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I F S M A - NEWSLETTER

The International Shipmasters Link

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**IFSMA 36th Annual General Assembly to be held in
Manila, Philippines - June 2010**

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Appointed: 08/10/2002

UN Meeting – Oceans & Law of the Sea

By Rodger MacDonald, Secretary General

IFSMA's participation in the United Nations 10th meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

The IFSMA Secretary General and Captain George Preville of the Council of American Master Mariners attended the tenth meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea which took place from 17-19 June 2009, at UN Headquarters in New York. The meeting brought together over 350 representatives from governments, intergovernmental organizations, non-governmental organizations and academic institutions.

During the meeting, plenary sessions were held to address: the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine years; issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea; and consideration of the outcome of the meeting.

The discussion panel on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine years met on Wednesday and Thursday to consider the ICP's: mandate, objectives and role; outcomes and their implementation; and format and methods of work.

To start the meeting we were reminded of the historic importance of UNCLOS. On 1 November 1967, Malta's Ambassador to the UN, Arvid Pardo, asked the nations of the world to recognize a looming conflict that could devastate the oceans. In a speech to the General Assembly, he called for, "an effective international regime over the seabed and the ocean floor beyond a clearly defined national jurisdiction." The speech set in motion a process that spanned 15 years and saw the creation of the UN Seabed Committee, the signing of a treaty banning nuclear weapons on the seabed, the adoption of a declaration by the General Assembly that all resources of the seabed beyond the limits of national jurisdiction are the common heritage of mankind, and the convening of the Stockholm Conference on the Human Environment. These were some of the factors that led to the convening of the Third UN Conference on the Law of the Sea during which the

UN Convention on the Law of the Sea (UNCLOS) was adopted.

UNCLOS was opened for signature on 10 December 1982, in Montego Bay, Jamaica, at the Third UN Conference on the Law of the Sea, UNCLOS sets forth the rights and obligations of states regarding the use of the oceans, their resources, and the protection of the marine and coastal environment. UNCLOS entered into force on 16 November 1994.

On 24 November 1999, the General Assembly adopted resolution 54/33 on the results of the review undertaken by the UN Commission on Sustainable Development at its seventh session on the theme of, "Oceans and seas." In this resolution, the General Assembly established an open-ended informal consultative process to facilitate the annual review of developments in ocean affairs. The General Assembly decided that the Consultative Process would meet in New York and consider the Secretary-General's annual report on oceans and the law of the sea, and suggest particular issues to be considered by the General Assembly, with an emphasis on identifying areas where intergovernmental and interagency coordination and cooperation should be enhanced. The resolution further established the framework within which meetings of the Consultative Process would be organized, and decided that the General Assembly would review the effectiveness and utility of the Consultative Process at its 57th session.

The first nine meetings of the Consultative Process identified issues which were primarily related to the impacts of:

- marine pollution and degradation,
- marine science and technology,
- coordination and cooperation in combating piracy and armed robbery at sea,
- safety of navigation,
- the protection of vulnerable marine ecosystems
- new sustainable uses of oceans,
- the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.
- fisheries and their contribution to sustainable development,
- the issue of marine debris.
- the necessity of maritime security and safety in promoting the economic social and environmental pillars of sustainable development.

The purpose of this the 10th ICP conference was for a thorough review of the strengths and weaknesses of the Consultative Process and seek opportunities for improvement. From IFSMA's perspective it was to gain a deeper understanding on how an NGO can both learn and contribute to ensure that UNCLOS develops in the best interest of our members and our industry.

Having said that, the emphasis of concern at this meeting was on the environment and the sustainable use of our oceans. It is evident that the UN focus today will mean that the industry and seafarers will have to be far more conscious of the impact transportation has on the planet, including the effects of climate change on marine biodiversity. Our attention was drawn to the effects of sea noise, especially propeller, seismic and sonar, and its impact on sea life, including fisheries.

The ICP conference is a unique and inclusive forum for discussion on emerging issues on ocean affairs, in conformity with UNCLOS, with the power of influencing General Assembly resolutions and promoting coordination and cooperation among different sectors under the aegis of sustainable development. However, tangible results from these discussions remain to be seen. The UN will decide if this concept will proceed when it convenes to address the Convention on the Law of the Sea, from 15-18 September and 16-23 November 2009.

I am happy to say that many of the delegates were pleased to see us attend the ICP10 and thanked us for our interest and our interventions.

African SAR Coverage Extended

Further key links in the plan to provide effective search and rescue (SAR) coverage off the coast of Africa have been established, with the commissioning of two search and rescue sub-centres that will operate in conjunction with the existing regional Maritime Rescue Coordination Centre (MRCC) in Mombasa, Kenya.

The two sub-centres, in Dar es Salaam, United Republic of Tanzania and Victoria, Seychelles, were commissioned on 25 and 27 March, respectively, by the Secretary-General of the International Maritime Organization (IMO), Mr. Efthimios E. Mitropoulos, and the Transport Ministers of the respective countries.

The inauguration of the two new facilities marks an important step in a process that began at the October 2000 IMO Conference on Search and Rescue and the Global Maritime Distress and Safety System, held in Florence, Italy. African Governments represented at that Conference agreed that a regional approach to the provision of SAR services in western, southern and eastern parts of the continent should be pursued and, to that effect, they adopted a resolution inviting the African countries bordering the Atlantic and Indian Oceans, anti-clockwise from Morocco to Somalia, as well as the nearby Atlantic and Indian Ocean Island States, to establish five regional centres and 26 sub-centres to cover their entire coastline areas for SAR coordination purposes.

The Conference envisaged that all the proposed centres could work co-operatively to provide SAR coverage in what had been identified as one of the areas of the world suffering most from a lack of adequate SAR and communications infrastructure. The establishment of appropriate SAR facilities off the coast of Africa was seen as a key component in the implementation of the Global SAR Plan, the final part of which had been agreed in 1998 at an IMO Conference in Fremantle, Australia.

The commissioning of the first African regional MRCC, in Mombasa, took place in May 2006, and was followed by Cape Town, South Africa in January 2007 and Lagos, Nigeria, in May 2008. The fourth MRCC, in Monrovia, Liberia, is scheduled for commissioning next month.

IMO Secretary-General Mitropoulos said that this network of regional MRCCs and sub-centres would make an important contribution towards the overall objective of safeguarding life at sea, as well as strengthening the capacity of the region to provide effective maritime security and environmental protection.

UKHO Piracy Chart

The UKHO has produced an Anti-Piracy Planning Chart as part of an initiative driven by the EU Naval Force. The chart, numbered Q6099, covers the Gulf of Aden and south of the Horn of Africa with a larger scale inset showing the Gulf of Aden Transit Corridor. It may be downloaded free of charge from <<http://tinyurl.com/mhrbgg>>.

Arctic Shipping: Planning for Emergencies

Halifax, Nova Scotia, Canada, 21-22 April 2009

This Seminar was organised by IFSMA Member Company of Master Mariners Canada, this is a heavily edited version for reason of space, the full report may be viewed on the CMMC Website: www.mastermariners.ca

The first day comprised a panel discussion around an Arctic Emergencies Exercise.

Day Two – Seminar -Panel 1: The Ship Owners' Perspective

Martin Karlsen, Polar Star Expeditions

Mr. Karlsen began his remarks by commenting on the relevance of yesterday's exercise for tourism operators in the Arctic.

Shipowners are aware that, statistically, 80-90% of vessel accidents in remote Arctic destinations are the result of human error. Shipowners need to consider the suitability and capability of the vessel itself. Mr. Karlsen hoped that unsuitable tonnage going into these areas is gone; the international regulatory regime should take care of this and minimize loopholes available to unsafe or inappropriate vessels for expedition cruises. He emphasized the need for experienced crew to allow the ships to go where they want to go. Given limitations such as poor charting of Arctic waters, we also need to offer captains and their crew the tools they need to successfully complete their voyages. He noted that while vessels travelling into remote areas report things to officials, that information often is not published in a timely manner (unless there is an accident). Mr. Karlsen emphasized that ship owners realize that crew preparation, training and preparedness are critical, particularly since crew members come from around the world but not typically from ice-infested areas. He concluded his remarks by noting that while the expansion of the IMO Arctic Guidelines to include both the Arctic and Antarctic waters is welcome, they should remain voluntary. No amount of regulation will replace the fact that most accidents are due to human error, thus shipowners need to focus on eliminating human error through crew preparation, training and preparedness.

Bob Gorman, Fednav Group/Enfotec

Mr. Gorman noted that the Canadian shipping industry is experienced in Arctic operations, with well trained crew and masters and a robust regulatory regime in place in Canada. His biggest concern was foreign operators who do not report to NORDREG (Arctic marine traffic system) and are not experienced in Arctic operations. He noted that the simulation exercise yesterday highlighted inexperienced crew as the issue in emergency situations. As the Liberian investigative panel noted in their recently released report on the sinking of the *Explorer* in Antarctic waters, it was human error on the part of the captain (misjudging the nature and extent of multi-year ice conditions in the area) that resulted in the accident. He provided examples in the Canadian Arctic, such as the carrier that sank in Baffin Bay in the 1980s due to an arrogant captain who didn't understand Canadian ice conditions. These incidents highlight once again the need for experience and knowledge of vessel management in ice-infested waters by captains and crew and ship operators.

Capt. Alex MacIntyre, Arctic Ice Pilot

Capt. MacIntyre opened his remarks noting the dramatic improvement in Canadian ice services and reporting, highlighting the cooperation between commercial shippers and the Canadian Coast Guard Central and Arctic Region office based in Sarnia, Ontario. He agreed with other panellists that NORDREG should be compulsory for all vessels travelling into Arctic waters. Ice pilots want to know where other vessels are in their immediate vicinity and help with coordination of services. He noted that additional elements should be included in reporting requirements, e.g., the number of people onboard the vessel. Greenland has a vessel reporting system that is very straightforward and requires reports every 12 hours on six items. Their system is easy for vessels to work with, enhancing compliance.

