in addressing governance challenges, particularly those associated with the implementation of IMO instruments. Succession planning involves identifying and preparing potential leaders within the organization to ensure a smooth transition of leadership and maintain institutional knowledge and continuity. Having a sufficient number of decision-makers who share a common understanding and are committed to supporting a policy objective is considered a critical intervening condition for effective governance. Respondents emphasized the significance of political will as a crucial element in governance, which can have both positive and negative effects on desired outcomes. Political will refers to the determination and commitment of political leaders to prioritize and support specific policy objectives. Given that maritime administrations operate within the public sector, they require increased political will and support in order to overcome challenges. However, it is important to acknowledge that the will of implementers and political interests may not always align, leading to potential conflicts and obstacles in the governance process.

The concept of political will has received significant attention in the literature, particularly in publications by the Organization for Economic Cooperation and Development (OECD). Political will plays a pivotal role in shaping governance and is widely recognized for its impact on policy-making and implementation processes. It refers to the determination and commitment of political leaders or decision-makers to actively pursue specific objectives and implement policies to address societal issues. Political will has a considerable influence over various aspects of governance. One of its key effects is issue prioritization and policy development. When political leaders possess genuine commitment to a particular cause, they are more inclined to allocate sufficient time, resources, and expertise in formulating policies. This dedication increases the likelihood of effective policy outcomes and effective interventions. Conversely, the dataset revealed instances in which a lack of political will hindered prompt and adequate response to pressing issues. In such cases, the absence of strong commitment and determination among political leaders results in delays or insubstantial actions to address societal challenges. This highlights the importance of political will in driving governance forward and ensuring timely and appropriate policy responses. In the context of governance, political will can also shape the degree of support provided for policy implementation. Political leaders who prioritize specific objectives are more likely to actively support the implementation process by allocating the necessary
resources, engaging stakeholders, and monitoring progress. In contrast, a lack of political support leads to insufficient support for implementation, resulting in limited progress and suboptimal outcomes.

Political will holds significant implications for governance, both in a general sense and specifically within the realm of maritime governance. It serves as a driving force behind institutional reforms, enabling the establishment of an organizational structure that best suits the needs of institutions involved in maritime affairs. This willingness and determination to drive change paves the way for organizational improvements and enhances the overall effectiveness of governance. Furthermore, political will plays a crucial role in resource allocation, particularly the allocation of financial and human resources to address societal challenges. Leaders who prioritize specific issues and recognize their importance are more inclined to allocate appropriate budgets, mobilize necessary resources, and attract investments to tackle these challenges. This ensures that critical sectors, including the maritime industry, receive the attention and support required for progress and development.

In the context of policy implementation, political will is essential to overcoming obstacles such as bureaucratic inertia, resistance to change, and implementation challenges. Leaders who possess genuine commitment to their policy goals are more likely to allocate necessary resources, coordinate stakeholders effectively, monitor the progress of implementation, and increase the likelihood of achieving successful policy outcomes. Active engagement in the implementation process, enables political leaders to demonstrate their dedication in bringing about tangible results and overcoming hurdles that may hinder progress.

**Legislative processes**

Maritime conventions are treaties between states, which according to Article 38 of the Statute of the International Court of Justice, are classified as a source of international law. International law requires states to carry out their international obligations by varying legislative processes such as the enactment of legislation. It is essential to recognize that the application and impact of international conventions within a country’s legal framework is governed by domestic constitutional laws or other supreme laws (Mukherjee, 2021). The IMO serves as the governing body responsible for the development and adoption of maritime legislation, while the implementation of these conventions falls under the purview of the national government. When a government accepts an IMO Convention through the process of ratification or accession, it commits to incorporating the convention into its domestic legal system and enforcing it as any other national law. This acknowledgment of state sovereignty emphasizes that for international law accepted by a state to be effective, it must also be recognized and enacted as law within the state’s territory, allowing for its application and enforcement. The process of
transforming international conventions into domestic law can vary across different states, but generally involves the drafting and enactment of legislation or other legally binding instruments. These legislative processes hold significant importance in governance, as they govern the creation, modification, and repeal of laws and regulations that shape society.

The processes involved in formulating, enacting, and implementing legislation play crucial roles in shaping the legal framework and providing guidance for the functioning of the government, public institutions, and individuals. Through deliberations, discussions, and drafting, the state engages in the development of legislation that addresses pressing societal issues; establishes rights and responsibilities; and regulates various aspects of public and private life. Laws serve as the bedrock of governance, offering a framework for decision-making processes, ensuring social order, and safeguarding citizens’ rights and interests. Legislative processes not only contribute to the creation of laws but also facilitate the formulation of public policies. They allow the evaluation of policy feasibility and alignment with societal goals and values. In the context of this study, legislative processes are closely intertwined with the implementation and enforcement of laws. Once legislation is enacted, responsibility falls on the executive branch and relevant institutions to effectively implement and enforce these laws. Legislative processes establish a legal foundation and authority that empowers governance bodies to ensure compliance with the law.

Discussions surrounding implementation challenges in the maritime industry have shed light on a significant issue faced by states, the absence of national legislation. This concern is further substantiated by the outcomes of the IMSAS audits which have provided valuable insights into the implementation and enforcement of mandatory IMO instruments (IMO, 2021). To address this issue, the IMO conducted audits in a considerable number of its Member States, specifically one hundred out of its one hundred and seventy-five members (IMO, 2023). The Fifth Consolidated Audit Summary Report (CASR), published on October 1, 2021, presented an overview of the findings from seven audits conducted between 2019 and 2020. It revealed that the transposition of amendments to mandatory IMO instruments had not consistently occurred before their entry into force. Moreover, the report highlighted the absence of a monitoring system to ensure the timeliness of national legislation updates in line with the amendments. Additionally, it indicated a lack of sufficient personnel possessing maritime expertise to effectively support the promulgation of national laws and fulfill the responsibilities of the state (IMO Circular Letter No. 4442, 2021). These findings underline the pressing need for states to address gaps in their national legislation pertaining to the implementation of IMO instruments. The absence of timely transposition of amendments and a monitoring mechanism not only impedes the harmonization of national laws with international obligations, but also hinders the effective enforcement of maritime
regulations. Insufficient personnel with the necessary maritime expertise further exacerbate the challenges faced by states in fulfilling their responsibilities. Addressing these issues requires concerted effort to strengthen the legislative framework at the national level.

Similarly, in the preceding four Consolidated Audit Summary Reports (CASRs), the absence of appropriate national legislation and the necessary infrastructure for implementation and enforcement was evident. The timely transposition of amendments to the applicable mandatory International Maritime Organization (IMO) instruments has not been accomplished (IMO Circular Letter No. 3772, 2017; IMO Circular Letter No. 3879, 2018; IMO Circular Letter No. 4317, 2020). Furthermore, there was a lack of maritime expertise and capacity to effectively develop and promulgate the required national legislation (IMO Circular Letter No. 4028, 2019). The significance of national legislation in the maritime context has been widely recognized, as it is deemed essential for proper implementation. This importance extends beyond the maritime sector and resonates with public administration and governance in general. Public organizations exist primarily to administer the law, with every aspect of their existence being governed by legal authority. The World Bank similarly emphasizes the critical role of law, particularly legislation, in governance. They highlight that law serves multiple functions, including ordering behaviour, establishing power structures, and facilitating contestation. Moreover, law serves as a crucial tool operating at local, national, and global levels, providing a framework for policies and guiding their implementation. The presence of national legislation is fundamental to effective governance and ensures that policies and regulations are upheld and enforced. It provides a legal basis for decision-making, establishes rights and obligations, and sets standards for behaviour and compliance. National legislation acts as a cornerstone in governance architecture, promoting transparency, accountability, and rule of law. It facilitates coordination among various stakeholders, supports the achievement of policy objectives, and provides a means of addressing societal challenges. Within the maritime sector, national legislation is particularly crucial for the implementation of IMO instruments and adherence to international obligations. It provides the necessary legal framework to align domestic laws with international conventions and ensure uniformity and consistency in maritime governance. In addition, national legislation enables the establishment of appropriate enforcement mechanisms, including regulatory bodies and inspection procedures, to monitor compliance and enforce penalties when necessary.

The dataset revealed a clear recognition of the significance of national legislation and involvement of the national legislative process in the implementation of international maritime regulations. This recognition permeates the process of formulating regulations. In most, if not all, maritime conventions, there is a provision that mandates that states implement the convention and provides guidance
on how to do so. This guidance emphasizes the activation of the legislative process as the initial step, followed by other necessary actions to fully and comprehensively give effect to the convention. During the interviews conducted within the jurisdictions of the Member States, one interviewee provided further insights, explaining that implementing the rules and regulations entails incorporating them into national law. This understanding reinforces the crucial role of national legislation in translating international obligations into actionable domestic measures. The data sheds light not only on the awareness of the importance of national legislation but also on the industry’s acknowledgment of current issues related to national laws. These findings highlight the need for attention and scrutiny when examining existing national laws governing maritime affairs, and underscore the significance of addressing gaps, inconsistencies, or inefficiencies in national legislation that may hinder the effective implementation of international maritime regulations. Ensuring that national legislation aligns with international obligations is vital for harmonizing regulatory frameworks, promoting compliance, and facilitating the smooth functioning of the maritime industry.

National laws serve as a means to provide legal effects to international conventions and provide a framework for implementing and enforcing maritime regulations. They establish the rights, responsibilities, and obligations of all relevant stakeholders including government authorities, maritime agencies, industry players, and individuals involved in maritime activities. Additionally, national legislation plays a crucial role in enhancing transparency, accountability, and rule of law within the maritime sector. It provides a clear legal basis for decision-making, facilitates coordination and cooperation among various stakeholders, and enables the effective enforcement of regulations. Moreover, well-crafted national legislation can address specific national circumstances and promote sustainable development of the maritime industry while ensuring compliance with international standards. The interview findings also corroborated the significant challenge posed by the absence of national legislation, which emerged as one of the foremost issues faced by Member States. This deficiency in national legislation places states in a position of self-restriction, limiting their ability to effectively govern and regulate maritime affairs. Legislation serves as more than just a set of guidelines for expected behaviour; it empowers the state to monitor and enforce necessary actions. The data also shed light on various factors contributing to the lack of national legislation. One notable factor highlighted by the interviewees was the legal system prevalent in each Member State. The distinction between civil law and common law systems is particularly relevant, as it signifies that common law states often require a revision of relevant international instruments to align them with domestic legislation. This process entails a thorough assessment of existing laws to ensure harmonization and avoid potential conflicts between new and pre-existing legislation. Such a redrafting process is often intricate and time-consuming, leading to unforeseen
implementation delays. Importantly, the responsibility for managing these delays falls outside the purview of the implementing authority, typically maritime administration or maritime authority. This is due to the involvement of various sub-national entities in the legislative process, where certain aspects may be managed by different entities. Addressing the issue of national legislation requires an approach that considers the legal systems in place, ensures compatibility with international obligations, and streamlines the legislative processes. It is crucial to develop mechanisms that facilitate efficient coordination among the different entities involved, minimize delays, and promote effective governance.

