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**GUIDANCE TO IMPLEMENT AND ADOPT
PROCEDURES AGAINST MARITIME CORRUPTION**

- 1 The Facilitation Committee, at its forty-sixth session (9 to 13 May 2022), approved the *Guidance to implement and adopt procedures against maritime corruption*, as set out in the annex.
- 2 Member States and international organizations are invited to bring the Guidance to the attention of all parties concerned.
- 3 Member States and international organizations are also invited to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of the Guidance for consideration of action to be taken.

ANNEX

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1 Introduction and objective

1.1 Corruption in the maritime sector, particularly in the ship/shore interface, can interrupt normal operations, cause delays, generate higher operational costs, threaten safety, affect the well-being of seafarers and stifle the economic status of countries. In this respect, all relevant stakeholders should never accept, give, promise or act in any manner that could be interpreted as intending to improperly influence persons or relevant decisions concerning ship/port operations.

1.2 Many countries already have laws that prohibit corruption, even when committed outside their national boundaries, but there is still a compelling need for the maritime sector to formalize actions to combat corruption and to align with the United Nations Convention Against Corruption (A/Res 58 (4)) (UNCAC).

1.3 IMO Member States and relevant stakeholders should adopt, maintain and strengthen systems that promote transparency, fight acts of corruption and prevent conflicts of interest. Member States which have not developed domestic/national laws that prohibit corruption are urged to consider establishing a legal framework to detect, avoid and penalize such illegal acts, in line with the United Nations agreed goals, in particular, Sustainable Development Goal 16, target 16.5 to "Significantly reduce corruption and bribery in all its forms."

1.4 IMO is committed to preventing and combating corruption in the maritime sector.

1.5 Member States and relevant stakeholders are encouraged to raise awareness and to develop capacity-building amongst personnel working at the ship/shore interface concerning the gravity, impact and consequences of corruption, including the existing legal sanctions.

1.6 This guidance is not mandatory and should be used as a tool for all stakeholders to combat corruption in the maritime sector.

2 Guiding principles

2.1 Member States are encouraged to establish penalties and ensure that those penalties are applied so as to prevent corruption incidents. The penalties, which may be of an administrative or criminal nature, should be effective, proportionate and dissuasive.

2.2 States and stakeholders involved with the ship/shore interface operations should ensure compliance with national and international laws prohibiting corruption.

2.3 States are encouraged to strengthen capacity and institution-building to prevent and combat corruption effectively. States and stakeholders are also encouraged to constantly focus on the proper implementation of anti-corruption measures and establish new or review existing processes and procedures towards this goal, if needed.

2.4 States and stakeholders in the maritime sector are invited to familiarize, educate and train relevant personnel who are actively engaged in the ship/shore interface operations in matters pertaining to the avoidance of corruption.

2.5 States are further encouraged to cooperate, bilaterally or multilaterally, with one another, in order to facilitate the prevention and detection of corruption incidents as well as share and learn from existing best practices, including the adoption and implementation of anti-corruption policies and procedures.

3 Concerned parties

3.1 Concerned parties in ship/shore interface operations are both ashore and on board.

3.2 The following lists are indicative, and may equally apply to others:

.1 Shore-based stakeholders

Public and Government authorities such as Customs, Immigration and Health
Port and maritime terminal personnel
Port authority workers
Port, terminals and seaways workers
Maritime sector associations
Contractors
Shipyard workers
Insurance brokers
Classification societies
Pilots
Ship agents
Ship financing institutions
Shipowners, charterers and operators
Customers (retailers, manufacturers and cargo owners)
Ship chandlers
Crew suppliers
Other suppliers of port services

.2 Onboard stakeholders

Seafarers
Shipping company representatives

4 Personal safety

4.1 If a situation escalates to a dangerous level due to a demand, request or offer being refused, no one should place themselves or anyone else in danger. The situation initially needs to be de-escalated and should be reported and addressed appropriately.

5 Best practices and procedures against maritime corruption

5.1 The following non-exhaustive list is suggested to be implemented, as appropriate, by all stakeholders, whether they are governmental, non-governmental or private sector and relate to both shore-based and ship-based organizations.