Capt. MacIntyre commented on the need for more bottom surveys, particularly in the approaches to areas where tanker traffic is expected to increase. Tanker operations, especially where large quantities are being discharged or unloaded, need more services so that vessels are not at the whim of the weather (physical infrastructure). Further work is needed on research on cleaning up oil spills in Arctic waters (Norway is currently doing the most work on this now). While there is a temporary lull in

Arctic shipping, a boom in drilling and exploration activity is expected. This will result in increased tanker and bulker carrier traffic, in addition to the anticipated expansion of adventure cruise ships operating in the region (10-12 operators now). The Beaufort Sea area benefited from the infrastructure put in place during the period of oil exploration in the 1980s. However, much of it has been removed or degraded and the local expertise is similarly declining or gone from the area. This loss needs to be stemmed or turned around.

Capt. MacIntyre concluded his remarks by highlighting the issue of recruitment of ice pilots/navigators that will be needed to meet the forecast expansion of shipping in the Arctic. Currently, there is a shortage of seagoing personnel worldwide. Youth do not want to go to sea; the Canadian Coast Guard College had trouble filling its quota last year. Graduates often take land-based work rather than going to sea. Licensed officers and engineers with Arctic experience are even more difficult to find. He noted that Arctic conditions can be found in the Gulf of St. Lawrence as well, further expanding the need for crew experienced in working in ice and cold conditions. Capt. MacIntyre commented on the lack of standards for ice qualifications. He noted that inexperience gets you into trouble very fast, citing the example of the *Explorer*. Further, there is a lack of facilities in the Arctic if you get into trouble. He noted the need for a good coordinator to bring all elements together in an emergency situation so that the reaction to an incident is appropriate and strong enough up front to deal with the conditions in the region.

Panel 2: Local Communities' and Arctic Partners' Perspective

Marc Allard, Makivik Corporation

Mr. Allard, reviewed the oil pollution response, including search and rescue, capacity in the Nunavik marine region. He outlined the area under consideration; the Nunavik region borders Ungava Bay, Hudson Strait and Hudson Bay and encompasses the northern part of Quebec. It is comprised of 14 Inuit communities with a population of almost 10,000 Inuit. It was created through the James Bay and Northern Quebec Agreement of 1975, and together with the Labrador, Nunavut and Inuvialuit claims, comprises the Inuit land claims regions.

Bill Drew, Port of Churchill

Mr. Drew reviewed the facilities at the Port of

Churchill, Manitoba. The port services the coastal communities of Hudson Bay to the north during its less than four month ice-free season. Approximately 20–35 international vessels call at the port per year with shipments of 400,000 to 750,000 tonnes of grain outbound annually (inbound shipments of fertilizer are also significant). There is also increasing tug and barge movements up to Rankin Inlet and Baker Lake. Supply vessels now call on the port and cross-dock work from rail to barge/supply ship is growing. Cruise ship activity has increased with Cruise North looking to expand its operations in the region. There is also significant small vessel traffic of both commercial operators and personal recreation boating. There is lots of cross traffic with tour operators running zodiacs and kayaks out with the belugas. The port is a significant fuel re-supply depot with fuel coming north via railway and onto vessels for distribution to northern communities.

The shipping season of the port has been extended by climate change. The earlier departure of the ice is driving the commercial incentive to extend the shipping season, to increase the number of ships for a longer period, and calls to provide ice-breaking support to further increase access to the port. Ice breaker support is a real commercial possibility for bulk commodities given freight rates further south. The Russians have offered to provide an ice breaker commercially to the port.

As marine traffic increases in the region, there are some special needs:

- Ice capable salvage capabilities (necessary from an environmental response as well as marine insurance perspective)
- Increased pollution countermeasures capability (need a mock exercise to see if an offshore oil spill would be responded to appropriately; response is distance limited and weather limited to such an incident)
- Improved search and rescue capabilities; commercial expansion (in and out) and increased shipping activity to Nunavut means requirements need to be improved

The port is an integral part of Churchill infrastructure. The emergency response the capacity domiciled in Churchill is important to the region and will assume increasing importance in the coming years.

De-Brief of Emergency Simulation (Day One)

Jack Gallagher reviewed the facilitated panel discussion from the day before on a marine emergency situation in northern waters (a passenger vessel that gets holed and possibly causing oil leakage that moves into a search and rescue scenario). He offered a series of observations and learnings from the exercise:

1. During the early stages of the incident, the work load of the master is large – primarily communication with various agencies. This highlights the need for procedures to manage communications, including delegating responsibilities to other shipboard personnel. Media liaison is an important task through the company rather than the ship.

2. There are differences in responding to incidents in the South and the North. In the North, response agencies are widely dispersed geographically. We need to use electronic tools, e.g., web conferencing, to share information to deal with the distances and to reduce the communications burden on the ship.

3. It is particularly important to have a single point of contact in response agencies and on board the ship, particularly as incidents transition between various government agencies' responsibilities. Services providing information need to be shared between agencies, particularly technical information related to assessing the status of the ship. Such incidents should be elevated to a higher level of management. Operational staff are, however, used to working together and are familiar with the capabilities of other agencies; more senior staff might not share this knowledge.

4. It is possible that a foreign ship might not communicate with Canadian authorities first in an emergency situation (i.e., they would communicate with their company headquarters or flag state first). This could result in delays in triggering the Canadian emergency response system and Canadian authorities receiving necessary information.

5. The shipping company was ready to deal with passengers and their needs but they did not ask who was going to come to the rescue and when (this question needs to be asked of the Canadian government if they have triggered the emergency response system). The reluctance to trigger the emergency response system could result in delays in getting people and equipment in place that would be critical to the successful resolution of such an incident.

6. Everyone expects time and resource delays in the North. Every SAR operation is unique. We must ask

the question, Who has a clear picture of what the capabilities are across the North and how they are triggered? The shipping company has a responsibility to ensure the vessel and its passengers survive until help arrives.

7. Local communities will be stretched to deal with survivors from an emergency, e.g., provision of food, accommodation, sanitation, medical facilities, etc.

8. The capabilities of NORDREG need to be considered as the collecting and disseminating of such information can ease the communications burden during an emergency. A mandatory system would appear to be useful.

9. The strength of the shipboard team is clearly important; crew members (officers, expeditionary staff, etc.) must be prepared to step into other roles (i.e., crew depth) during an emergency situation, which would ensure survivability until help arrives (at sea and onshore).

Cdr Ken Hansen, Centre for Foreign Policy Studies

Cdr Hansen offered the outcomes of a scenario modelling exercise he developed based on the simulation exercise. In developing the game structure, rules, steps and end-game criteria, he offered five stages in the game to be modelled:

1. The ship sinks, or remains afloat until the CCG ships arrive
2. The lifeboats are launched successfully
3. The lifeboats reach the shore
4. The major aid kit is delivered by air, or not
5. Air evacuation to a local community is arranged, or not

Using the model, he outlined the outcomes (in relation to survival of the vessel and those on board) based on various scenarios. Having run the game several times, he offered some general conclusions: the probability of fatalities is 100% with a 60% probability of survival. Success was dependent upon air delivery of the survival kit and probability of the life raft getting to shore. Cdr Hansen noted several keys to survival during such an incident:

1. Time is important – overreaction is key to survival.

2. The distance that an aircraft has to fly back and forth between the incident site and the local community landing site.
3. The speed of getting ships to the incident area.
4. The initial location of pre-positioned emergency assets.

Panel 3: The Regulatory Issues

Panel 4: The Practical Application

Cdr Alex Grant, Commanding Officer, HMCS Toronto

Cdr Grant outlined the role and operations of the Canadian Navy in the Arctic. The Canada First Defence Strategy (May 2008) sets out the mandate for naval operations and includes two missions in the Arctic: daily domestic operations and support for civilian authorities during a crisis. Marine Security Operations Centre provides the focal point for cooperative measures with the RCMP, Canadian Coast Guard (CCG), Canadian Border Services and Transport Canada. Existing Maritime Ops Centres on the coasts provide the focal point for the Navy's operations. Cooperative arrangements are also in place with the United States Coast Guard.

The Canadian Navy provides command and control operations in marine waters, including contingency operations, defence missions, sovereignty patrols and search and rescue operations. These various scenarios are worked through during exercises within the Canadian Forces. Canadian Forces Northern serves as an emergency operations liaison in the North. Headquarters, as well as the CCG, are already part of the JRCC (Joint Rescue Co-ordination Centre) and can react quickly in an emergency operation. The JRCC, Maritime Security Operations Centre and the Admiral are all co-located, facilitating an immediate response.

Dr. David Petrie, Emergency Health Services Nova Scotia LifeFlight

Dr. Petrie reviewed emergency medical planning considerations for operations in remote environs such as the Arctic, focussing on the issues that arose during the simulation on Day One.

Three factors are critical in mitigating medical risk: regulations, preparations and ability of the medical team.

Capt. Pierre Murray, Transportation Safety Board of Canada

Capt. Murray outlined the mandate of the Transportation Safety Board (TSB), namely advancing transport safety through investigation of incidents. The TSB conducts investigations but does not assign blame or civil liability. Investigations are conducted in order to determine their causes and to prevent such incidents from occurring again. The Marine Safety unit of the TSB is small, with less than 20 staff members. The TSB has exclusive jurisdiction to investigate the cause and factors leading to an incident. The RCMP and the Department of National Defence can only do parallel investigations for their purposes. A joint investigation can be conducted if civic equipment is involved.

Closing Remarks

Capt. Rodger MacDonald, International Federation of Shipmasters' Associations

Capt. MacDonald offered summary comments on the morning session of the Workshop. He noted that technology might allow us to prevent accidents in the future, overcoming the human error that is at the heart of so many marine incidents, but that this was unlikely to resolve the issue. Instead, we must focus on training, in particular mandatory ice operations skills. He suggested that if specific endorsements were necessary for operation of dynamic positioning ships and LNG carriers, we should not have a problem with requiring special endorsement for ice navigation. He also offered some suggestions on how to recruit young people to a career at sea and the opportunity presented by encouraging mid-career change opportunities for qualified individuals. He noted that many young people that have gone through the cadet programme leave the field after ten years, so we might try to recruit from that older cohort to fill in this gap.