According to one interviewee, the responsibility for drafting legislation falls under the jurisdiction of the Attorney General’s Office. However, this arrangement poses challenges for the implementation of technical IMO Conventions. The interviewee indicated that the maritime administration, which possesses the necessary technical knowledge, is not directly involved in the drafting process conducted by the Attorney General’s Office. This disconnect between maritime administration and the drafting process can result in delays in promulgating national laws, stemming from a lack of understanding or appreciation of international regulations. Another issue that has been raised is the limited capacity to draft legislation. Several participants highlighted that most countries employ only one or two individuals who are responsible for the drafting process. This scarcity of human resources creates significant challenges for Member States in terms of introducing national legislation. The lack of capacity not only affects maritime legislative expertise within maritime administration but also extends to coordinating sub-national agencies. Consequently, addressing this capacity challenge requires a strategy for capacity building that emphasizes the development of relevant expertise. In the context of this study, the desired outcome would be the timely promulgation of all the necessary national legislation to effectively implement ratified IMO instruments. To overcome these challenges, it is crucial to foster closer collaboration between the Attorney General’s Office and maritime administration. This collaboration enables the exchange of technical knowledge and expertise, facilitating a more efficient drafting process aligned with international regulations. Member States should prioritize capacity development initiatives to enhance the capabilities of personnel involved in the legislative process. This includes expanding the pool of experts with a thorough understanding of maritime legislation and promoting knowledge-sharing platforms to facilitate collaboration among relevant stakeholders.

Overcoming the complexities of legislative processes requires careful consideration of the diverse characteristics, needs, and challenges faced by the Member States. Interviewees emphasized the importance of diversifying governance processes to address these challenges. Two case studies, Singapore and Kenya, presented in Chapter 5 highlight how states have employed different strategies to improve the
implementation of international regulations within their national contexts. Singapore’s approach to process improvement can be observed through the delegation of regulation-making powers to the Maritime and Port Authority of Singapore (MPA). This delegation of authority allows the MPA to play a more proactive role in the development of regulations, thereby streamlining the legislative process. By empowering a specialized agency with expertise in maritime affairs, Singapore has demonstrated the effectiveness of this approach in overcoming the hurdles associated with promulgating national legislation. The focus on developing new standards through subsidiary legislation has proven to be a successful step in aligning national regulations with international obligations. Added to this, effective legislative making in Singapore is achieved through a partnership approach that involves engaging key stakeholders such as the Attorney General’s Office throughout the legislative process. This collaboration ensures that technical knowledge from maritime administration is incorporated, leading to a better understanding and appreciation of international regulations.

Similarly, Kenya has undertaken a significant amendment to its Constitution, aiming to address the challenge of complex legislative processes and the resulting delays in the introduction of national legislation. This amendment signifies a notable improvement and reflects a shift from the dualist method of legislative enactment to a monist method. It is important to note that the scope of the study was limited to identifying the implementation mechanisms, and an assessment of the success of this shift was not included. Nevertheless, this process design change has potential advantages and the possibility to enhance governance. In a monist system, legislative processes are characterized as being more streamlined and efficient than a dualist system. By incorporating international treaties ratified by Kenya into national law, the legislative framework became more cohesive and aligned. This alignment can promote faster decision-making by reducing potential conflicts and delays that may arise from the separation of power. With closer collaboration between the executive and legislative branches, it becomes easier to coordinate efforts, negotiate terms, and reach consensus on legislative measures. Enhanced coordination and cooperation can lead to a more efficient legislative process. The monist system enables greater flexibility and adaptability to the legislative process. Integrating international treaties into national law makes it easier to introduce new legislation or amendments to existing laws in a timely manner. This flexibility allows a legislative framework to respond more effectively to emerging needs and evolving societal challenges and facilitates the timely incorporation of international obligations into domestic legislation, ensuring that Kenya remains compliant with its international commitments. While the specific outcomes and impacts of this shift to a monist system in Kenya are beyond the scope of this study, the advantages associated with this approach suggest potential improvements in governance. More streamlined and efficient legislative processes, along with increased coordination
and flexibility, have the potential to expedite the introduction of national legislation and enhance the overall functioning of the governance system. However, further evaluation and analysis are necessary to assess the effectiveness of this process design change and its implications for governance in Kenya.

Process design strategies focus on promoting collaboration and cross-functional integration to facilitate smooth coordination and exchange of information among various departments and stakeholders. The goal is to eliminate organizational silos, encourage effective communication, and foster collaboration between teams, ultimately leading to improved process efficiency and effectiveness. The streamlining of different perspectives, expertise, and cross-functional integration allows organizations to design more streamlined processes. The primary objective of process design strategies is to enhance organizational performance. These strategies prioritize the needs and expectations of customers and aim to enhance customer satisfaction by delivering high-quality products or services in a timely manner. Organizations typically follow a systematic approach to implementing effective process-design strategies. This involves mapping out the current processes, identifying bottlenecks or areas of inefficiency, and determining the root causes of these issues. Once potential improvements are identified, organizations can implement changes through careful planning and execution. This may involve restructuring workflows, introducing new technologies or tools, establishing standardized procedures, or providing training and support to employees. Continuous monitoring and evaluation are crucial to ensure that implemented changes are effective and sustainable. Regular feedback loops and performance metrics enable organizations to measure the impact of process design strategies and make further adjustments as needed. Organizations can achieve several benefits by adopting process design strategies. Improved process efficiency leads to time and cost savings as well as enhanced productivity. Optimized utilization of resources allows organizations to allocate resources more effectively, leading to better overall performance. Additionally, streamlined processes contribute to a reduction in errors and rework, resulting in higher-quality outputs and increased customer satisfaction.

7.3.3 Adapting based on particularities

The maritime sector encompasses a wide range of countries, ships, and seafarers, making it highly diverse. With over 175 states involved in maritime trade and more than 50,000 ships operated by approximately 1,892,720 seafarers of various nationalities (BIMCO, 2021), the sector is truly global in nature. This diversity brings forth various perspectives, challenges, and opportunities for governance. The particularities of this sector play a significant role in shaping governance practices. These particularities refer to the unique characteristics, circumstances, and contexts that are specific to each country or region. Understanding and effectively leveraging
these particularities can lead to positive governance outcomes within the maritime sector.

In this study, two key characteristics emerged as dominant themes in the dataset: state centrality and reliance on collaboration. State centrality refers to the state’s crucial role in governing maritime affairs. As the primary authority responsible for implementing and enforcing international conventions, the state plays a central role in setting regulations, ensuring compliance and overseeing the functioning of the maritime industry within its jurisdiction. Collaboration is another significant characteristic of the maritime sector. Given the global nature of maritime trade and the interdependence among various stakeholders, collaboration is essential for effective governance. Cooperation and coordination between states and international organizations such as the IMO, industry players, and other relevant actors are critical in addressing common challenges, developing standardized practices, and ensuring the smooth functioning of the sector.

State centrality
The prevailing concepts and practices of public administration have traditionally emphasized the central role of the state in national development. However, the landscape of public administration has undergone significant changes with the involvement of various actors beyond the state. This shift from government to governance has been widely discussed in governance literature. The changing dynamics of the administrative landscape can be attributed to several factors. Globalization trends have redefined national issues, necessitating a broader perspective and engagement with international actors and networks. Additionally, there is growing demand for greater independence, autonomy, and decentralization within multi-nation and nation-state systems. These trends call for a re-evaluation of traditional approaches to public administration and identification of appropriate modalities for fulfilling diverse national functions. Maritime governance exemplifies the characteristics of network governance, as described by Rhodes (1997), focusing on collaboration and coordination among multiple stakeholders. At the same time, the state retains its central role and legitimacy within this governance framework, as asserted by Peters and Pierre (2000). The data collected in this study align with this understanding, highlighting that, despite the multi-stakeholder nature of maritime governance, the state remains responsible for steering the implementation of international conventions and regulations under the flag state responsibility defined by the United Nations Convention on the Law of the Sea (UNCLOS) and various IMO instruments. However, given the evolving nature and roles of the actors involved in maritime governance, there is a need to adapt and engage new patterns of governance tailored to the specific operating environment. This means recognizing the particularities and complexities of the maritime sector.
and designing governance mechanisms that facilitate effective collaboration, decision-making, and the achievement of desired outcomes.

Despite the growing trend toward decentralization aimed at strengthening democratic processes, this shift has raised concerns regarding accountability. The study participants acknowledged this challenge. The research data indicate that enhancing accountability and achieving policy objectives requires several measures, including independent oversight at the national level, improved documentation of processes, and the implementation of cost management mechanisms. These steps strategically position states to address accountability gaps and enhance their governance practices. Meta-governance offers a framework for addressing governance challenges by focusing on the design and steering of organizations. It presents various modes that can be applied, depending on the specific context. Meta-governance acknowledges the complexity and diversity of governance settings and provides approaches tailored to different circumstances. By adopting appropriate meta-governance strategies, states can effectively navigate through the challenges of accountability and governance in the maritime sector. Different governance approaches have been developed within the context of meta-governance, considering the specific characteristics and requirements of each setting. These approaches may include collaborative, network, and adaptive governance. Collaborative governance emphasizes the importance of inclusive and participatory decision-making processes involving diverse stakeholders to promote collective action and shared responsibility. Network governance focuses on coordination and cooperation among various actors and institutions, recognizing the interdependencies and interconnectedness within the governance system. On the other hand, adaptive governance emphasizes flexibility and responsiveness to changing circumstances, enabling organizations to adapt their strategies and actions to effectively address emerging challenges. The selection of an appropriate governance approach depends on the specific context, nature of challenges, and desired outcomes. This requires a careful analysis of the governance ecosystem, including the roles and relationships of different actors, the distribution of power and resources, and the overall governance structure.

The maritime meta-governance structure encompasses the state’s central role in managing and coordinating governance processes at international, regional, and local levels. As a key participant in meta-governance, the state assumes responsibility for accountability and exerts influence on self-governing networks comprising various actors. These actors include implementation bodies, governmental entities tasked with legislative drafting and promulgation, national environmental agencies, national security agencies, maritime education and training institutions, recognized organizations, shipping companies, and shipowners. Together, they form a collaborative framework within which the state oversees maritime affairs. Within the meta-governance approach, the organization at the core
is the maritime authority or maritime administration, and in some instances, the navy or coast guard, entrusted with administering the state’s maritime affairs. The designated national agency responsible for maritime affairs or a specialized institution assumes a central role within the wider maritime governance network, serving as an accountability measure. This central agency acts as a premier partner in the governance network, fostering coordination, collaboration, and effective communication among the stakeholders. The meta-governance structure recognizes the importance of the state’s leadership and managerial capabilities in driving effective maritime governance. The designated agency or institution provides a focal point for the coordination, decision-making, and implementation of policies and regulations. This accountability measure enhances transparency, fosters collaboration among stakeholders, and facilitates the achievement of common goals in the maritime sector.