.1 Regulatory frameworks and controls

.1 Establish/implement preventative legislation prohibiting corruption in line with UNCAC provisions including those provisions applicable to anti-retaliation measures.

- .2 Establish national contacts to report cases of corruption, protecting the confidentiality of the complainant.
 - .3 Introduce requirements for formal identification to be shown in the ship/shore interface.
 - .4 Increase the use of electronic systems, establish non-cash methods and electronic systems with tracking and recording features for the submission and receipt of payments and documentation.
 - .5 Develop a protocol of response to corruption incidents. It may include a list of reactions deemed appropriate, of departments or supervisors to be alerted under conditions of anonymity and confidentiality, and available protective measures for the person reporting the alleged corrupt activity.
 - .6 Encourage the establishment and make publicly available a process to promptly investigate and resolve issues raised by persons or entities within their jurisdiction, who were subject to corruption outside of their jurisdiction.
- .2 Preventing corrupt requests/demands
- .1 Implement anti-corruption policies and procedures which are regularly reviewed for effectiveness.
 - .2 Encourage the adoption, regular monitoring and review of standard operating procedures (SoPs) that provide comprehensive guidance concerning all operations to prevent opportunities for discretion.
 - .3 Implement national policies and procedures to safeguard whistle-blowers.
 - .4 Provide anti-corruption training.
 - .5 Promote awareness that even the appearance of a breach of laws can have a serious reputational impact.
 - .6 Ensure that any ship/port operations procedures, official payments, fees or fines are recorded, are transparent and publicly available.
 - .7 Provide formal/official invoices for any payment requirements, including those for fees or fines with the appropriate letterhead.
 - .8 Provide a formal/official receipt for any payment received, with the appropriate letterhead.
 - .9 Implement an anti-corruption clause in all employment, supplier and contractor contracts.
- .3 Rejecting corrupt requests/demands in the ship-port interface
- .1 Be calm, polite, firm and respectful.

- .2 Explain through positive wording with the aim of coming to a mutual understanding as to what can and cannot be done.
 - .3 Explain the official/organization's anti-corruption policy and procedures. Adopt and promote procedures reflecting the professional standards and values expected from personnel.
 - .4 Be aware of your situation in order to ensure the safety of you and other people in the room.
- .4 Accountability considerations
- .1 Where appropriate, introduce gift registries and financial disclosure procedures; along with periodic wealth assessments and spot checks of key staff to determine whether their lifestyle is consistent with reported asset declarations.
 - .2 Introduce regulations and procedures to prevent the conflict of interests to safeguard an employee's ability to maintain impartiality within their role.
 - .3 Introduce random spot checks to strengthen supervision and control.
 - .4 Undertake regular audits to identify whether policies, procedures and systems are operating as expected and where they are not, to assess if corruption may have occurred which would require further investigation.
 - .5 Safeguard whistle-blower protection and reporting channels by establishing measures and systems to facilitate the reporting of suspected corruption and to protect the reporting persons. Provide public information about the reporting channels available and the steps of the investigation process. Periodically and during the process, inform the reporting person about the investigation.
 - .6 Carry out corruption experience surveys to help understand and measure corruption within a specific context. The participants of these surveys can be internal, external or a combination of both.
 - .7 Ensure that a comprehensive standard internal investigation procedure with timeframes is effectively implemented to address misbehaviour. Corruption offences should further be reported to the criminal justice.
- .5 Transparency, access to information and awareness raising
- .1 Information related to processes, procedures, requirements, fees and services should be public and easily accessible. An official local contact point for questions and clarifications should be provided.
 - .2 Reports on the structure, work and activities conducted by the organization, including anti-corruption efforts, successes and challenges should be regularly published.

- .3 Consideration should be given to raising awareness and educating stakeholders about measures and the consequences of corruption in the maritime sector, including existing legal sanctions.
- .4 Salaries of relevant parties in the ship-port interface should be commensurate with the level of responsibility and risk of corruption to deter requests/demands.

6 Recommendations

6.1 Consideration should also be given to reporting allegations of corruption to the Maritime Anti Corruption Network (MACN).