Capt. MacDonald reiterated that hydrographic services need to support Arctic shipping. He noted that emergency response units might be insufficient but cost is a factor in providing such resources (this is also an issue in the Antarctic). Pairing or twinning of vessels might be a solution but often vessels plan to avoid each other. Mandatory reporting requirements through NORDREG are critical. Such reports should include the number of passengers aboard as well. He noted the unanswered query on how we will be able to deal with an oil spill in Arctic waters. He suggested that harmonization of regulatory regimes between polar states should be

tried even though it might be difficult politically. He concluded by emphasizing that we must continue to respect the local communities in the North and ensure that marine shipping operations do not affect them detrimentally.

Conclusions

(1) Shipping intelligence in the Arctic region is needed for safety and security reasons. In support of this, the provision of information to NORDREG, a vessel information system, will become mandatory for all vessels entering Arctic regions and this information must be disseminated to all government organizations providing support services.

(2) There will be a delay in any Search and Rescue (SAR) response in Arctic regions due to the geographical distances from support centres. For this reason, Canada must institute a requirement for mandatory survival equipment sufficient for all on board, including survival suits, Arctic shelters, heating sources, radio equipment, damage control materials, etc., to be carried on board vessels trading in Arctic regions.

(3) The Arctic Waters Pollution Prevention Act, in place since the 1970's, must be updated and aligned with revised IMO Guidelines for Ships Operating in Ice-covered Waters.

(4) Officers navigating ships in polar regions should be trained, examined, and certificated in ice navigation and ice seamanship. This certification should be internationally accepted and part of the STCW requirements. As trained ice navigators are essential components of the Arctic Ice Regime Shipping System, Canada should take a lead role in the development and implementation of the standards.

(5) Crew members of ships trading into polar regions should be required to have training in the use of emergency equipment in very low temperatures, in cold climate survival, and in damage control training leading to becoming an STCW requirement.

(6) Adequate funding should be provided to the Canadian Hydrographic Service (CHS) to accelerate the up-dating of charts and hydrographic data for the Canadian Arctic area.

(7) Scientific research should be funded in the area of response to oil and chemical spills in ice-infested waters.

Hebei Two - Finally Freed from South Korea

Lloyd's List, 12 June 2009

THE Hebei Two — Jasprit Chawla and Syam Chetan — gave their heartfelt thanks yesterday to seafarers, shipowners and industry organisations for the global campaigns that finally led to their freedom from South Korea.

Speaking just hours after being exonerated of causing destruction of property, Capt Chawla told *Lloyd's List*: "Even in our whole life we will not be able to say 'thank you' to everyone for helping us. I know Mr Chetan has got the same feeling."

He said the two men "could never dream" their case would attract so much global attention and praised all those, including this newspaper, who had supported the pair.

Capt Chawla added: "We are very happy the big nightmare is over. We can't express in words how we feel or the support we've received."

The Hebei Two have been prevented from leaving the country for more than 18 months since the anchored tanker *Hebei Spirit* was holed by a drifting Samsung crane barge in December 2007. The subsequent spill, involving more than 10,500 tonnes of oil, caused South Korea's worst environmental disaster.

The two senior officers were yesterday finally cleared of destruction of property in a High Court judgment that confirmed a decision by South Korea's Supreme Court on April 23 to overturn the conviction and jail sentences ironically imposed by the High Court last December.

But the convictions and fines against the two men for not doing enough to prevent oil leaking from the *Hebei Spirit* were ignored by both courts and remain in force. Capt Chawla was fined Won20m (\$15,900) and Mr Chetan Won10m.

Responding to the two men's release Intertanko pledged that the shipping industry would continue to fight for justice for the Hebei Two.

Intertanko managing director Peter Swift told Lloyd's List: "They still have the guilty charge and we are going to fight with others to clear their name. In that respect the campaign continues."

Intertanko was "delighted" the two men "have finally been released after being held in Korea for 550 days".

But the tanker group said it remained "surprised and disappointed at the decision to dismiss the appeal concerning the charges of pollution and to uphold the pollution fines".

It added: "We are also dismayed that this pollution charge falls short of the 'innocent of all charges' verdict handed down by the Daejeon District Court in June 2008" when the Hebei Two were initially prosecuted.

Intertanko's comments were echoed by other industry groups.

The International Chamber of Shipping and the International Shipping Federation were "delighted that the master and chief officer of the *Hebei Spirit* will finally be allowed to return home to their families".

But they added: "ICS and ISF are disappointed that the charge of causing pollution was not overturned and the innocent verdict of the court of first instance reinstated."

V. Ships, which managed the *Hebei Spirit* and has supported the two men throughout their time in South Korea, also expressed delight and disgust.

President Roberto Giorgi told Lloyd's List in Oslo: "It is excellent news for them and their families — they can finally go back home. Naturally we are all very excited. But we now need to clear their name completely from the allegation that they were responsible for the pollution because they were completely innocent of that."

He added: "I think also the Maritime Labour Convention should be amended to contain some more robust measures to fight unfair criminalisation of seafarers. We need to think as an

industry about how we can protect our seafarers." Summing up the treatment of the Hebei Two, Mr Giorgi said: "This has been a shameful act against two brave guys."

The treatment of the Hebei Two caused international outrage with demonstrations in India and a global effort at industry and diplomatic levels to free the men.

Asked about future plans, Capt Chawla said: "We just want to go home and have a long vacation."

P&I Clubs and Piracy

More information on Piracy FAQs here: < <http://tinyurl.com/m5cnql>>

Do clubs cover piracy?

The usual liabilities insured by the clubs remain covered when arising out of incidents of piracy. These liabilities are potentially most likely to involve loss of life/personal injury/illness, crew substitution and repatriation, and crew/passenger loss of effects. Liabilities could also extend to pollution, possible wreck removal, and potentially cargo liabilities/GA in the case of a shipowner's contributory fault or negligence. In relation to strict liability claims under International Conventions, the "intentional act" defence may provide some protection where/if applicable.

Such liabilities may however become excluded from cover if arising from a piracy incident which involves the use/engagement of "weapons of war".

Also, some primary P & I War Risk underwriters include piracy as a specific named peril in which case P & I liabilities arising are covered by them and not by the clubs.

What does "similar weapons of war" mean?

There is no definition in the Pooling Agreement or in club rules but the wording used "or other similar weapons of war" indicates that such other weapons should be of a similar nature to those previously identified. The specifically identified weapons of war are mines, torpedoes, bombs, rockets, shells and explosives and show an intention that something more than guns/rifles/conventional ammunition would be needed to trigger the operation of the exclusion.

How does piracy differ from terrorism?

There are various definitions of terrorism which include violence or the threat of violence, bombing, kidnapping and assassination carried out for political purposes.

The key distinctions between terrorism and piracy appear to be the differing motivations and objectives, in the former the political motivation and intention to cause death/injury/damage and in the latter the forcible seizure of property/persons to secure private/personal financial gain.

Why does the difference matter?

For the purposes of club coverage, the distinction is fundamental since P&I liabilities arising from acts of piracy are not an excluded risk whereas terrorism is an excluded risk (and would fall under war risk cover).

What do hull underwriters cover and what do war risks underwriters cover?

Depending on shipowners' particular insurance arrangements, hull and machinery underwriters and war risk underwriters will between them provide property cover (H&M/GA/Salvage etc) and war risk P&I cover. If a Piracy incident triggers the club war exclusion (by virtue of the weapons of war provision), the consequent liabilities are likely to be covered by war risk underwriters. Also, as stated in 2 above, some primary P & I War Risk underwriters also cover piracy as a specific named peril.

Guidelines to Combat Piracy

Revised guidance on combating piracy and armed robbery against ships was agreed by IMO's Maritime Safety Committee (MSC) when it met at the Organization's London Headquarters for its 86th session from 27 May to 5 June. Specific guidance relating to the continued attacks on ships off the coast of Somalia and in the Gulf of Aden was also agreed.

The MSC reviewed the latest statistics on piracy and armed robbery against ships, in particular off the coast of Somalia and in the Gulf of Aden, where ships continue to be attacked and hijacked, despite the concerted efforts of the international community, spearheaded by IMO, navies and the industry, to protect shipping. The number of acts of piracy and armed robbery against ships reported to the Organization to have occurred in 2008 was 306,

against 282 during 2007, representing an increase of 8.5 per cent. In the first four months of 2009, 157 incidents were reported to IMO.

The MSC agreed updated Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships; and Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships. The guidance to shipmasters and crew includes a new annex aimed at seafarers, fishermen and other mariners who may be kidnapped or held hostage for ransom, based on the current United Nations guidance on "surviving as a hostage".

An MSC circular on Piracy and armed robbery against ships in waters off the coast of Somalia was agreed, to include Best Management Practices to Deter Piracy in the Gulf of Aden and off the Coast of Somalia, which have been developed by industry organizations, and additional guidance to vessels engaged in fishing, identified as being particularly vulnerable to attack.

The MSC agreed that flag States should strongly discourage the carrying and use of firearms by seafarers for personal protection or for the protection of a ship. Seafarers, it was agreed, are civilians and the use of firearms requires special training and aptitudes and the risk of accidents with firearms carried on board ship is great. Carriage of arms on board ship may encourage attackers to carry firearms or even more dangerous weapons, thereby escalating an already dangerous situation. Any firearm on board may itself become an attractive target for an attacker. Carriage of firearms may pose an even greater danger if the ship is carrying flammable cargo or similar types of dangerous goods.

It was agreed that the use of unarmed security personnel is a matter for individual shipowners, companies, and ship operators to decide. The carriage of armed security personnel, or the use of military or law-enforcement officers (duly authorized by the Government of the flag State to carry firearms for the security of the ship) should be subject to flag State legislation and policies and is a matter for the flag State to authorize, in consultation with ship owners, companies and ship operators.

The MSC also agreed proposed amendments to the Code of practice for the investigation of the crimes of piracy and armed robbery against ships (resolution A.922(22)), for consideration by the IMO Assembly later this year.