Data gathered from various stakeholders in the maritime sector highlight the importance of accountability and transparency in addressing current challenges. To enhance accountability, the data suggest that conducting audits and implementing corrective actions can foster greater responsibility among the states. Audits serve as a mechanism for assessing compliance, identifying shortcomings, and ensuring that states are held accountable for their actions. Transparency has emerged as a key point of contention in the maritime sector. Different perspectives exist regarding information sharing, including what should be shared, what is currently shared, and what remains undisclosed. Participants in the study, representing various entities such as the IMO Secretariat, IMO Committee members, Member State representatives, maritime administrations, and industry representatives, provided insights on transparency in the context of audits conducted under the IMSAS framework. The findings indicate the need for adaptability to address the challenges at hand. Respondents emphasized the importance of a cultural shift at both the international and national levels. This cultural shift would require a change in organizational culture, particularly within the national agency responsible for maritime affairs. The failure to change organizational culture is a common reason for governance failures. Implementing a cultural shift entails embracing new norms and values that prioritize transparency, accountability, and continuous improvement. It involves promoting a culture of openness, information-sharing, and collaboration within the maritime sector. This shift in organizational culture should be accompanied by supportive policies, procedures, and mechanisms that facilitate transparency and accountability.

At the international level, cultural shifts require collective commitment from all stakeholders involved in maritime governance. It involves fostering a culture of cooperation, information exchange, and shared responsibility among Member States, international organizations, and industry representatives. Transparent practices, including the sharing of relevant information, can enhance trust, facilitate
effective decision-making, and contribute to the overall governance of the maritime sector.

Respondents emphasized the need for a cultural shift across all levels of governance in the maritime sector to effectively achieve the desired governance objectives. They expressed that the current operating procedures are insufficient to ensure the necessary efficiency in the governance of international shipping. Therefore, a radical cultural shift at both the IMO and within Member States was deemed necessary to bring about the desired improvements. The dataset provides valuable insights into several strategies that, if adopted and adapted by Member States, can contribute to the suggested cultural shift and realization of desired outcomes. These strategies, identified through data analysis, include increased transparency, enhanced participation of Member States in international discussions and negotiations, and revision of the role of the IMO. The respondents generally agreed that transparency was a powerful tool that yielded significant benefits. Figure 7.5 visually represents the interface of the member state audit on the online Global Integrated Shipping Information System (GISIS) platform. It should be noted that the depicted interface represents the public area, which only provides information intended to be shared with the public or anyone outside the Member States through their designated GISIS Administrator.

The platform specifies that audit reports are available for download exclusively by Member States unless permission is granted by the Member States for public access. The data revealed that transparency is a sensitive issue for many Member States. Respondents expressed concerns about the confidentiality of some audit reports and lack of public disclosure. The call for increased transparency aligns with the aspiration for improved governance in the maritime sector. Transparency is recognized as a crucial component of good governance and is an important factor in
assessing both the democratic nature and efficiency of governance (World Bank, 1995). It promotes accountability, fosters trust among stakeholders and enhances the effectiveness of governance mechanisms. While acknowledging the challenges associated with transparency, respondents emphasized the importance of addressing these concerns. They highlighted the need to overcome reticence and move towards a more open and accountable approach. This could involve measures such as the publication of audit reports, ensuring greater availability of information related to governance processes, and promoting dialogue between Member States and the wider public.

According to one interviewee,

There is some resistance when you’re talking about the audit scheme, and whether these reports can be made public. Making everything public would definitely put much more pressure on states to implement things properly.

Respondents further indicated that certain matters might make governments uneasy with full disclosure. However, they proposed a potential solution to enhance transparency and bolster implementation by Member States. Specifically, respondents suggested that the IMO should be tasked by Member States to produce a condensed report that could be made available to the public. This approach aimed to promote constructive transparency. The concept of constructive transparency, as conveyed by the respondents, implies striking a balance between the need for transparency and the sensitivity of certain information. It recognizes that complete disclosure may not always be feasible or appropriate under certain circumstances. By providing an abbreviated report, the IMO could ensure a level of transparency that allows the public to gain insight into governance processes and progress made by Member States while respecting the boundaries set by national governments. This proposal highlights the importance of finding a middle ground that respects both the need for accountability and the legitimate concerns raised by governments. Constructive transparency can serve as a mechanism to bridge this gap, enabling stakeholders to access pertinent information while also considering the complexities and sensitivities associated with certain matters.

The general sentiment shared by the respondents is that more active participation in the IMO is required for Member States. Recognizing deficient representation, countries should activate strong cooperation mechanisms to encourage widespread participation in the development of international regulations (Baumler et al., 2021). This increased participation, it is suggested, would create greater awareness and understanding amongst Member States and, in some cases, provide a more balanced discussion on matters affecting international shipping. The data revealed that less-than-ideal levels of participation in international meetings by Member States have led to external influence by industry representatives in decision-making at the
international level. Considering the IMO’s system of consensus decision-making, the study participants suggested that active participation by Member States would be beneficial for more valuable debates and would enrich decision-making at the IMO. Active participation allows states to exert influence rather than be routinely influenced and contributes to the decision-making processes of international meetings. Through active participation, states engage in dialogue, build alliances, and seek support for their initiatives and positions on various global issues. IMO meetings serve as a forum for states to stay updated on the latest developments in the industry, exchange information, share experiences, and learn from one another. They offer opportunities for states to establish and strengthen bilateral and multilateral relationships, build trust, and foster cooperation with other countries. States can identify areas of mutual interest, explore potential collaborations, and forge partnerships with other countries or regional organizations to collectively address global issues.

Stemming from its global relevance, maritime governance can be considered an embodiment of global governance, in which states and international organizations play primary roles in the development of rules and decision-making. Weiss and Wilkinson (2018) differentiated international organizations (IO) as bodies as opposed to the international organization process and outlined that IOs are formal intergovernmental bureaucracies with a legal standing, physical headquarters, executive head, staff, and substantive focus in their operations (Weiss and Wilkinson, 2018). The general structure of most international organizations includes a plenary, executive organ, subsidiary bodies, and secretariat (OECD, 2018). IMO (2016) indicated that the development of international rules and standards is part of the process by which IMO, as an international organization, is closely involved. However, international organizational instruments need to be adopted or used domestically to have a practical effect (OECD, 2018). This is confirmed by Article 26 of the Vienna Convention on the Law of Treaties, which states that treaties are binding on their parties and must be performed by them in good faith. The process of imparting practical effects to international instruments can also be referred to as implementation. This is generally the responsibility of individual Member States and is usually done without the involvement of international organizations. However, international organizations may become involved in the implementation of these instruments to varying degrees (Joachim et al., 2010). The mechanisms developed by IOs to facilitate the implementation of their instruments can be grouped into four categories: assistance mechanisms (managerial approach), compliance mechanisms (enforcement approach), advocacy mechanisms (normative approach), and monitoring mechanisms (combination of approaches) (Joachim et al., 2010; OECD, 2018).

In the context of the maritime industry, participants recognized the IMO as the primary international organization responsible for overseeing various aspects of
international shipping. While the IMO has a central role, respondents acknowledged that its involvement extends to collaborating with other organizations, such as the United Nations (UN), the International Labour Organization (ILO) for labour-related issues, and the Food and Agriculture Organization (FAO) for matters concerning fisheries and aquaculture (Balkin 2018). It is important to note that this list is not exhaustive, as the complexity of international shipping involves the participation of numerous stakeholders, depending on the specific subject being addressed. The role of IMO in the implementation and governance of the shipping industry has been widely discussed. During the interviews, the participants shared insights into the activities and functions of the IMO. As outlined in Chapter 4, the IMO’s mandate, as stated in the IMO Convention, revolves around facilitating government cooperation in regulating international shipping. This involves various tasks, including drafting conventions and other instruments, organizing diplomatic conferences, deliberating on submitted matters, providing consultation, and fostering technical cooperation. These activities provide a valuable context for IMO’s functions, as expressed by industry practitioners. However, it is important to acknowledge that while some participants expressed satisfaction with the IMO’s role in governance, others believed that the organization fell short of fulfilling its responsibilities within the governance chain. Different perspectives emerged during the interviews, reflecting varying expectations and opinions regarding the effectiveness of the IMO’s governance efforts.

One interviewee stated:

I need to say that the IMO has been successful in developing treaties affecting ship construction, design, and operations, but implementing these treaties is a completely and totally different aspect.

It was also acknowledged that the role of the IMO now, compared to when it was established, indicates that the IMO’s mandate has evolved since its establishment. To assess the three perspectives presented by Joachim et al. (2010), it was observed that the IMO is involved in activities that are mostly managerial. Interviewees commented on the capacity-building initiatives facilitated by the IMO, particularly through the ITCP, its role in the development of regulations, and its move towards conducting audits. The IMO also continues to sensitize states and advocates for them to comply with international regulations and other matters concerning international shipping. Despite the recognition of the accomplishments of the IMO in developing regulations and providing technical cooperation, participants in the study highlighted certain limitations that impact the overall governance of international shipping. One notable restriction is the absence of enforcement power. Interviewees acknowledged the interdependent relationship between the IMO and Member States, which emphasizes the organization’s reliance on states for the implementation and enforcement of regulations. Additionally, interviewees
emphasized the principle of state sovereignty, stating that the IMO cannot interfere with the sovereignty of individual Member States. Under the current IMO Convention, the organization lacks the authority to enforce conventions. However, some arguments have emerged that question the expanded role of the IMO in conducting audits, as it may exceed its constitutional mandate. The dataset reflects a divergence of opinions among stakeholders regarding the true nature of an IMO’s role. Some individuals perceive the organization merely as a repository for text, where regulatory text is stored. However, this narrow view fails to capture the broader scope of the IMO’s functions, as outlined in Articles 1 and 2 of the IMO Convention. Others view the IMO primarily as a forum for Member States to convene and engage in discussions. While the IMO serves as a platform for Member States to gather, this characterization alone does not fully encapsulate the role of the organization.

Interviewees echoed the understanding that the IMO functions primarily as a facilitator, aligning with observations made by Balkin (2018). The IMO’s facilitatory role encompasses a wide range of activities, including the provision of the necessary mechanisms for Member States to develop and adopt international regulations, receive technical cooperation, engage in consultations, and seek advice. However, it can be argued that the role of the IMO has expanded beyond mere facilitation since 2006. Before this period, the functions of the IMO were largely driven by, and dependent on, its Member States. Member States actively engaged in negotiations, participated in working groups, reviewed and approved draft regulations, and ultimately adopted them within the IMO framework. Furthermore, the technical assistance provided by the IMO was initiated through formal requests submitted by Member States. Similarly, the provision of consultation and advice by the IMO was predominantly in response to requests from Member States, other United Nations (UN) entities, or external organizations. One interviewee emphasized that the IMO Convention was designed to ensure that individual Member States retained significant decision-making power. This sentiment was evident in the initial meetings of the Inter-Governmental Maritime Consultative Organization (IMCO), where states expressed their intention for the organization to maintain a limited role, primarily focused on providing consultation. States even raised the possibility of withdrawing from the organization if its scope expanded to include commercial matters within the shipping industry. While the IMO’s facilitatory role remains central to its operations, it is important to recognize that the organization has evolved over time. Its influence has grown beyond mere facilitation, with expanded involvement in policy development, technical expertise, and consultation. The balance between the role of the IMO as a facilitator and the aspirations of Member States continues to be an ongoing consideration in shaping the governance of international shipping.
The expansion of the IMO’s mandate can be observed in the establishment and administration of IMSAS. The process is primarily overseen by the IMO Secretariat, which operates with a certain level of independence from its Member States. However, it is important to note that this independence is limited in its scope. While the IMO Secretariat manages the audit process and issues corrective action plans, it lacks the authority to enforce penalties or sanctions for non-compliance with convention obligations or corrective actions. The limitation of enforcement powers was highlighted by interviewees, who expressed a sense of concern regarding the effectiveness of the audit process. While audits proved valuable in identifying weaknesses within national maritime governance frameworks, the absence of enforcement mechanisms to ensure compliance with remedial actions was viewed as potentially counterproductive. Respondents acknowledged the facilitatory role of the IMO in formulating and adopting conventions, but they also noted that the organization does not have the capacity to actively police outcomes and enforce compliance. This limitation in enforcement power reflects the inherent structure of the IMO, which operates within the framework of state sovereignty and relies on the cooperation and commitment of Member States to uphold their obligations. While the IMO plays a vital role in setting international standards and facilitating cooperation among Member States, it ultimately relies on the voluntary adherence and implementation of its conventions by individual states.