ECDIS and BNWAS to be made mandatory under SOLAS

Amendments to SOLAS regulation V/19, to make mandatory the carriage of Electronic Chart Display and Information Systems (ECDIS) and Bridge Navigational Watch Alarm Systems (BNWAS), under SOLAS chapter V, Safety of Navigation, were adopted, by the IMO MSC, with an expected entry into force date of 1 January 2011. The requirements will be mandatory for new ships and phased-in for existing ships.

Computer Navigation Still Has Some Way to Go

Michael Grey – Lloyd’s List 20 April 2009

On a wild night in January 2008, with casualties being reported all over northern Europe, the watchkeeper at the Dover Straits Vessel Traffic Services became aware that a large outbound containership seemed to have come to a stop in the vicinity of the Varne Bank.

At much the same time, the watchkeeper aboard the big LT Cortesia, concerned at the number of warning lights and signals in his wheelhouse, called the master, who quickly determined that the ship had run aground on the Varne.

The joint report of the German authorities and Marine Accident Investigation Branch into this casualty is well worth a look (go to www.bsu-bund.de).

The casualty was an embarrassing business for a new, apparently well-found ship and highly experienced officers. Nobody was hurt, there was no pollution and the ship was hauled off with some alacrity.

But the inquiry points to a range of issues that ought to concern navigators, who perhaps are apt to look at their instruments rather than the navigational aids placed by friendly lighthouse authorities to mark hazards.

The report points to misapprehensions about what shipborne navigational displays and computers can do, and that all too often people are expected to master such equipment without much in the way of training.

It also notes that there are issues about the man-

power available, and the number of jobs that ship’s officers aboard even the best-found containerships are expected to do, as they rush around a European multi-port rotation in a few days.

Maybe I am being somewhat unfair, but in the days when paper charts ruled, lookouts were straining their eyes to see the next buoy and there was not quite so much of this rushing about, such an accident would have been less likely to happen.

Fog Signals

The following is from a letter to Chris Rowsell, Director (Maritime) of the UK Confidential Reporting Programme for Aviation and Maritime (CHIRP). Their reports may be viewed at www.chirp.co.uk.

Dear Mr. Rowsell,

I have just seen the CHIRP report on page 2 of Maritime Feedback, titled “Fog signals- An Optional Extra???”

I agree with your comments. There is no such thing as an optional extra. Sounding Fog Signals is mandatory.

Yes we hear many excuses such as the ones you have recounted. But there is no LEGAL excuse for NOT SOUNDING fog signals, Radar OR no Radar. Closed wheel houses or NOT.

I was a member of the Indian delegation to the 1972 COLREGS Convention. Some delegates did question the necessity of Fog Signals, even then. But, most delegates negated all their arguments. Overall the convention did not accept them.

One factor seafarers DO NOT appreciate is that a FOG signal is the ONE and ONLY signal which WILL reach their ears INVOLUNTARILY. To SEE a signal, even a Radar Signal, the seafarer HAS to direct his eyes. To hear, HE HAS TO DO NOTHING.

For example, to SEE the Tricolor on the radar screen, Master of the Kariba had to direct his eyes to THAT BLIP! Had the Tricolor been sounding Fog Signals, he would have known that she was near and would have verified on his Radar that she was half a mile astern of his Starboard beam. Thus SHE would still be afloat and around today.

As a matter of interest, in the appeals court in USA, Kariba, Clary AND Tricolor were found responsible for THAT collision. One count was, that all three were not sounding FOG signals.

It is one of the greatest misconceptions amongst seafarers that sounding signals in Fog are a waste of time and effort.

Kind regards
A.K. Bansal

COSCO Busan Inquiry Recommendations

The Report of Investigation into Allision of the COSCO Busan with the Delta Tower of the San Francisco-Oakland Bay Bridge in San Francisco Bay on 7 November 2007 was released by the US Coast Guard earlier this year. The full report may be read at <<http://tinyurl.com/lnbqcg>>.

The Recommendations made are reproduced here:

1. Concerns recommended distribution of the report
2. Recommend Regal Stone Ltd., owners and Fleet Management Ltd., operators of the COSCO Busan, review the Safety Management System (SMS) Procedures for pre-underway equipment tests, crew familiarisation, and navigation in restricted visibility.
3. Recommend the Captain of the Port (COTP) San Francisco work with the San Francisco Bay Harbour Safety Committee to develop a risk based decision making job aid for mariners sailing in restricted visibility.
4. Recommend Vessel Traffic Service (VTS) San Francisco develop procedures for exercising and enforcing Coast Guard authority under the Ports and Waterways Safety Act (PWSA) to implement the procedures developed per recommendation 3.
5. Recommend the San Francisco Bar Pilots conduct a study of technological advances in use by pilots in other jurisdictions. At a minimum, the study should address:

- The pros and cons of systems currently used by other Pilot Associations with respect to conditions in San Francisco Bay.
 - Whether use of a portable pilotage unit with an AIS pilot port feature should be a mandatory, minimum standard for all pilots.
 - Whether personal portable pilotage units used by pilots should undergo annual testing and certification by an independent servicing company.
 - Set a minimum training and qualifications process for any system adopted.
6. Recommend the Commandant of the Coast Guard amend the existing standards in Marine Safety Manual (MSM) volume III, for medical professional performing mariner physicals, to ensure that physicals are performed only by designated physicians with a thorough understanding of the physical and mental demands of a mariner's position
 7. Recommend the Coast Guard National Maritime Centre (NMC) issue a comprehensive work instruction for the review and handling of annual pilot physicals, including requirements for documenting the review of the LD system.
 8. Recommend the Coast Guard National Maritime Centre (NMC) expedite the replacement of NVIC 2-98, Physical Evaluation Guidelines for Merchant Mariner's Documents and Licences.
 9. Recommend the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun establish procedures for the following:
 10. Review of pilot physicals by a medical professional
 11. Immediate reporting of changes in a pilot's health
 12. Immediate reporting by pilots taking medications of any kind that have a known detrimental effect on human performance

13. Recommend the U.S. Maritime Administration (MARAD) convene the Physical Standards Work Group of the Seafarers Health Improvement Program (SHIP) to review and modify (as needed) the Guidelines for Physical Health Improvement for Retention of Seafarers in the U.S. Merchant Marine (1986). If the group is now defunct, recommend formation of a new work group to accomplish this task.

14. Recommend that the Commandant of the Coast Guard review current Vessel Traffic Service (VTS) radiotelephone practices nationwide concerning methods of communication with pilots while engaged in pilotage duties on vessels. Following this review, the Commandant should determine whether the development of nation-wide standard pilot-VTS communications protocols or guidelines is necessary.

M.T. Tosa - Master Detained

By Captain A. K. Bansal, Individual Member

Indian Capt. Glen Aroza of the Panama flag M.T. TOSA, has been detained in Hualien Taiwan since April 17 2009, after his ship was diverted by force from the high seas. The second officer from Bangladesh, and a seaman from the Philippines, who were on watch at the relevant time, have also been detained. Bail has been denied to the Second Officer.

It was first alleged that the TOSA had collided with a Taiwanese fishing trawler in international waters killing two fishermen. But inspections of hulls of the trawler and the TOSA revealed no physical contact between them. It was then alleged that the 21.6 meters long and 100 ton trawler capsized due to the wake of the TOSA. Any one with even a nodding acquaintance with ships and the sea, knows that it is impossible for a trawler of THAT size to capsize simply by the wake or waves created by a ship in calm seas (wind was force 5/6) unless the trawler was inherently unstable and un-seaworthy.

The second officer was independently in-charge of the navigation watch. Master's WRITTEN orders to give all vessels a wide berth and to be called in case of doubt, are on record. Since in his opinion, the TOSA passed the trawler at a safe distance, the second officer did not consider it necessary to inform the Master. In light of this, allegations against the Master were again changed to "invol-

untary manslaughter," failure to render assistance and / or failure to train the second officer and the seaman on duty.

No distress signal is recorded to have emanated from the trawler or from ashore. Therefore detention of and investigation against the Master and crew of TOSA are patently illegal and without jurisdiction for the following reasons:-

1. At all material times, the second officer was independently in charge of the navigation watch. Master was not even on the bridge. Indeed he first learnt about the alleged incident from the Taiwan coast guard nearly nine hours after the event. STCW Convention clearly provides that the duty officer remains fully responsible for safe navigation, even if Master is present on the bridge. Here the Master was not on the Bridge.

2. Thus, allegations of any neglect or wrongful act of the Master are without any basis.

3. TOSA was on the "High Seas," well outside Taiwan territorial waters as defined by International law. There is no evidence of any contact between the trawler and the Ship. Thus, Taiwanese authorities have no criminal or civil jurisdiction whatsoever. The TOSA was forced into a Taiwanese port illegally, by an armed Taiwanese ship with air support, against International Law and accepted norms of civilized behaviour.

4. Article 92 of UNCLOS 1982 states: "*Ships shall sail under the flag of one state only and..... shall be subject to its **exclusive jurisdiction** on the high seas.*"

5. Article 97 of UNCLOS further holds that "*no arrest or detention of the ship, **even as a measure of investigation**, shall be ordered by any authorities other than those of the flag state.*" In this case it is Panama.

6. Article 1 of "The International Convention for Unification of Certain Rules Relating to Penal Jurisdiction in Matters of Collision or Other Incidents of Navigation provides: "*In the event of a collision or any other incident of navigation concerning a sea-going ship and involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, criminal or disciplinary proceedings may be instituted **only before the judicial or administrative authorities of the State of which the ship was flying the flag at the time of the collision or other incident of***

navigation". Article 2 of the same Convention further provides: "*No arrest or detention of the vessel shall be ordered, even as a measure of investigation, by any authorities other than those whose flag the ship was flying.*"

To demonstrate the double standards adopted by Taiwan, the incident of Taiwan Registered Maersk Dubai is worth recalling here.

Seven Taiwanese officers and Philippino crew of this ship were accused of first-degree murder of Romanian stowaways on the high seas. When the ship arrived in Halifax, eight Philippino crewmembers reported the incident to the Canadian authorities. Capt Hsiu and six seafarers were arrested and charged with first-degree murder. Taiwan invoked International Law claiming that since the ship was under Taiwanese Flag and the incident is alleged to have happened on the high seas, only Taiwan has jurisdiction on it. Consequently, the Presiding judge in the Supreme Court of Nova Scotia, stated that his court had no jurisdiction on the alleged crime, but added that but for lack of jurisdiction the court would have found all the seven seafarers guilty of first-degree murder. It was subsequently reported that the Philippino crew who reported the crime to the Canadian authorities, AND their families were threatened and victimized in the Philippines, by the Taiwanese..

It is not the first time that Taiwan has detained an innocent Indian seafarer in violation of international law. In 1996-1999, the totally innocent Captain Raj Goel was detained in Taiwan for three and a half years.

There is no doubt that a seafarer should be brought to book if he has done anything wrong, committed a crime or violated any International Convention. BUT NOT INNOCENT SEAFARERS. Recently, two innocent Indian seafarers of the Hebei Spirit, were illegally detained in South Korea for over one and a half years. Since the entire International Maritime Community knew that these two officers had done no wrong and had not violated any International Convention, it was generally believed that the Korean Courts would totally exonerate them in time. Therefore it was also found expedient to respect their Judicial system. But only when the Korean Appeals Court actually put them in prison, did the International Maritime Community become active in their defence. It is no exaggeration to say that these officers were released mainly because of the pressures brought about by the International Shipping Community.

Even though the HS case was a distressing story, it brought the entire International community together for the first time in history. Organized and collective efforts were made and actions taken to right the wrong done.

Even so it took the better part of six months to get these two seafarers exonerated with total loss of 18 months of their lives. What is worse is the fact that they were charged in Korea of criminal offences. Thus every time they need to travel abroad, they may have difficulty in getting visas to any country since the application form usually contains a question if the applicant has ever been charged of a criminal offence. THAT factor would always restrict their lives as seafarers who are required to travel abroad instantly to join a ship.

Facts are more in favour of the 3 TOSA seafarers of different nationalities, detained in Taiwan. The ship is Panama Flag and was in International waters. Therefore Taiwan has no jurisdiction under International Law, to accuse these three seafarers of any wrong doing. Only the flag State has jurisdiction. Also the Governments of countries whose nationals are accused to have contravened any Law or convention can hold their nationals responsible if found guilty.

It would be naïve to expect Taiwanese authorities to abide by International law unless sufficient pressure is brought on them. It is time the maritime and shipping community world wide, joins hands once again the way it did in the Hebei Spirit case, to bring justice to these seafarers and to stop countries around the world criminalizing seafarers at the drop of a hat. Since Taiwan has no jurisdiction on this matter at all, NYK should make all efforts with the Flag State Panama, to claim Jurisdiction under International Maritime Law, including STCW and UNCLOS, as Taiwan did in the Maersk Dubai case,

Even though all available evidence, has not found any reason to detain the Master he is being illegally detained in Taiwan on the pretence of being a witness. His night order book AND the fact that he did not know anything about it till 9 hours later, is on record. It is anybody's guess in what way he can be a material witness in a case like this. If for some reason he is charged with some offence, he will have to live with it for the rest of his life, even though he may be exonerated subsequently. It is this factor which requires the urgent attention of the International Maritime Community.

Report on Joint IMO ILO Working Group

By Mark Dickinson, Vice President

Report of the IFSMA Delegate to the 9th Session of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers

1. The meeting took place at the headquarters of the ILO in Geneva between 2-6 March 2009. Mr Charles "Bud" Darr (USA) chaired the meeting; Brian Orrell was the Seafarers' Spokesperson and Edith Middlefart the Shipowner's Spokesperson. The Governments nominated the Philippines to chair their group and provide group reports to the plenary session. Other governments attending the meeting included: Cyprus, France, Greece, Philippines, Republic of Korea, UK and USA with observers from Bahamas, Denmark, Japan, the Marshall Islands, Belgium, Norway, and Panama. NGO's in attendance, in addition to IFSMA, were the International Ship Suppliers Association and the International Group of P&I Clubs.

2. The working group was again tasked with continuing where the 8th session left off and to complete the discussions on a possible mandatory solution for the issue of abandonment and liability and compensation for seafarers' claims and deciding appropriate recommendations to be made to the IMO Legal Committee and the ILO Governing Body.

4. The working group noted that a great deal of work had been carried out intersessionally and in particular the Social Partners had met to continue the dialogue towards joint proposals for the ad hoc working group's consideration. These had been identified in a joint submission to the meeting (IMO/ILO/WGLCCS9/3) and draft proposals framed as stand alone instruments had also been prepared by the Office to assist the work of the group.

5. Unlike the previous two sessions, and with the exception of the first afternoon when the governments and ship-owners spent several hours in their groups considering the Office proposals, the bulk of the working group meeting took place in plenary sessions with ship-owners, seafarers

and governments working through the Office texts. This ensured a much more positive working environment and ultimately for the unanimous adoption of appropriate measures. Very few issues remain unresolved (i.e. still in square brackets).

6. In terms of the mechanism for delivery of a mandatory standard there was unanimous agreement that the best route was to progress amendments to the MLC 2006. Therefore, the agreed draft provisions have been framed as amendments to the MLC and will now go forward to a meeting of the STC envisaged under the provisions of Article XIII of the MLC. The working group adopted draft text representing the wording for amendments to the MLC 2006 which will be discussed by the Special Tripartite Committee (STC) in due course but probably only once the MLC has attracted sufficient ratifications (30 member states representing 33% of world gross tonnage) and entered into force. This is now expected to be circa 2011 – so far 5 countries have ratified the MLC representing 40% of world gross tonnage namely Liberia, Bahamas, Marshall Islands, Panama and Norway. EU members are required to use best endeavours to ratify by the end of 2010 so it is hoped that the remaining 26 signatories will be achieved within the envisaged time frames.

7. On the final day the text of the report of the working group was discussed, amended and agreed (but has not yet been re-issued). The meeting also agreed that:-

- The terms of reference set by the IMO and ILO had been successfully concluded
- The principles had been agreed forming the basis of a mandatory solution for abandoned seafarers and liability for seafarers' claims
- The agreed way forward was for amendments to the Maritime Labour Convention, 2006
- The IMO remain seized of the issues should it prove impossible or not timely to use the MLC route, and;
- A resolution is formulated urging governments to apply the recommended principles with immediate effect in anticipation that the current economic crisis may result in an increase in the incident of ship abandonment.

6th Mediterranean and Black Sea Football Cup

From ICSW Monthly News Update, June 2009

On the 14th April, Stella Maris Barcelona presented the trophy to the winners of the 6th Mediterranean and Black Sea Football Cup, on board the 'Costa Magica'. (See photo below).

Deacon Ricardo Rodríguez-Martos (port chaplain) presented the trophy to Captain Montesarchio, in the name of ISS, Stella Maris and the Port of Barcelona.

The Port of Barcelona was represented by their Director of Human resources of the Port, Nuria Quevedo. The Port offers the free use of their sport facilities for this competition.

In all, 43 games were played (23 in Yalta and 20 in Barcelona), with the participation of 29 cruise ships.

Each one of the players of 'Costa Magica' team and also those from the local team (Students of the Nautical faculty of Barcelona) received a medal. Refreshments were provided by the ship after the ceremony.

Previous winners of the Mediterranean and Black Sea Football Cup were:

European Stars (2003)
Costa Fortuna (2004)
Island Escape (2005)



IMO MEPC59

MARPOL amendments to prevent pollution during ship-to-ship oil transfer operations adopted

Amendments to the MARPOL Convention to prevent pollution during ship-to-ship oil transfer operations were adopted by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) when it met for its 59th session from 13 to 17 July 2009, at the IMO Headquarters in London.

In a packed agenda, the MEPC also agreed to circulate voluntary and interim measures to address greenhouse gas emissions from shipping (see separate article).

The Committee adopted amendments to MARPOL relating to the on-board management of oil residue (sludge); approved, with a view to future adoption, proposed draft amendments to MARPOL to prohibit carriage or use of heavy grade oil in the Antarctic area; agreed, in principle, a proposal to designate specific portions of the coastal waters of the United States and Canada as an emission control area; and agreed guidelines relating to the implementation of MARPOL Annex VI, the ship recycling Convention and the Ballast Water Management Convention.

MARPOL amendments - transfer of oil cargo between oil tankers at sea

The MEPC adopted amendments to MARPOL Annex I for the prevention of marine pollution during some ship-to-ship (STS) oil transfer operations. The amendments are expected to enter into force on 1 January 2011.

The new chapter 8 on Prevention of pollution during transfer of oil cargo between oil tankers at sea will apply to oil tankers of 150 gross tonnage and above and will require any oil tanker involved in oil cargo STS operations to have, on board, a plan prescribing how to conduct STS operations (the STS Plan), which would be approved by its Administration.

Notification to the relevant coastal State will be required not less than

48 hours in advance of the scheduled STS operations although some relaxation to this rule is allowed in certain, very specific, cases. The regulations are not intended to apply to bunkering operations.

Consequential amendments to the International Oil Pollution Prevention (IOPP) Certificate, the Supplement to the IOPP Certificate and the Oil Record Book were also adopted.

Oil residue (sludge) MARPOL amendments

Amendments to MARPOL Annex I regulations 1, 12, 13, 17 and 38, relating to the on board management of oil residue (sludge), were also adopted. The amendments clarify long standing requirements and remove existing ambiguities in order to facilitate compliance by ships' crews. Definitions for oil residue (sludge), oil residue (sludge) tanks, oily bilge water and oily bilge water holding tanks are introduced for the first time.

Related amendments to the Supplement to the IOPP Certificate, Form A and Form B, and to the Oil Record Book were also adopted. The amendments are expected to enter into force on 1 January 2011.

Special measures to protect the Antarctic to be considered for approval

The MEPC approved, with a view to adoption at its next session (MEPC 60 in March 2010), proposed draft amendments to MARPOL Annex I on Special requirements for the use or carriage of oils in the Antarctic area.