The International Atomic Energy Agency (IAEA) operates under a framework that is comparable to that of the IMO. As an autonomous international organization within the United Nations system, the IAEA shares a similar responsibility with the IMO in ensuring compliance with international agreements by its Member States. To monitor compliance, the IAEA conducts various types of inspections, including ad hoc, routine, and special inspections, and issues corrective action plans when violations of obligations are identified. In contrast to the IMO, the IAEA possesses broader enforcement powers granted by its Statute. These powers include the authority to take action, such as curtailing or suspending assistance provided by the IAEA or a Member State, recalling materials and equipment, and even suspending the rights and privileges of membership in the IAEA. The IAEA’s Statute also allows for reporting non-compliance with the United Nations. While the IAEA’s enforcement mechanisms present an example of an approach to ensuring compliance amongst Member States, they do not imply that the IMO should adopt an identical enforcement model. However, it does suggest that the IMO should explore additional measures to encourage compliance with its conventions and strengthen its governance framework. The discussion around enforcement powers within the IMO is complex given the diverse interests and sovereignty concerns of its Member States. Striking a balance between promoting compliance and respecting state autonomy is essential. The comparison between the IAEA and IMO serves as a point of reflection for the IMO to assess its current approach and consider potential
avenues for enhancing compliance mechanisms. Challenges faced by the maritime industry, such as environmental concerns, safety standards, and security issues, underscore the importance of effective governance and compliance.

Several respondents from the survey expressed the need for reform of the IMO to enhance the overall implementation of its mandates. They argued that the expanding scope of maritime affairs and the increasing challenges faced by the industry necessitated an expanded role for the IMO. While some respondents viewed the idea of granting enforcement powers to the IMO as a positive step towards improving compliance, others raised concerns about the potential implications and need for a change in the nature and constitution of the organization. The proposition to grant enforcement powers to the IMO would require amending the IMO Convention, which received support from some interviewees. They believed that such amendments should provide the IMO with more responsibilities, a clear mandate, and increased funding to empower the organization to effectively address maritime governance challenges. Additionally, there were suggestions to either amend or significantly reinterpret the IMO Convention to align it with the evolving expectations and requirements of the industry. However, it was recognized that making changes to the IMO’s role and constitution would be a complex process that requires the consensus and cooperation of its Member States. Despite potential changes in the IMO’s structure and authority, respondents acknowledged that improving Member State implementation would remain a challenging and long-term endeavour for the organization. It was recognized that achieving meaningful improvements would require not only organizational reforms within the IMO but also active participation and commitment from Member States to effectively implement and enforce international maritime regulations.

Reliance on collaboration

Meta governance, as a concept, operates within fragmented political systems and aims to enhance coordinated governance. It employs a collaborative approach that carefully selects relevant actors based on the subject matter at hand, organizes these actors within a meta-governance framework, and utilizes a governance approach to effectively steer their coordinated efforts. In the context of the maritime sector, which involves multiple stakeholders, addressing implementation barriers necessitates an assessment of the underlying causes and the collaborative development of targeted strategies by all relevant stakeholders. The respondents recognized that cultural and national diversity is a distinct characteristic within the maritime industry, and they acknowledged that it could pose challenges and offer benefits to the implementation of governance measures. Cultural diversity and multiculturalism within the industry present unique governance challenges such as differing perspectives, approaches, and values among stakeholders from various
cultural backgrounds. Effectively managing and incorporating diversity requires a nuanced understanding of cultural nuances and the ability to foster inclusive decision-making processes that respect and value diverse perspectives. On the other hand, respondents highlighted the potential benefits of cultural and national governance diversity. They emphasized that diversity can bring a wide range of knowledge, expertise, and innovative ideas to the table, leading to more comprehensive governance solutions.

During the interviews, participants emphasized the impact of cultural approaches on the implementation process and the potential effects they could have on group efforts. They acknowledged that if not properly managed, cultural differences could hinder the implementation process. However, they also acknowledged that certain cultural factors can positively influence governance and contribute to overall efficiency. It was recognized that careful consideration should be given to these cultural differences during policy formulation and implementation processes. Participants widely shared the belief that recognizing and embracing cultural diversity is crucial for establishing inclusive and effective governance systems. Cultural diversity challenges the notion of uniformity in governance systems and underscores the importance of developing policies and services that are sensitive to the diverse needs, perspectives, and experiences of different states and their cultural characteristics. Taking these particularities into account is essential for fostering collaboration among stakeholders. Different cultural perspectives can foster innovation, creativity, and critical thinking, leading to comprehensive governance outcomes. Moreover, acknowledging and accommodating cultural diversity fosters a sense of belonging and ownership among stakeholders, thereby promoting their active participation and engagement in the governance process.

Maritime governance, at its core, relies on the collaborative efforts of Member States to make decisions and establish international standards. This reliance on collaboration recognizes that, in today’s interconnected world, no single entity or individual possesses all the knowledge and capabilities required for effective governance. Collaborative governance brings together diverse perspectives, expertise, and resources to tackle complex challenges and make informed decisions. In the context of this study, collaboration refers to the practice implemented within the meta-governance framework, where public and private stakeholders come together to engage in consensus-oriented decision-making (Ansell and Gash, 2008). Collaborative governance is rooted in principles of communication and cooperation. Communication has emerged as a crucial factor in supporting successful implementation, as identified by the data. The respondents highlighted the significance of effective communication in governance processes, emphasizing that a lack of communication can hinder governance efforts. Communication is not only a requirement within maritime administration but also a key element in strengthening maritime governance as a whole. Many participants expressed the
common sentiment that there was room for improvement in communication within the industry. Improving communication in the maritime sector has several potential benefits. First, it fosters a shared understanding among stakeholders, enabling them to align their actions and coordinate efforts towards common goals. Clear and effective communication channels facilitate the exchange of information, ideas, and concerns, leading to informed decision-making processes. Moreover, enhanced communication promotes transparency, accountability, and trust among stakeholders, which are the essential elements of effective governance.

An interviewee stated that,

the weak bit in that governance chain is the communication elements between the government, the recognised organisation, and the let’s say, the shipyard, or the ship owner.

The importance of cooperation at both international and regional levels was a significant topic of discussion among the study participants. Successful examples of international and regional cooperation in the maritime industry have demonstrated their value. One notable example is the Port State Control Memoranda of Understanding (PSC-MOUs), which are state-led initiatives that operate in nine regions worldwide. These initiatives involve the inspection of foreign ships in national ports to verify compliance with international regulations and enforce maritime standards (IMO, 2022). PSC-MOUs have proven to be an effective mechanism for enhancing maritime safety, security, and environmental protection through coordinated efforts among participating states. Another prominent example of regional cooperation in the maritime sector is the European Union (EU). The EU, known for its commitment to multilateralism and upholding of the rule-based international system, serves as a key coordinator of multilateral responses to global challenges. Within the EU, there are frameworks and regulations governing various aspects of maritime governance, including safety, security, environmental protection, and labour standards. The EU’s regional cooperation model has achieved significant harmonization and integration of maritime policies and practices among its member states. While the PSC-MOUs and the EU are widely recognized as successful examples of regional cooperation, it is important to acknowledge that there are other regional initiatives in the maritime sector, albeit on a smaller scale. Although less prominent, these initiatives play valuable roles in fostering collaboration and addressing specific regional challenges within the maritime domain. The study participants acknowledged the role of the IMO’s Regional Presence Offices in facilitating technical cooperation within the six regions in which these offices are currently established. These regional offices serve as important channels for exchanging knowledge, best practices, and expertise among member
states, supporting capacity-building efforts, and promoting effective implementation of international maritime regulations at the regional level.

A proposal emerged from one interviewee suggesting the establishment of a regional maritime administration that functions as a meta-governor within the maritime governance network. This proposed regional administration would be entrusted with the authority and power to govern the performance of individual maritime administrations in states within the respective region. The concept of regional cooperation was viewed positively by the participants; however, it was noted that the success of such an initiative would require adaptation by each state to accommodate its unique circumstances and specificities within the region. To supplement regional cooperation efforts, one interviewee highlighted the potential benefits of implementing a “twinning” arrangement. This arrangement involves pairing a country that lacks certain capacities or expertise in a particular field with another country that possesses necessary resources and experience. The objective is to enable the direct transfer of knowledge and assistance between the paired countries. This practice is currently implemented in the European Union, where Member States are paired to share public sector expertise and achieve operational results through peer-to-peer activities. Under the twinning arrangement, a resident twinning advisor is assigned and short-term experts are engaged from the partner state for an agreed-upon partnership duration. Administrations are expected to mobilize their staff and make them available to actively participate in the twining arrangement during the designated period. In addition to addressing capacity needs, these partnerships also facilitate long-term cooperation between administrations within their respective states. The proposal for regional maritime administration and the implementation of twinning arrangements exemplify innovative strategies to enhance collaboration and cooperation within the maritime sector. Through the application of these initiatives, states can leverage the strengths and expertise of their regional counterparts to address capacity gaps, improve performance, and promote long-term cooperation. These initiatives would contribute to strengthening regional maritime governance and facilitate the achievement of common goals and objectives, while allowing for flexibility and customization based on the specific needs and contexts of each participating state.

Collaborative efforts are not limited to the regional level but are also applicable at the national level. Collaborative governance has emerged as a response to various challenges, including those related to the failure to effectively implement public sector regulations. This approach is considered a characteristic of network governance and provides a new perspective on the involvement of multiple stakeholders in state affairs. The literature, particularly discussions on evolving forms of governance, emphasizes the growing importance of collaboration as governance structures expand and new actors emerge. The findings of this study align with these propositions. At the national level, maritime governance is
conducted within the jurisdiction of each implementing Member State. This involves the introduction of national laws, issuance of administrative functions, and establishment of mechanisms for monitoring and enforcement. Collaboration among members of the relevant maritime network plays a vital role in this process, as illustrated in Figure 7.6. The network encompasses various stakeholders including government entities, maritime administrations, regulatory bodies, industry representatives, and other relevant actors. Through collaborative efforts, these stakeholders collaborate to develop and implement effective governance strategies, exchange information, coordinate actions, and address maritime challenges. This study underscores the importance of collaboration as an integral aspect of maritime governance. This highlights the need for coordination and cooperation among diverse stakeholders to ensure successful implementation of national laws and regulations. It fosters shared responsibility, promotes information sharing, and facilitates coordinated decision-making. Ultimately, collaborative governance contributes to the development of comprehensive and inclusive strategies that address the complex and interconnected issues within the maritime sector.

The figure depicts the process of maritime governance, encompassing formulation, adoption, ratification/accession, implementation at the national level, and reporting with the support of technical cooperation between the IMO and Member States. At the IMO, instruments are developed with the active participation of Member States and the input of organizations holding consultative status with the IMO. Member States then adopt and ratify or accede to these instruments, signifying their formal acceptance and commitment to comply with them. Once ratified, instruments are implemented within the jurisdictions of Member States through a range of actions. This includes the enactment of national legislation and policies, establishment of administrative mechanisms, and enforcement of laws and policies by various agencies. These agencies may include the national maritime authority, the Attorney-General’s department or its equivalent, relevant local agencies depending on the subject matter, the navy or police, and recognized organizations engaged by the Member State. To ensure transparency and accountability, Member States have an obligation to report to the IMO the implementation status of the ratified IMO instruments. This reporting mechanism allows for monitoring and assessment of compliance by Member States. The IMO, in its role of providing technical cooperation, offers support to Member States in implementing the instruments. This technical cooperation is tailored to the specific needs of each Member State and offers guidance, resources, and assistance on a case-by-case basis. The aim is to facilitate effective implementation and address any challenges or capacity gaps that Member States may encounter.
Collaboration is a crucial component of the maritime governance framework, as evidenced by the case study. Singapore, in particular, exemplifies its commitment to collaborative governance within its maritime administration. The government of Singapore actively engages a wide range of stakeholders, including industry players, academic institutions, and international organizations, to foster collaboration and drive the growth and sustainability of the maritime sector. The data collected in this study shed light on collaborative practices within Singapore’s maritime governance. The Maritime and Port Authority of Singapore (MPA), the Singapore Shipping Association, and industry representatives work closely together through regular dialogues, committees, and task forces. These collaborative platforms facilitate open discussions, knowledge sharing, and joint decision-making. The governance structure of the maritime sector in Singapore also reflects the collaborative approach, with the composition of the governing Board of Directors including
representatives from various stakeholders. Management and specialized committees, such as the IMO Issues Coordination Committee (IICC), further promote collaboration and coordination among different actors within the governance framework. Singapore’s collaborative efforts extend beyond governance and encompass various aspects of its maritime sector. The government actively promotes public-private partnerships (PPPs) to drive innovation, enhance infrastructure, and develop the maritime industry. Through these partnerships, the government works with private entities to identify common objectives, pool resources, and implement initiatives that benefit the maritime sector as a whole. Talent development and education have received significant attention in Singapore’s collaborative approach to maritime governance. The government collaborates closely with educational institutions to ensure that the maritime workforce is equipped with the skills and knowledge necessary to meet the evolving needs of the sector. This partnership between the government and educational institutions aims to foster a continuous supply of skilled professionals and promote lifelong learning in the maritime industry.

Similarly, Kenya has adopted collaborative measures, particularly at the ministry level and across ministries, with a strong emphasis on blue-economy projects. The government of Kenya recognizes the importance of collaboration in coastal management and ocean governance, specifically in the development of effective conservation strategies, establishment of marine protected areas, and promotion of sustainable fishing practices. These collaborative efforts aim to ensure the long-term viability of the sector and the preservation of marine ecosystems, which are crucial for supporting the development of the blue economy initiative. Collaboration is also evident in Kenya’s shipping industry. Through collaborative efforts, various stakeholders collaborate to promote the sector’s contribution to the national economy, job creation, and trade facilitation. This collaborative approach involves active engagement among the government, maritime administration, industry players, and other relevant stakeholders. Within the context of a blue economy, collaborative measures extend beyond the government and encompass a wide range of actors, including local communities, academia, non-governmental organizations, and international partners. These collaborative initiatives aim to harness the collective expertise, resources, and knowledge of different stakeholders to maximize the potential of Kenya’s marine resources and promote inclusive and sustainable development. Kenya’s collaborative approach is aligned with the principles of integrated coastal zone management, which emphasizes the need for multi-sectoral collaboration and coordination.

The approaches taken by individual states in the maritime sector highlight the importance of adaptability and collaboration to achieve the desired outcomes within the complex governance structures of maritime governance. While each state may have its own unique approach, they all share a common understanding of the need...
to adapt and collaborate to effectively address the challenges and complexities of governing the maritime domain. These individual state approaches demonstrate the benefits of tailoring governance strategies to suit each state’s specific needs and circumstances. Adapting Member States’ governance systems and processes allows them to navigate the intricacies of maritime governance and address a diverse range of issues that arise within the sector. This adaptability also enables the alignment of governance frameworks with national priorities, optimizes resource utilization, and effectively responds to emerging challenges. These approaches also underscore the importance of collaboration at various maritime governance levels. Collaboration between different stakeholders, including government entities, industry players, civil society organizations, and international partners, is crucial for fostering cooperation, knowledge-sharing, and collective decision-making. It is essential in the maritime domain owing to its inherent complexity and interdependencies among various actors and sectors. Issues such as maritime security, environmental protection, trade facilitation, and sustainable development require collaborative efforts to effectively address them. Additionally, collaboration across different levels of governance is essential to ensure coherence and consistency in decision making and policy implementation. The involvement of multiple levels, from local to regional to international, fosters a coordinated and integrated approach to maritime governance. It allows for the alignment of objectives, sharing of information and expertise, and harmonization of policies and regulations, ultimately enhancing the effectiveness and efficiency of governance processes.

7.4 Chapter summary

This chapter delves into the exploration of theory grounded in data and the emergence of key themes. It proposes the concept of organization-driven network management as a comprehensive framework for effective maritime governance, encompassing a meta-governance structure operating across multiple levels. In the complex realm of multilevel governance, the roles and functions of meta-governors can sometimes be challenging to decipher. However, within the maritime domain, the Member State assumes the role of the meta-governor, possibly through its representative maritime administration or another designated institution or agency, wielding influence over the activities of participant actors within self-governing networks. This chapter further examines various governance-enhancing mechanisms that contribute to the overall effectiveness of maritime governance. Capacity development, as one such mechanism, plays a crucial role in strengthening the abilities and competencies of individuals, organizations, and institutions involved in maritime affairs. By fostering continuous learning, knowledge sharing, and skill-building initiatives, capacity development empowers stakeholders to
effectively navigate the complexities of the maritime sector and contributes to sound governance practices. In addition, this chapter delves into the importance of adaptation initiatives in maritime governance. Given the dynamic nature of the maritime industry and the ever-changing external environment, the ability to adapt and respond to emerging challenges and opportunities is paramount. Effective adaptation strategies enable stakeholders to adjust their approaches, policies, and practices in alignment with evolving circumstances, thereby ensuring the resilience and sustainability of maritime governance systems.

Stakeholder management is another vital aspect that is discussed in this chapter. Recognizing the diverse range of stakeholders involved in maritime governance, effective stakeholder management is imperative to build collaborative relationships, foster trust, and ensure the inclusion of various perspectives and interests. Through stakeholders’ active engagement, listening to their concerns, and involving them in decision-making processes, maritime governance can benefit from broader insights, increased buy-ins, and enhanced legitimacy. This chapter also explores the significance of process improvement techniques in maritime governance. Continuous refinement and enhancement of governance processes, such as policy formulation, decision-making, and implementation, contribute to increased efficiency, effectiveness, and accountability. By adopting process improvement methodologies and tools, maritime governance can streamline workflows, reduce bottlenecks, and optimize resource allocation, resulting in improved outcomes and better service delivery.

The subsequent chapter concludes the study by providing a summary of how the research objectives were achieved through an examination of theory, emergent themes, and exploration of governance-enhancing mechanisms. This underscores the importance of organization-driven network management and various components that contribute to maritime governance.
8 Conclusion

8.1 Chapter overview

This chapter provides the conclusions of the study. The primary aim of this research is to delve into the concept of maritime governance and subsequently examine the challenges associated with the implementation of International Maritime Organization (IMO) instruments. Additionally, this study sought to investigate the role of the IMO in this implementation process and propose potential recommendations to mitigate these challenges. The concept of maritime governance is subject to various definitions, descriptions, and interpretations. To demystify this dynamic yet elusive concept, this study was guided by the following objectives:

1. Explore the core characteristics of maritime governance and identify key stakeholders involved;
2. Review the process of implementation of maritime conventions, exploring the role of the IMO in the process;
3. Identify the key strengths and challenges to state party implementation through a review and analysis of maritime governance in selected jurisdictions; and
4. Develop recommendations to address the shortcomings regarding state party implementation of IMO instruments.

A synthesis of the findings pertaining to each research objective is presented herein, which includes an overview of the key insights and observations derived from the study’s analysis and discussion. The limitations of the research and suggestions for future studies that can further explore and expand on the subject matter are also presented in this chapter.

8.2 Synopsis of the findings

The initial literature analysis delved into the concept of governance and its contextual implications, particularly in the maritime domain. The focus was on the implementation phase and the various factors that contributed to the challenges encountered in this stage. It is worth noting that empirical research on policy implementation in public administration is limited and even more so within the
maritime sector. To address this research gap, a Straussian grounded theory study was conducted. The study employed a multiple methods approach, utilizing a survey questionnaire completed by 48 respondents from 16 International Maritime Organization (IMO) Member States. Additionally, 20 interviews, two case study visits to Singapore and Kenya, and four non-participant observations were conducted at IMO Council and IMO III Sub-Committee meetings. These data collection methods aimed to gather insights and perspectives from diverse stakeholders involved in maritime governance.

Through rigorous data analysis, the emergent substantive theory of Organization-driven Network Management was identified. This theory sheds light on the inherent features of maritime governance and provides valuable insights into the underlying reasons for the challenges faced during its implementation. Furthermore, it offers approaches and strategies that can be tailored to suit the unique operating environments within the maritime sector. The grounded theory was supported by three key themes that emerged from the analysis:

1. Balancing people-oriented factors: This theme highlights the importance of considering and balancing the interests, needs, and perspectives of stakeholders involved in maritime governance. It emphasizes the significance of engaging and involving stakeholders in achieving effective implementation.

2. Advocating process design strategies: This theme underscores the significance of well-designed processes and strategies in facilitating successful implementation. This highlights the need for clear guidelines, effective communication, and collaboration among stakeholders to streamline the implementation process.

3. Adapting based on particularities: This theme emphasizes the importance of recognizing and adapting to specific contextual factors and peculiarities within the maritime sector. This highlights the need for flexible and tailored approaches to address the unique challenges and circumstances encountered in different maritime environments.