The proposed draft amendments would add a new chapter 9 with a new regulation 43, which would prohibit the carriage in bulk as cargo, or carriage and use as fuel, of: crude oils having a density at 15°C higher than 900 kg/m³; oils, other than crude oils, having a density at 15°C higher than 900 kg/m³ or a kinematic viscosity at 50°C higher than 180 mm²/s; or bitumen, tar and their emulsions. An exception is envisaged for vessels engaged in securing the safety of ships or in a search and rescue operation.

ECA proposal approved

The MEPC approved a proposal to designate specific portions of the coastal waters of the United States and Canada as an Emission Control Area (ECA). The ECA would be for the control of emissions of nitrogen oxides (NO_x), sulphur oxides (SO_x), and particulate matter, under the revised MARPOL Annex VI Prevention of Air Pollution from Ships, which was adopted in October 2008 and is expected to come into force on 1 July 2010.

The draft amendments to the revised MARPOL Annex VI concerning the proposed ECA will be submitted to MEPC 60 (March 2010) for adoption (i.e. after the deemed acceptance date of the revised MARPOL Annex VI on 1 January 2010).

Currently, the revised Annex lists two areas for the control of SO_x emissions: the Baltic Sea area and the North Sea, which includes the English Channel.

MARPOL Annex VI Guidelines adopted

MEPC 59 adopted Guidelines for the development of a volatile organic compound (VOC) management plan; revised Guidelines for monitoring the world-wide average of sulphur; and revised Guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI.

Based on input received by the Joint Group of Experts on the Scientific Aspects of Marine Environment Protection (GESAMP), the Committee also approved Interim criteria for discharge of washwater from exhaust gas cleaning systems (exhaust scrubbers), intended to update the existing criteria contained in the Guidelines for Exhaust Gas Cleaning Systems (contained in resolution MEPC.170(57)).

The Committee also approved circulars on Guidelines for the application of the NO_x Technical Code relative to certification and amendments of tier I engines and Definitions for the cost effectiveness formula in regulation 13.7.5 of the revised MARPOL Annex VI.

This comprehensive package of guidelines on MARPOL Annex VI is intended to assist Administrations in preparing for its entry into force and in subsequently implementing and enforcing its provisions.

Guidelines to implement ship recycling convention adopted

Following the adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, at a conference held in Hong Kong, China, in May 2009, the Committee adopted Guidelines for the development of the inventory of hazardous materials.

Progress was also made in developing draft Guidelines for safe and environmentally sound ship recycling. These are the first two guidelines intended to assist with the implementation of the Convention and are crucial for the voluntary implementation of the Convention prior to its entry into force.

Implementation of the BWM Convention

The MEPC approved Guidance to ensure safe handling and storage of chemicals used to treat ballast water and the development of safety procedures for risks to the ship and crew resulting from the treatment process. This Guidance is intended to assist with the implementation of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), adopted in 2004.

The MEPC also agreed to give "final approval" to four ballast water management systems that make use of active substances and "basic approval" to three such systems.

The Ballast Water Review Group met during MEPC 59 to consider the status of ballast water technologies. Following its discussions, the Committee noted that the number of ballast water treatment technologies amounted to six Type Approved systems with four additional systems being granted Final Approval at this session. The Committee noted further that the installation of ballast water management systems may require extensive design consideration such as physical and technical feasibility, modification of ships designs and sufficient lead time necessary for these modifications.

While acknowledging the difficulties, the Committee agreed that ballast water treatment technologies were available and were currently being fitted on board ships and confirmed that sufficient ballast water management systems would be available to ships constructed in 2010. The Committee agreed to instruct the Secretariat to prepare a draft MEPC resolution, requesting Administrations to encourage the installation of ballast water management systems during new ship construction in accordance with the application dates contained in the BWM Convention, to be presented to MEPC 60 for consideration and adoption.

To date, 18 States have ratified the Convention, representing 15.27 per cent of the world's merchant shipping. The Convention will enter into force twelve months after the date on which not fewer than 30 States, the combined merchant fleets of which constitute not less than 35 percent of the gross tonnage of the world's merchant shipping, have become Parties to it. The Committee urged other States to ratify the Convention at the earliest opportunity.

Adverse impact of ship noise on marine life

The report of a correspondence group on Noise from commercial shipping and its adverse impact on ma-

rine life was considered, and the MEPC agreed to re-establish the correspondence group to continue its work on the future development of voluntary technical guidelines for ship quieting technologies.

Harmful anti-fouling systems for ships - best practices agreed

The MEPC agreed to disseminate, via a circular, Guidance on best management practices for removal of anti fouling coatings from ships, including TBT hull paints, which was developed by the Scientific Groups under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and its 1996 Protocol (London Protocol).

The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, entered into force in September 2008 and requires ships to either replace, or over-coat, any existing organotin-based anti fouling systems.

Joint MSC/MEPC Working Group on the Human Element

The Joint MSC/MEPC Working Group on the Human Element met during MEPC 59 to consider human element issues.

The MEPC agreed proposed draft amendments to the Revised Guidelines on implementation of the International Safety Management (ISM) Code, for submission to the IMO Assembly's 26th session in November-December 2009, for adoption.

OPRC-HNS implementation - model courses approved

The MEPC considered the report of the ninth meeting of the OPRC HNS Technical Group, which was held in the week prior to the Committee's session.

The Committee approved two introductory IMO model courses on preparedness for and response to HNS pollution incidents in the marine environment, one aimed at the operational level and the second aimed at management level; the revised OPRC Train-the-Trainer course; and a Guidance document on the identification and observation of spilled oil.

The MEPC noted the ongoing work in developing a Manual on chemical pollution to address legal and administrative aspects of HNS incidents; a Manual on oil pollution, Section I - Prevention; a Manual on incident command system during oil spill response; and Guidelines for oil spill response in fast currents.

Satellite Tracking Using AIS

Orbcomm moves to ease security concerns over tracking system

Craig Eason - Lloyd's List 7 April 2009

AMERICAN Satellite operator Orbcomm will need only 24 satellites the size of small fridges to be able to provide full global coverage of shipping's automatic position and voyage data signals — and it will have them in orbit by 2013.

All SOLAS vessels are mandated to transmit an automatic identification systems signal on a constant basis while at sea. While these AIS signals are used primarily for navigation and safety purposes, they are also widely collected from land-based receivers by companies that want to track vessel movements for commercial reasons.

Orbcomm has been contracted by the US government to develop a space monitoring ring around the country's coastline, but the system, based on up to 24 low earth orbiting satellites at an altitude of about 825 km, will have the potential to track all shipping worldwide, even in the polar regions.

However, there have been security concerns raised that the wrong people could access this satellite data.

While Orbcomm is aware of the sensitivities of collecting the data and the concerns about the information getting into the wrong hands, vice-president of AIS services Greg Flessate said the company has a decade of experience of working with large original equipment manufacturers and their machine-to-machine data that is safely transmitted through an array of the company's current satellites.

“We are very familiar with those concerns and we believe we understand and respect them. We plan to be good stewards of the data which will not be available for just everyone,” he said, adding that the company will work to ensure data is not widely available for those without the need to know. But he agreed there will never be full agreement in the industry on how the information should be available, adding that those who have issues with AIS data already being available through commercial networks will undoubtedly have concerns over the use of satellite tracking technology.

The company, however, believes it can demonstrate its ability to keep the data in the right hands

through its existing commercial work and current dialogue with administrations. There is, he insisted, a lot of mechanisms in place to ensure that the data remains safe and the company would be reassuring maritime administrations of this..

Orbcomm has been working to overcome some of the teething problems associated with picking up a ship's VHF transmission of its AIS data via a satellite, but feel they will have resolved the last of these by the time they launch their AIS satellites between late 2010 and 2013.

Each AIS satellite weighs only about 1,000 lb. Six of the company's existing M2M satellites already have AIS capability and therefore, to achieve full coverage, a further 16 will be launched.

The satellites have the capability to detect and identify all the AIS signals in a 3,000 nm footprint without losing signals and mixing up one vessel from another, according to the company.

“If there is something transmitting on AIS we can pick it up,” said Mr Flessate, pointing to Orbcomm's years of experience in relaying ground-based transmissions, and though AIS is a different frequency, the principles are fundamentally the same.

The ability to track AIS data from space has also raised questions over the value of the International Maritime Organization's push to have a separate requirement for vessels to transmit regular position to data centres that can share the information with administration.

Long-range and identification tracking requirements became an enforceable regulation at the end of June, with flag states expected to inspect ships to ensure they have compliant equipment on board. LRIT data is simply the ship's identification, its position and the time of the position. The requirements are for an automatic six hourly LRIT transmission that flag, coastal and port states can access.

All three pieces of information are included in the near constant, and equally mandatory, AIS transmissions.

Orbcomm, however, sees the two systems as complementary to each other for safety reasons, despite the fact vessels already have a level of safety back up with the ship safety alert system and the global maritime distress safety system. “From a search and rescue standpoint, what is more likely to get the ship found? A transmission that is six hours old or one that is up to date,” Mr Flessate said.

EU LRIT Data Centre is in Production

As from 1 June 2009, the European Union Long Range Identification and Tracking of ships Data Centre (EU LRIT DC) entered in production following successful developmental testing. This followed a preparatory phase of a year-and-a-half of development work by the European Maritime Safety Agency and its main contractor. By the entry into operation of the EU LRIT DC, the participating Contracting Governments meet the international deadline for providing LRIT information as of 30 June 2009.

“The Data Centre is yet another step in our common efforts to have safer ships sailing our seas. By tracking ships we will be able determine what sort of ship enters European waters. This is yet another success story for the European Union, where Member States have agreed to delegate a complex operational task to the EU. I thank EMSA for the development work it undertook over this last year-and-a-half leading to this achievement” said European Commission Vice-President Antonio Tajani, in charge of Transport.

It is estimated that the EU LRIT DC is the biggest data centre of the whole international LRIT system. When all Member States’ ships are phased in by the end of 2009 it will track around 10,000 ships, which will generate a minimum of 40,000 position reports per day.