These key themes provide valuable insights into the factors that influence maritime governance and its implementation. They offer guidance to policymakers, practitioners, and researchers in understanding the complexities of maritime governance and devising effective strategies to overcome implementation challenges. The findings of this study contribute to filling this research gap and expanding the knowledge base on policy implementation within the maritime sector.
8.2.1 Research objective 1: Maritime governance, its core characteristics, and key stakeholders

The study presented maritime governance as a complex, dynamic and complicated phenomenon that is context specific in its application. Defining and characterizing maritime governance is challenging owing to the multiple characteristics and varying interpretations found in the existing literature. The literature on maritime governance demonstrates a lack of consensus and inconsistencies among researchers and practitioners regarding its fundamental characteristics and key stakeholders. To address this gap, this study undertook a systematic review of the concept of governance, incorporating a historical perspective. Adopting a historical systematic approach, this study aimed to trace the evolution and development of governance over time, considering its contextual nature within the maritime domain, which is rarely found in existing literature. It delved into the historical context to examine how the concept has evolved, highlighting the diverse interpretations and definitions provided by scholars and practitioners. This historical perspective proved valuable in gaining a deeper understanding of the origins and underlying principles of governance, enabling the identification of patterns, trends, and shifts in its conceptualization.

Despite limited definitions, it is clear from the data that maritime governance involves the regulation of shipping activities and encompasses distinct features such as a focus on state involvement, multi-level application, institutional relevance, and the engagement of multiple parties. The composition of stakeholders involved in maritime governance varies depending on the specific subject of regulation. For instance, stakeholders responsible for fulfilling obligations under the STCW Convention differ from those involved in the implementation of the MARPOL Convention. However, the study identified key stakeholders who consistently held responsibility for the regulation of international shipping. These include the International Maritime Organization (IMO), Member States, state legislatures, relevant local government agencies, recognized organizations, and shipowners. Throughout the study, participants acknowledged the importance of flexibility in maritime governance. They recognized that effective governance is achieved through the combined actions and interactions of stakeholders within multiple networks. This highlights the dynamic nature of maritime governance and the need for collaboration, coordination, and adaptability among the stakeholders involved.

The results of this study enhance the general understanding of maritime governance by elucidating its fundamental attributes and identifying the key actors involved. Understanding the complex and context-specific nature of maritime governance enables the formulation of strategies and approaches that foster efficient regulation and coordination in the maritime sector. Moreover, this study contributes to the existing literature by incorporating a historical systematic approach to examining
the concept of governance and its applicability within the maritime domain. It not only provides clarity regarding the core characteristics of maritime governance, but also offers insights into the roles and interactions of key stakeholders within the governance framework.

8.2.2 Research objective 2: Implementation and the role of the IMO

The study also aimed to examine the implementation process within the maritime context, focusing specifically on the implementation of International Maritime Organization (IMO) instruments, the processes involved, and key stakeholders. Additionally, this study sought to investigate the role of the IMO in facilitating the implementation process, considering its responsibility in regulating shipping activities globally. The collected data revealed that implementation within the maritime context differs from that in other contexts and disciplines. In the maritime context, implementation requires the collaborative efforts of multiple stakeholders, guided by maritime administration. These stakeholders work together to develop national legislation that aligns with international maritime treaties and conventions. They also establish the necessary administrative arrangements to support these legislative instruments and ensure their effective monitoring and enforcement at the national level. Ultimately, these national measures impact relevant international conventions ratified by the state.

While the primary responsibility for implementation lies with the Member State, the data indicates that other stakeholders, including the IMO, can play a role in this process. Traditionally, the IMO’s role has been support and facilitation, particularly in assisting Member States with limited capacities through capacity-building initiatives. However, recent developments have expanded the IMO’s involvement, such as the establishment of the IMO Member State Audit Scheme (IMSAS). The IMSAS enables the IMO to assess and verify the compliance level of Member States with designated mandatory IMO instruments, although the organization lacks the authority to enforce compliance.

The data analysis revealed inconsistencies among industry practitioners’ opinions regarding the current and future roles of the IMO in the implementation of maritime conventions. The findings demonstrate varying perspectives on the extent of the IMO’s involvement and effectiveness in ensuring compliance with these conventions. While some respondents viewed the IMO as a central and influential organization responsible for setting standards and facilitating global cooperation, others expressed scepticism about its effectiveness and called for enhanced measures to strengthen implementation efforts. Some respondents advocated for a more proactive and assertive role for the IMO, emphasizing the need for stronger enforcement mechanisms and increased coordination among Member States. On the other hand, some respondents questioned the feasibility and desirability of an
expanded role for the IMO, suggesting that the organization should focus on its core mandate of facilitating international cooperation and providing technical guidance rather than assuming a more regulatory role.

These inconsistencies highlight the complex and evolving nature of the IMO’s role in implementing maritime conventions. They also underscore diverse perspectives and interests within the maritime industry, reflecting the multifaceted challenges and considerations involved in effective implementation. The findings of this research contribute to a better understanding of the diverse viewpoints of industry practitioners and provide insights into the ongoing debates and potential future directions regarding the role of the IMO in the implementation of maritime conventions.

8.2.3 Research objective 3: Strengths and challenges to implementation by Member States

To understand the implementation process more comprehensively, this study aimed to identify the strengths and challenges associated with the current execution of implementation by Member States. The collected data revealed the existence of diverse approaches among states, leading to varying implementation outcomes. The examination of the implementation in the selected case study jurisdictions provided valuable insights. Across different geographical areas and development classifications, Member States face significant challenges in implementing maritime conventions. The IMO published the IMSAS Consolidated Audit Summary Report in 2021, shedding light on the implementation of mandatory IMO instruments by state parties. The report highlights several key findings that contribute to the understanding of governance challenges. Limited financial resources emerged as a major obstacle to effective governance. Insufficient funding often hampers the allocation of the resources necessary for implementing maritime conventions and carrying out related activities. Similarly, the lack of adequate human resources poses a significant challenge as it affects the capacity to handle complex implementation requirements. Another critical issue was the inadequacy of promulgating national legislation aligned with international obligations. Member States often struggle to develop and enact legal frameworks that align with the provisions of maritime conventions. Insufficient legal capacity hinders compliance and its effective implementation. The data from this study confirmed these challenges and provided insights into the challenges faced by Member States. Political will, or lack thereof, emerged as a significant governance inhibitor. The absence of strong political commitment and support can undermine the implementation process and impede progress toward meeting international obligations. Without political will, it becomes challenging to prioritize maritime governance and allocate the necessary attention and resources. In addition, the absence of formal processes can lead to confusion
and inconsistency in the execution of maritime conventions. Insufficient data and communication gaps further hinder the implementation process as they limit the availability and exchange of crucial information. Inadequate national coordination and limited awareness and understanding of the requirements and implications of maritime conventions pose significant challenges.

The case study research highlighted various strengths related to the implementation processes observed within the selected jurisdictions. Through the examination of these specific contexts, valuable insights have been gained into the effective practices and approaches to implementation. Recognizing and understanding these strengths and challenges are crucial for policymakers and stakeholders in the maritime sector. Chapter 5 highlights the collaborative approach adopted by Singapore in maritime governance, which focuses on the significance of cooperation, teamwork, and consultation during the implementation process. This approach has been stated to have had a positive impact on communication and the effective administration of relevant treaty obligations among Member States. Singapore’s emphasis on collaboration has improved communication channels between various stakeholders involved in maritime governance and has facilitated the exchange of information, best practices, and lessons learned. This improved communication has led to a better understanding of treaty obligations and enhanced coordination of their implementation. Through collaboration, Singapore has effectively administered and implemented relevant treaty obligations in the maritime sector, resulting in more effective and efficient administration, ensuring compliance, and promoting adherence to international standards. Singapore’s collaborative approach has fostered a culture of cooperation and teamwork among stakeholders, promoting shared responsibilities, joint problem-solving, and the pooling of resources and expertise. This collaborative mindset strengthened the collective capacity to address maritime challenges, implement treaty obligations, and achieve sustainable maritime governance outcomes.

The collaborative approach also placed strong emphasis on consultation and inclusivity. Singapore has ensured that diverse perspectives are considered, thus fostering a more inclusive and representative governance structure. This approach not only enhances the legitimacy of the decision-making process but also results in more equitable outcomes that address the specific needs and interests of the stakeholders involved. Singapore’s collaborative model has facilitated learning and knowledge sharing among industry stakeholders and other Member States through international capacity-building programs. This facilitates the exchange of experiences, challenges, and best practices. Industry stakeholders and Member States were able to learn from one another and identify innovative approaches to maritime governance. This collective learning process has contributed to the continuous improvement of governance practices, thereby enhancing the overall effectiveness of treaty implementation.
In contrast, Kenya applies a ministerial approach to the management of maritime affairs, where decision-making and coordination primarily take place at the ministry level. This hierarchical structure, characterized by centralized decision-making authority, has effectively facilitated the alignment of political will and promoted collaboration among national governmental stakeholders. Kenya’s ministerial approach involves concentrating the decision-making authority within the ministry responsible for maritime affairs. Centralized decision-making allows Kenya to quickly respond to maritime challenges and implement policies and initiatives in a timely manner. The ministerial approach in Kenya’s maritime governance facilitates political will, as it allows for easier alignment of objectives, priorities, and resources of different government departments and agencies involved in maritime affairs. The hierarchical structure of Kenya’s ministerial approach supports collaboration between national government stakeholders and creates a platform for coordination and cooperation between various ministries, departments, and agencies involved in maritime affairs. This collaborative environment promotes the sharing of information, pooling of resources, and joint efforts towards achieving common objectives such as maritime security, safety, and economic development. The centralized decision-making authority within the ministry also ensures that actions are aligned, duplication is minimized, and resources are optimally utilized. The ministerial approach also established clear lines of authority and accountability. With the decision-making authority concentrated within the ministry, it becomes evident who is responsible for specific decisions, actions, and outcomes. This clarity of accountability ensures transparency, facilitates effective monitoring and evaluation, and allows corrective measures when needed. While the ministerial approach to Kenya’s maritime governance has its benefits, it is important to consider the need for stakeholder engagement and inclusivity. Engaging non-governmental stakeholders can contribute to a more comprehensive and participatory governance in the maritime sector and can lead to a more holistic and effective approach to maritime governance.

The study identified both strengths and challenges related to the implementation of maritime conventions by Member States. Through the examination of real-life case studies, the research not only confirmed existing challenges but also shed light on additional challenges that are often overlooked or not widely discussed in the literature. Furthermore, the study provided insights into the strengths that exist within the implementation process, showcasing how some of these challenges can be overcome.

One of the strengths observed in the case study research was the presence of effective institutional frameworks and mechanisms within certain Member States. These frameworks facilitated coordination and cooperation among relevant government agencies, industry stakeholders, and international organizations, enabling smoother implementation of maritime conventions. The study highlighted
the importance of strong interagency collaboration, well-defined responsibilities, and clear communication channels in streamlining the implementation process. Another strength identified in the case studies was the proactive engagement of Member States with industry stakeholders. Effective collaboration between governments and the maritime industry played a vital role in addressing implementation challenges. This collaboration allowed for the sharing of expertise, resources, and best practices, ultimately enhancing compliance with maritime conventions.

The study emphasized the significance of fostering strong partnerships between governments and industry representatives to ensure the successful implementation of conventions. However, the research also shed light on various challenges faced by Member States in implementing maritime conventions. These challenges encompassed both technical and institutional aspects. Technical challenges included the need for capacity building and the adoption of advanced technologies to meet evolving requirements. Institutional challenges involved issues related to policy coherence, resource allocation, and coordination among different government departments. The study revealed the importance of addressing these challenges to ensure effective implementation at the national level. Furthermore, the research uncovered additional challenges that are often overlooked or less discussed in the literature. These included the need for public awareness and stakeholder engagement, especially in promoting a culture of compliance and sustainability within the maritime sector. The study emphasized the significance of involving various stakeholders, including non-governmental organizations, academia, and civil society, in the implementation process to foster greater accountability and inclusivity.

The findings of this study contribute through an exploration of the strengths and challenges encountered in the implementation of maritime conventions by Member States. By presenting real-life case studies, the research not only confirmed existing challenges but also unveiled overlooked or less-discussed issues. The findings provided valuable insights into the mechanisms through which some of these challenges can be addressed, emphasizing the importance of interagency collaboration, industry engagement, public awareness, and stakeholder involvement. Understanding and addressing these strengths and challenges, policymakers and practitioners can enhance the effectiveness of implementation efforts and promote sustainable maritime governance.

8.2.4 Research objective 4: Recommendations for improvement

Recommendations for enhancing implementation emerged from the data and were organized into distinct themes that surfaced during the analysis. These recommendations encompass various aspects of the implementation process with
the aim of improving efficiency and effectiveness. The recommendation to adapt based on the particularities of the maritime sector has emerged as a valuable approach for enhancing maritime governance. The maritime sector is characterized by unique attributes, challenges, and dynamics, which necessitate tailored implementation approaches. One prominent feature of maritime governance is state centrality, which places the state at the core of governance within the maritime domain. Recognizing the pivotal role of the state in implementing maritime conventions, it is essential to strengthen coordination and leadership within it. One suggested strategy is to appoint a meta-governor as a dedicated coordinator for the implementation of maritime conventions by Member States. This meta-governor can be a maritime administration or any other designated institution. The role of the meta-governor involves overseeing and coordinating the various stakeholders involved in maritime governance, ensuring effective communication, collaboration, and the alignment of efforts. This central figure acts as a facilitator, bringing together relevant government departments, agencies, and other key actors to streamline implementation processes and address any barriers or challenges. The meta-governor would possess a deep understanding of the maritime sector, including its unique regulatory frameworks, international obligations, and operational realities, which would assist in navigating the complexities of implementing maritime conventions.

Another significant finding of this study was the importance of applying process improvement techniques to enhance implementation effectiveness. This theme encompasses the need to evaluate and revise various elements within an organizational framework to optimize implementation processes. One key aspect that requires attention is the revision of organizational structures. This entails assessing the existing hierarchy, roles, and responsibilities within the organization involved in the implementation of maritime conventions. By re-evaluating and potentially restructuring these structures, an organization can achieve better alignment, clarity, and efficiency in its operations. Staffing arrangements also play a crucial role in the effective implementation. Therefore, it is essential to examine the composition and competencies of the workforce involved in the implementation process. This evaluation helps identify any gaps in skills or expertise and enables organizations to make informed decisions regarding recruitment, training, or reallocation of personnel to ensure a well-equipped team capable of meeting the challenges of implementation. Furthermore, improving work and communication flows both within the organization and with external stakeholders is paramount. This involves assessing the existing workflows, procedures, and communication channels to identify potential bottlenecks or areas of inefficiency. Streamlining these flows through the use of technology, standardized processes, or improved coordination mechanisms can significantly enhance the speed and effectiveness of implementation.
Another critical recommendation is to prioritize specific aspects of implementation, such as the promulgation of legislation. Clear and timely legislation is essential for ensuring compliance with maritime conventions. Prioritizing this aspect, policymakers can allocate adequate resources, streamline legislative processes, and establish frameworks that enable the effective incorporation of international obligations into national law. The implementation of these process improvement techniques has several advantages. First, it helps identify and resolve bottlenecks and inefficiencies that may hinder the implementation process. Streamlining organizational structures, staffing arrangements, and work and communication flows can lead to smoother operations and more effective resource utilization. Ultimately, embracing process improvement techniques, organizations, and policymakers can enhance their implementation capabilities, improve coordination and efficiency, and foster a conducive environment for the successful implementation of maritime conventions. Another recommendation that emerged from this study was the need to adapt collaborative governance initiatives as a means of enhancing implementation outcomes. This entails promoting greater collaboration among stakeholders involved in maritime governance processes, thereby fostering coordination, information-sharing, and decision-making processes. Encouraging collaboration among stakeholders is vital for its successful implementation. Regional cooperation and twining initiatives were specifically highlighted as effective means of facilitating collaboration. These initiatives promote the exchange of knowledge, best practices, and lessons learned among different regions, enabling stakeholders to benefit from the experience and expertise of their counterparts. However, these initiatives should be approached intentionally to ensure the best possible impact of regional cooperation and pairing.

Stakeholder management has also emerged from the data as a key recommendation, highlighting its importance in improving the implementation of maritime conventions. Stakeholders in the maritime sector encompass a wide range of individuals, organizations, and institutions, each with their own interests, roles, and responsibilities. Managing these stakeholders involves understanding their needs, expectations, and perspectives and actively engaging them in the implementation process. Stakeholder management includes monitoring and evaluating stakeholder engagement throughout the implementation process. Regular assessments can help identify emerging issues, assess the effectiveness of engagement strategies, and adjust approaches, as needed. This ongoing feedback loop ensures that stakeholders remain engaged, their expectations are met, and their contributions are recognized and valued. Prioritizing stakeholder management, policymakers, and implementers can create a supportive and collaborative environment that enhances the implementation of maritime conventions. Effective stakeholder engagement promotes a sense of ownership, shared responsibility, and collective action, leading to more successful and sustainable governance. It also helps address potential
obstacles, build trust, and mobilize support from key stakeholders, thereby improving the overall effectiveness of implementation efforts.

Another recommendation is capacity development. This involves conducting an assessment of the organization’s overall capacity and developing a holistic capacity development plan. This plan should address various dimensions of capacity, including human, technical, material, and organizational aspects. Human capacity development focuses on enhancing the knowledge, skills, and competencies of individuals involved in implementing maritime conventions. This can be achieved through training programs, workshops, and knowledge-sharing platforms that promote professional development and ensure that stakeholders have the necessary expertise to perform their roles effectively. Technical capacity development ensures access to and utilization of appropriate technologies and tools to support implementation. This includes investing in information systems, data management infrastructure, and other technological solutions to facilitate efficient data collection, analysis, and reporting. Material capacity development encompasses the availability and allocation of necessary resources, such as financial resources and physical infrastructure, to support implementation. Adequate funding, equipment, and facilities are crucial to effective implementation and compliance. Organizational capacity development focuses on strengthening the internal structures, processes, and systems of organizations involved in maritime governance. This may involve revising governance frameworks, improving coordination mechanisms, and establishing effective monitoring and evaluation systems to enhance organizational efficiency and effectiveness. Transparency was also highlighted in the study. Transparency plays a crucial role in promoting accountability among Member States and stakeholders involved in maritime governance. This enables stakeholders to access relevant information, understand the rationale behind decisions, facilitate knowledge and information sharing, and promote accountability for governance outcomes. Political will is another significant factor highlighted in the recommendations. The success of implementing maritime conventions relies heavily on the commitment and determination of policymakers and leaders. Political will involve not only expressing support for governance initiatives but also taking concrete actions to prioritize and advance implementation efforts. Policymakers must demonstrate genuine dedication to maritime governance, allocate resources, and provide the necessary support to drive implementation forward. Strong political will can help overcome barriers and resistance, mobilize stakeholders, and create an enabling environment for effective implementation. Adequate financial support has emerged as a critical factor in recommendations. Implementation of maritime conventions requires sufficient financial resources to support various activities such as capacity building, infrastructure development, data management, and enforcement mechanisms. Insufficient funding can pose significant challenges and hinder successful
implementation of conventions. Through the allocation of adequate financial resources, policymakers can ensure the availability of the necessary tools, technologies, and expertise to effectively implement and sustain governance initiatives. Financial support enables the proper allocation of resources and facilitates the smooth execution of implementation plans.

This study makes a significant contribution by proposing a central theory which presents valuable insights and recommendations for the implementation of maritime conventions. This theory suggests an organized and structured approach to effectively coordinate and execute implementation responsibilities within the maritime sector of Member States. A key aspect of this approach involves the appointment of a meta-governor, who assumes the crucial role of overseeing and coordinating all implementation efforts. Through the application of this approach, this study offers actionable strategies to enhance the implementation effectiveness in the maritime sector. It considers the intricate complexities and interdependencies present within the governance landscape. This framework provides Member States with a systematic approach to addressing implementation challenges and ensuring a more streamlined and coordinated process. It emphasizes the importance of effective governance and coordination in implementing maritime conventions and offers practical recommendations to achieve these goals. Through the adoption of recommended strategies, Member States can cultivate a culture of compliance, improve coordination among stakeholders, and ultimately strengthen the implementation of maritime conventions.

8.3 Limitations and recommendations for future study

By employing grounded theory and conducting an empirical analysis, this study significantly advanced the existing literature by examining the implementation process specifically within the maritime context. However, it is important to acknowledge the need for further research and cross-case analysis to expand our understanding of the identified strengths, their applicability in diverse settings, and additional factors that contribute to successful implementation. Leveraging and building upon these identified strengths, jurisdictions can strive for more effective implementation of maritime conventions, thereby enhancing governance practices within the maritime sector. However, it is important to recognize the limitations of this study. First, the research focused on a sample of 18 IMO Member States out of 175. Although efforts were made to include Member States from different regions, the findings may not be fully generalizable to all countries within the IMO membership. Furthermore, the study conducted a case study analysis of two Member States from Africa and Asia, which adds to the contextual limitations. Implementation processes are influenced by a wide range of contextual factors,
including legal frameworks, governance systems, and socio-economic conditions, which vary among states.

While these factors were considered in the research methods, data analysis, and interpretation of results, it is important to acknowledge that the findings may have limitations in terms of their generalizability to other contexts. To address these limitations, the study made efforts to include Member States from various geographic regions, aiming to consider situational factors across different areas and to enhance the validity and generalizability of the study’s outcomes. Data analysis and coding were conducted directly from the source materials to ensure that these contextual factors were adequately considered when presenting the study findings.