At present, there are 32 Member States, EFTA countries and Overseas Territories participating in the EU LRIT DC. This number may increase if other third countries join in the future. The EU LRIT DC covers an estimated 20 to 25% of the world fleet subject to LRIT. In addition to tracking EU-flagged ships, the EU LRIT DC also provides Member States, on request, with the LRIT information of any third country vessel bound to, or sailing within, EU waters. So it is possible to track any ship within a 1,000 nautical mile zone of a participating state’s coastline, no matter what flag the ship is flying.

All maritime authorities of the Member States, such as those in charge of Search and Rescue, Port, Coastal and Flag State responsibilities, are authorised users of the system. They can use the EU LRIT DC to better track their ships and consult or request position reports.

To support the work of the competent maritime authorities of Member States, EMSA has set up a permanent monitoring function (Maritime Support

Services) to ensure the continuity, quality and reliability of the information exchanged through the new EU LRIT DC.

Seafarers ID in US Waters

Safety at Sea News.

Seafarers aboard ships in US waters must have proper credentials from 28 May, the Coast Guard has announced.

Its new rule requires that each crew member on a foreign commercial vessel en route to a US port or place of destination – or on a US commercial vessel coming from a foreign port or place of departure to a US port or place of destination – carry and present upon demand an acceptable identification when in US navigable waters.

The vessel operator is required to ensure that crew members comply.

Maritime attorney Dennis Bryant reacted: “This rulemaking is not unexpected and not particularly onerous. The only compliance problem may be with regard to the effective date.

Acceptable identification documents include: a passport; a US permanent resident card; a US merchant mariner document or US merchant mariner credential; a US Transportation Worker Identification Credential; or a Seafarer’s Identification Document issued by or under the authority of a country that has ratified the International Labor Organization Seafarers’ Identity Documents Convention (Revised), 2003 (ILO 185), meeting all of the requirements of ILO 185.

Useful Information

Poverty is not the absence of goods, but rather the overabundance of desire. - Plato

SHOPPING MATH

A man will pay \$2 for a \$1 item he needs.
A woman will pay \$1 for a \$2 item that she doesn't need.

OFFICE ARITHMETIC

Smart boss + smart employee = profit
Smart boss + dumb employee = production
Dumb boss + smart employee = promotion
Dumb boss + dumb employee = overtime

Ferry Mate was In-Charge

Dear Sirs,

Your members may be interested in my case.

Please find below a link to an article in the Dominion (Wellington Newspaper) that gives an overview of the story and Court of Appeal Decision.

<http://tinyurl.com/exqys>

Available on the IFSMA Website is the NZ Court of Appeal decision.

The point is, whether a Deck Officer on watch can be deemed to be the Master under certain circumstances or in certain situations. In this/my case, the fact that Capt Steve Hoedemaeckers was signed on in the OLB was ignored completely by the court. And the fact that the con was signed over in the Deck Log was good enough for the court to determine that a change of command had occurred.

So if a change of command occurred and the Mate became the new Master, who was then the Mate? There was no one as Mate. And this would have breeched the requirements of the Safe Manning Document. What a mess!!

I would be interested in what other Master Mariners think of this decision and the implications for the industry.

Dave Birchall

Do you have any views on the above situation? If so please let us know.

Odds & Ends

Old aunts used to come up to me at weddings, poking me in the ribs and cackling, telling me, "You're next." They stopped after I started doing the same thing to them at funerals.

LONGEVITY - Married men live longer than single men do, but married men are a lot more willing to die.

There are many people who think they are thinking when they're just re-arranging prejudices. David Bohm, Physicist.

Green Island – Hong Kong

Declaration of Old Green Island Lighthouse and New Green Island Lighthouse as Historical Buildings within Hong Kong Waters

Those of you who have visited Hong Kong will be interested in this article, Green Island is close to the North West tip of Hong Kong Island.

Located on Green Island, the Green Island Lighthouse Compound comprises an old lighthouse built in 1875, a new lighthouse built between 1904 and 1905, a former European Quarters and a former Keeper's House. Green Island lies to the north-west of Hong Kong, with a smaller island, namely Little Green Island, to the east. Both the old and the new Green Island lighthouses have served over thousands of vessels from the west approach to Hong Kong for many decades and played an important role in the maritime history of Hong Kong.

The erection of lighthouses on Green Island was directly related to the economic prosperity of Hong Kong in the mid and late 19th century. Hong Kong harbour was a regular port of call even before 1841. The opening of the Suez Canal in 1869 gave further impetus to the growth of trade. It was recognized by the Government and the business community that provision should be made for navigational lighting, therefore, the idea of construction of coastal lighthouses was put forward.

The Green Island Lighthouse started to operate on 1 July 1875, about three months after the first lighthouse was set up at Cape D'Aguiar. The Green Island Lighthouse was elevated 95 feet above the mean level of the sea and its light could be seen from a distance of 14 miles in clear weather.

In order to cope with the increasing demand of shipping, the then Governor, H.E. Henry A. Blake, suggested on 25th August 1900 the construction of a new tower, 200 feet above the sea level on Green Island with a range of visibility of 16 miles, to take over the D'Aguiar Light equipment. The First Order light at Cape D'Aguiar was rendered obsolete by the erection of a lighthouse on Waglan Island by the Chinese Imperial Maritime Customs and, as the light on Green Island was only a Fourth Order one, it was decided to supersede it by the one from Cape D'Aguiar. Construction of a higher and larger tower to accommodate the Cape D'Aguiar Light was therefore necessary.

The construction of a new lighthouse adjacent to

the old one on Green Island commenced in 1904 and was completed in 1905. The construction work also included an additional quarter to accommodate the extra staff required to supervise its working.

The Fourth Order lantern and light apparatus used in the old lighthouse was probably transferred to Cape Collinson on the east coast of the island. The old lighthouse has since then lost its original function. The new lighthouse was fully automated in the 1970s and is still in use today.

The old lighthouse (1875) is a small round tower constructed of granite about 12 metres high. There are two cross-shaped openings on the elevation for ventilation and lighting inside. A similar design can be found in other places such as Cape D'Aguilar Lighthouse (1875) in Hong Kong, Den Lighthouse (1845) in Teignmouth, Southern England and Dong Ju Lighthouse in Tai Wan (1872).

The new lighthouse (1905) is also a round tower constructed of granite and concrete, 17.6 metres high with a steel lantern on top. The whole structure is painted white for a higher visibility to mariners, thermal insulation and protection to the structure itself. The spiral staircase is of fine masonry with beautiful railings. The entrance and window have segmental arches with ornamental plaster mouldings.

Keepers' quarters are by necessity an integral part of any rock tower, but in most shore stations the dwellings are separate. This is mainly because a house on the ground is more cosy and convenient than one wherein some of the rooms might be 20m above ground level reached by a narrow spiral stair. The combination of tower and dwelling is an obvious economy measure. The one on Green Island is obviously a detached quarters. When the Old Green Island Lighthouse was built, a light-keeper was placed in charge of the light who was accommodated in a small quarters with two rooms. Later, an additional European officer was put in charge there and the small keeper's quarters became inadequate. From the 1950s, local staff started to replace the European and the British as light-keepers in Hong Kong. However, their duties were replaced by automatic operational devices in the 1970s. The two quarters buildings were once converted and used as the Police Recreation Centre. At present, the former European Quarters, the former Keeper's House together with their surrounding area (except the two lighthouses) are used as a drug treatment and rehabilitation centre.

GPS Accuracy Expected to Deteriorate

Dust off your sextants (if you still have one), the GPS system is in trouble. The existing constellation of satellites is rapidly aging and it is uncertain whether the US Government will be able to acquire new satellites in time to maintain the current GPS Services without interruption.

In recent years, the US Air Force has struggled to successfully build GPS satellites within cost and schedule goals; it encountered significant technical problems that still threaten its delivery schedule. As a result, the current satellite program has overrun its original cost estimate by about \$870 million and the launch of its first satellite has been delayed to November 2009--almost 3 years late.

If the Air Force does not meet its schedule goals for development of GPS IIIA satellites, there will be an increased likelihood that in 2010, as old satellites begin to fail, the overall GPS constellation will fall below the number of satellites required to provide the level of GPS service that the U.S. government commits to. Such a gap in capability could have wide-ranging impacts on all GPS users, including aircraft, ships and many other users.

For further information Google "GPS accuracy 2010".

More odds and ends

CREATION

A man said to his wife one day, "I don't know how you can be so stupid and so beautiful all at the same time." The wife responded, "Allow me to explain. God made me beautiful so you would be attracted to me; God made me stupid so I would be attracted to you!"

HAPPINESS

To be happy with a man, you must understand him a lot and love him a little.

To be happy with a woman, you must love her a lot and not try to understand her at all.

Greenhouse Gas from Ships

IMO environment meeting issues technical and operational measures to address GHG emissions from ships

In July, the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) agreed to disseminate a package of interim and voluntary technical and operational measures to reduce greenhouse gas (GHG) emissions from international shipping; and also agreed a work plan for further consideration, at future meetings, of proposed market-based instruments to provide incentives for the shipping industry.

The agreed measures are intended to be used for trial purposes until the Committee's sixtieth session (MEPC 60) in March 2010, when they will be refined, as necessary, with a view to facilitating decisions on their scope of application and enactment. The measures include:

- interim guidelines on the method of calculation, and voluntary verification, of the Energy Efficiency Design Index for new ships, which is intended to stimulate innovation and technical development of all the elements influencing the energy efficiency of a ship from its design phase; and
- guidance on the development of a Ship Energy Efficiency Management Plan, for new and existing ships, which incorporates best practices for the fuel efficient operation of ships; as well as guidelines for voluntary use of the Ship Energy Efficiency Operational Indicator for new and existing ships, which enables operators to measure the fuel efficiency of a ship.