Due to resource limitations, it was not possible for the researcher to personally visit all 18 IMO Member States to collect the data for this study. The research design aimed to gather a substantial amount of data from multiple countries within a relatively short time frame. However, it is important to acknowledge that the data collected may have certain limitations owing to its reliance on participant responses, which were constrained by factors such as available time and participants’ knowledge. To address this limitation, a case study approach was implemented in two Member States, allowing for the collection of independent data and reducing reliance on participant responses. It is important to recognize that the implementation of maritime conventions is an ongoing and dynamic process. This study was conducted within a specific timeframe, which may not fully capture changes in the factors influencing implementation, such as shifts in the socio-political climate of participating Member States or alterations in national legislative frameworks. Furthermore, it is worth noting that this study on maritime governance and implementation challenges focused on the role of IMO and the challenges faced by Member States. The research was conducted at World Maritime University, an institution established by the IMO and situated within the current IMO structure. Additionally, the study was funded by the Maritime and Port Authority of Singapore, which also participated in the survey and the case study. Despite these potential biases, efforts were made at the outset of the study to ensure objectivity. To mitigate any potential influence or subjectivity, rigorous grounded theory methodology was applied to the research process. Grounded theory allows for researcher objectivity by deriving meaning directly from collected data and establishing theoretical safeguards against bias. Through adherence to this methodology, the study aimed to maintain a high level of objectivity and ensure that the findings were grounded in the empirical evidence gathered.

Although this study provides valuable insights, there are areas that were not included because of the specific focus, limited resources, and time constraints of the research mandate. These areas are proposed for future investigation:
a) An assessment of the legislative enactment procedures within IMO Member States would help identify bottlenecks, delays, and other impediments that hinder the implementation of IMO instruments.

b) A comprehensive review of the effectiveness of implementation mechanisms related to IMO instruments applied by individual IMO Member States within their national jurisdictions will shed light on the involvement and interaction of various agencies in the process.

c) A thorough review of recognized organization agreements and their monitoring and enforcement by IMO Member States in relation to the Recognized Organizations Code would provide insights into the efficacy of these agreements.

8.4 Concluding remarks

In recent years, the concept of maritime governance has garnered significant attention and recognition in the broader discourse on governance, particularly within the maritime sector. One particular area of concern in maritime governance is the effective implementation of regulatory instruments set forth by the International Maritime Organization (IMO). Various factors contributing to these implementation challenges have been acknowledged by the IMO Member States; however, many have struggled to address them for a range of reasons. This study revealed the necessity of a well-coordinated and organized approach to enhance the implementation of IMO instruments. Such an approach would entail aligning stakeholders in accordance with treaty requirements and assigning clear accountability to their respective roles. Depending on the strategy chosen, it may be essential to consider a revision of the IMO’s role through an amendment to the IMO Convention. Achieving these goals requires strategic thinking and steadfast commitment from all stakeholders involved. Given the multitude of stakeholders in maritime governance, this endeavour poses a significant challenge. Nevertheless, the findings of this study hold promise for benefiting the IMO, its Member States, and other industry stakeholders.
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Appendix I: Survey questionnaire

Dear Participant,

You are invited to participate in a survey in support of my doctoral research study with working title *Maritime Governance: an instrumental case study with particular focus on the IMO and state party implementation of maritime conventions*. The purpose of the research is to examine the concept of maritime governance and the role of the IMO as the central locus of international maritime governance. The role and involvement of stakeholders will also be examined, with particular focus on state parties and their implementation of maritime conventions. The enclosed questionnaire has been designed to collect information on the maritime governance systems at the national level, the role of IMO and state party approaches to implementation of maritime conventions and the challenges, if any, experienced by state parties in the process.

Your consent to undertake this survey is implied by your proceeding with responding to the questions.

The questionnaire contains 15 questions and will require approximately 10-15 minutes to complete. Participation in this survey is highly valued, but voluntary. You are free to withdraw consent at any time, and your personal data will be immediately deleted. Your responses will remain confidential and anonymous. The information provided by you in this survey will be used for research purposes and the results will form part of a dissertation, which will be published online and made available to the public. Your personal information will not be published.

Individual respondents will not be identified in any data or reports. Anonymized research data will be archived on a secure virtual drive linked to a World Maritime University email address. All the data will be deleted as soon as the degree is awarded. If you have any questions about this research, feel free to contact Deniece M. Aiken, PhD. Candidate at w1904214@wmu.se or my Research Supervisor, Professor Max Mejia, Director of the WMU PhD Programme and Associate Academic Dean at mm@wmu.se.

Your participation in the survey is highly appreciated.

1. Country *

2. Organization *

3. Is the head of the maritime administration a civil servant or a political appointee? *
   - Political appointee usually replaced when the government changes
   - Political appointee usually NOT replaced when the government changes
   - Civil servant usually replaced when the government changes
   - Civil servant usually NOT replaced when the government changes
   - Other (please specify)

4. How is the responsibility for the implementation of IMO instruments (conventions, protocols, codes, etc.) in your country established? *
   - As a responsibility of the CEO/Director General/Chief Executive
   - As a responsibility of the Legal Counsel/Director of Legal Affairs/General Counsel
   - As a direct responsibility of the officer hired with the direct responsibility for implementation of maritime conventions
   - As a shared function of a number of key personnel within the organization
   - Other (please specify)

5. Please indicate how stakeholders are engaged in the implementation of IMO instruments (conventions, protocols, codes, etc.) (check all that apply) *

<table>
<thead>
<tr>
<th>Establish an action plan for the implementation of the Convention(s)</th>
<th>Government ministries/agencies</th>
<th>Regional bodies</th>
<th>Unions</th>
<th>NGOs and maritime industry associations</th>
<th>Academia</th>
<th>Private sector</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft proposed new legislation or amendment to existing ones</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Raise awareness about the Convention(s)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Build capacity of government entities on the matters addressed by the Convention(s)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Provide or collect data and statistics for effective policy programming and evaluation of implementation</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Build capacity of non-government entities required to participate in the implementation of the Convention(s)</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Provide input or feedback on the implementing legislation through position paper or public consultation</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
6. Please indicate the mechanism(s) through which information on the implementing national legislation is/are communicated to stakeholders and interested parties (check all that apply) *

☐ Government issuance (e.g., Cabinet Directive, Ministry Circular, Memorandum Circular, etc.)

☐ Capacity building initiatives (e.g., Formal Training Sessions, Seminars/Workshops, etc.)

☐ Public awareness and education campaigns

☐ We have no established mechanisms for sharing information on the implementing legislation

☐ Other (please specify)

7. On a scale of 1-5 (with 1 being the least challenging and 5 being the most challenging), please rate the current challenges faced by your country regarding the implementation of maritime conventions at the national level? *

<table>
<thead>
<tr>
<th>Inadequate and insufficiently trained personnel to implement national legislation</th>
<th>1 - Not challenging</th>
<th>2 - Slightly challenging</th>
<th>3 - Somewhat challenging</th>
<th>4 - Very challenging</th>
<th>5 - Extremely challenging</th>
</tr>
</thead>
</table>

| Lack of financial resources of the main institution responsible for implementation | |
| Lack of financial resources for carrying out specific implementation activities and administrative mechanisms | |
| Lack of or limited human resources (capacities and capabilities) for implementation | |
| Lack of or limited human resources (capacities and capabilities) for enforcement | |
| Weak political interest in, demand for, implementation of maritime conventions/maritime affairs | |

8. Please indicate the form in which your country has received support from the IMO to assist with the implementation of maritime conventions (check all that apply) *

☐ Funding for conferences/seminars/workshops and/or sponsorship of experts to present at local conferences/seminars/workshops

☐ Hosting of training sessions by IMO staff/consultants for local personnel and provision of training material relevant to the implementation of maritime conventions

☐ Provision of guidance/guidelines relevant to the implementation of maritime conventions

☐ We have never received assistance from the IMO for the implementation of maritime conventions

☐ Other (please specify)

9. Does your country have a National Maritime Transport Policy (NMTP)? *

☐ Yes

☐ No
9. Does your country have a National Maritime Transport Policy (NMTP)? *

10. Please indicate which of the following entities were involved in the development of the NMTP (check all that apply) *
- Maritime Administration
- Coast Guard
- Port Authority
- Navy
- Police
- Customs
- Shipping Companies/ Representative organization of Shipping companies
- Foreign Affairs
- Ministry of Justice
- Ministry of Environment/Environmental Agencies
- Ministry of Economy/Commerce/Economy
- Ministry of Education/ Academia/Maritime Education and Training Institution
- Ministry of Transportation/Department of National Transport
- Ministry of Infrastructure/Public Works
- Non-Governmental Organizations / Maritime professional associations
- Other (please specify):

11. How do you rate your country’s enforcement of maritime laws and policies? *
- High - Enforcement treated as priority with little or no tolerance for non-compliance with national maritime laws and policies
- Moderate - Enforcement of some national maritime laws and policies
- Low - Very little or no enforcement for non-compliance with national maritime laws and policies

12. What has been your country’s approach to the enforcement of maritime laws and policies? *
- Solely by the national enforcement unit/agencies
- As a joint effort through recognised organizations
- Through joint bilateral and/or regional efforts
- Other (please specify)

13. Has your country participated in the IMO Member State Audit Scheme to date? *
- Yes
- No
14. Is your organisation subject to a national annual audit? *
☐ Yes, and the audit reports are made available to the public
☐ Yes, but the audit reports are NOT made available to the public
☐ No
☐ Other (please specify)

15. In your opinion, which of the following mechanisms will improve Member State implementation of maritime conventions? (check all that apply) *
☐ Regional monitoring of Member State implementation activities
☐ Sanctions for non-performing Member States
☐ Mandatory reporting on all maritime activities of the Member States
☐ Reform of the existing IMO structure
☐ Greater involvement of non-State actors (e.g. Shipping companies, academia, NGOs, etc.)
☐ Other (please specify)
Appendix II: Interview questions

Questions

1. Researchers have purported that while IMO has been successful at adopting conventions, it is plagued by a number of challenges in the effective implementation and enforcement of these standards. In your opinion, do you believe that the IMO has successfully discharged its responsibilities as the central locus of international maritime governance? Why? Why not?

2. In your opinion, what does maritime governance entail? And who/which parties/entities do you believe is/are responsible for or involved in maritime governance?

3. What is your perspective regarding past capacity building programs that were undertaken to further the implementation of maritime conventions at the domestic level? Do you think they are sufficient? Why? Why not?

4. Do you believe there is adequate support being provided to Member States for the implementation of maritime conventions by the IMO?

5. In your opinion, how beneficial is the Office of the IMO Regional Presence in promoting the implementation of maritime conventions at the domestic level?

6. What core qualifications/competencies do you think maritime administrations/agencies/institutions/other related government bodies require for effective implementation of maritime conventions?

7. In your opinion, what might explain the delay or lack of implementation of maritime conventions at the domestic level?

8. Scholars have suggested that maritime governance cannot rely only on the IMO and the state parties but must include other stakeholders (e.g. international/regional/local maritime-related organizations/associations, ports, coast guards, maritime education and training institutions, etc.) if it is to be relevant and effective. Do you agree? Why? Why not?
9. Researchers claim that, in some cases, lack of implementation is sometimes a deliberate action by state parties more concerned with the marketability of their ship registry. How do you view this perspective in respect of the ship registry regime?

10. In your opinion, what needs to be done to increase the effectiveness of state party implementation of maritime conventions?