Market-based instruments

The Committee held an in-depth discussion on market-based instruments and agreed a work plan for its further consideration of the topic, as of its next session (MEPC 60, March 2010), to build on discussions and submissions to date, taking into account also relevant outcomes of the climate change conference (COP 15) that the United Nations is to convene in Copenhagen in December 2009. Such instruments would have purposes such as: climate change mitigation and adaptation activities; research and development; offsetting of emissions; and serving as an incentive for the industry to invest in more fuel-efficient technologies.

The Committee noted that there was a general preference for the greater part of any funds generated

by a market-based instrument under the auspices of IMO to be used for climate change purposes in developing countries through existing or new funding mechanisms under the United Nations Framework Convention on Climate Change (UNFCCC) or other international organizations.

Report to COP 15

The outcome of the MEPC on GHG emissions from ships will be reported to COP 15, which will consider a successor instrument to the Kyoto Protocol to the UNFCCC.

The Committee agreed that any regulatory scheme applied to GHG emissions from international shipping should be developed and enacted by IMO as the most competent international body.

Speaking at the close of the MEPC, IMO Secretary-General Efthimios E. Mitropoulos congratulated delegates for driving forward the Committee's agreed action plan on greenhouse gas emissions from ships, which "deserves to be recognized as compelling proof that IMO can, indeed, be entrusted with the regulation of international shipping on the issue of climatic change - an unequivocal message that needs to be heard, and fully understood, all over the globe. He went on to urge delegates to promote the successful outcome of the session, by briefing their colleagues and, through them, the competent Ministers in their home countries (e.g. of Transport, Mercantile Marine, Environment and Foreign Affairs), in particular those who will participate in COP 15, and by publicizing it widely among all concerned so that "the complexities of this most international of all industries are duly taken into account when shaping official policies and positions on the issue at hand - both at Copenhagen and at the post-Copenhagen rounds of consultations at IMO."

Mr. Mitropoulos reiterated his belief that "the time for apportioning blame as to who is responsible for the state of the planet has passed. Now it is time for action. Developed and developing countries, industrialized and emerging economies alike are left with no option other than to get together and, together, work out solutions that will serve well the good cause of reversing the route to planet destruction."

Greenhouse gas study 2009

The MEPC was assisted in its deliberations by the outcome of the Second IMO GHG Study on greenhouse gas emissions from ships, 2009, which is the

most comprehensive and authoritative assessment of greenhouse gas emissions from ships engaged in international trade.

The Study estimated that ships engaged in international trade in 2007 contributed about 2.7 per cent of the world's anthropogenic CO2 emissions and also states that emission reductions are feasible through technical and operational measures as well as through the introduction of market-based reduction mechanisms.

In the absence of global policies to control greenhouse gas emissions from international shipping, the emissions may increase by between 150 and 250 percent by the year 2050 due to the expected continued growth in international seaborne trade.

Maritime Pollution in Turkey - Criminal Liability

A P&I Club recently warned its members that recent amendments to the Turkish Criminal Code incorporate new articles (181 & 182) which expressly establish criminal liability for both intentional and negligent acts causing marine pollution.

Experience indicates that while the authorities at Istanbul, Kocaeli and Ismia have not so far been minded to issue criminal proceedings in consequence of cases of marine pollution, those in Iskenderium and Antalya have taken a more aggressive stance.

However, P&I Managers have been informed that the Ministry of Environment and Forestry recently issued a circular (No. 2009/13 of May 15, 2009) authorising and instructing relevant port, Coast Guard and metropolitan authorities to file criminal complaints with public prosecutors in accordance with the new articles in addition to the imposition of administrative sanctions.

The upshot of these new instructions is that public prosecutors will most likely initiate criminal proceedings against masters of vessels responsible for maritime pollution in Turkish ports.

It would appear that payment of an administrative fine will not prevent the initiation of criminal proceedings. Consequently, notwithstanding such payment, it is likely that further action as the basis for a criminal prosecution

will be taken by local authorities in such cases. This will entail the collection of all relevant evidence, including the taking of statements from masters etc.

This extension of the criminal system beyond the operation of administrative procedures will create the very unwelcome probability of vessels being more extensively delayed in Turkish ports in the event of maritime pollution. It goes without saying, therefore, that owners and their crews are urged to exercise the greatest of caution in avoiding polluting incidents in Turkish ports – or anywhere else for that matter – in view of the criminal implications described above.

Winter Weather

It was October and the Indians on a remote reservation asked their new Chief if the coming winter was going to be cold or mild. Since he was a Chief in a modern society he had never been taught the old secrets. When he looked at the sky he couldn't tell what the winter was going to be like.

Nevertheless, to be on the safe side he told his tribe that the winter was indeed going to be cold and that the members of the village should collect firewood to be prepared.

But being a practical leader, after several days he got an idea. He went to the phone booth, called the National Weather Service and asked, "Is the coming winter going to be cold?" "It looks like this winter is going to be quite cold" the meteorologist at the weather service responded.

So the Chief went back to his people and told them to collect even more firewood in order to be prepared. A week later he called the National Weather Service again. "Does it still look like it is going to be a very cold winter?" "Yes," the man at National Weather Service again replied, "it's going to be a very cold winter."

The Chief again went back to his people and ordered them to collect every scrap of firewood they could find.

Two weeks later the Chief called the National Weather Service again. "Are you absolutely sure that the winter is going to be very cold?"

"Absolutely," the man replied. "It's looking more and more like it is going to be one of the coldest winters ever."

"How can you be so sure?" the Chief asked.

The weatherman replied, "The Indians are collecting firewood like crazy."

Relocation of the WW1 U-Boat wreck in Dover Strait

By Captain Duncan Glass

Director of Navigation, Trinity House

UB38 was one of the UBII Class of U-Boat built during the First World War. Notable for their small size and limited duration, this type of U-Boat, nonetheless contributed significantly to the grievous losses suffered by the allied merchant navies.

This was due to the fact that they were mostly operational before the convoy system was introduced in 1917 and, therefore, had lots of defenceless targets to pursue and destroy.

UB38 is an example of how successful many of these small UB Boats became. Under four commanders and on more than two dozen patrols, UB38 accounted for 49 allied merchant ships, totalling some 53,991 tons. One of her largest victims was the 3,829 ton "*Claverley*", sunk off the Eddystone Lighthouse on 20th August 1917. Ten sailors were killed when she was torpedoed.

UB38 was destroyed, with the loss of all 27 crew, while attempting to cross the Dover Barrage on 8th February 1918. At 0930 she was sighted on the surface by the Drifter "*Gowan II*". Forced to dive, she suffered the fate of many others in this area, by running into the awaiting minefield. It took only twenty minutes before the inevitable happened; UB38 blew up in a triple explosion. The £1,000 bounty for the destruction of this submarine was given to the Mayor of Dover's relief fund for the families of those lost on the Dover Patrol.

The wreck of UB38 was located south of the Varne Bank by Royal Navy divers in July 1918. The small U-Boat located, that had only been sunk some weeks before, could only have been UB38. A wreck incorrectly designated on the chart as UC78 – a much larger type of mine-laying U-Boat - was wrongly thought to have been located at the position south of the Varne Bank. The existing wreck lay on her port side with her conning tower and deck gun clearly visible and with major damage to her stern which is almost entirely blown off.

The wreck of UB38 lay undisturbed since February 1918 on the seabed in the southwest bound lane of the Dover Strait traffic Separation Scheme, south of the Varne Bank. This is one of the busiest ship-

ping lanes in the World, with more than 33,000 ship movements per year in the immediate vicinity. However, the wreck lying at a clearance depth of 23.5 metres – at lowest astronomical tide (LAT) in surrounding depths of 27 metres had never been a risk to shipping since she met her demise. Deep draught vessels sailing out from European ports and down the Channel had never been the case.

This changed with the transportation of large quantities of crude oil from Russian oil fields from European and Scandinavian ports to all areas of the Middle and Far East. Much of this heavy oil is taken to Singapore to provide fuel for the large container ships sailing from the Far East to Europe!

The first indication of increased risk due to vessels with a draught of more than 20 metres, having to pass south of the Varne bank, came to light at Trinity House during the annual revalidation of the licences of Deep Sea Pilots, when a number expressed concern about the limited under-keel clearance that was likely to occur when a deep draught vessel must pass south of the Varne Bank in a narrow and highly congested shipping lane.

Consideration was given to marking the wreck to warn the mariner of its presence and position, but this would only create less sea-room for the many vessels in the area.

Trinity House, therefore, raised the matter at the UK Safety of Navigation Committee (UKSON) and requested that the Maritime and Coastguard Agency include this wreck and surrounding area in a re-survey under the Civil Hydrography Programme, in order to establish the condition of the wreck and to verify the clearance depth, now that it had lain there for nearly 90 years.

In July 2005 the re-survey was undertaken and the results confirmed that the wreck was most likely intact and the clearance depth remained 23 metres. A study of the returns made by Trinity House Deep Sea Pilots showed that an average of one vessel each month made passage south of the Varne Bank at a draught of more than 20 metres in close proximity to the wreck.

The IMO recommendation for vessels using the southwest bound lane of the Dover Strait TSS advises that an adequate under-keel clearance is to be made when passing through Dover Strait.

These allowances are for the effects of squat at passage speed, for the uncertainties in charted depths

and tidal levels and for the effects of waves and swell from local or distant storms. A British study has shown that a 21.3m draught vessel following the track indicated on the Routing Chart 5500, would need an under-keel clearance of 7.6 metres if passing between the southern part of The Varne and the northern end of The Ridge, in a heavy south-westerly swell. These parts of the passage and the approach to The Varne could be made only at or near high water due to a 23 metre wreck between The Varne and The Ridge.

As can be seen from the chart, the wreck of UB38 lies 0.62 miles from the East Varne buoy to wreck , and 1.15 miles from the Colbart buoy. Achieving sufficient under-keel clearance can only be achieved with a substantial height of tide when draughts of 20 metres are exceeded.

This situation and risk assessment was reported to the UKSON Committee and the Department for Transport, together with a proposal to resettle or to remove the wreck of UB38 in order to mitigate the risk to VLCCs at deep draughts and the considerable impact that an incident might present. The Foreign and Commonwealth Office was asked to contact the German Government to advise them of the possible removal of UB38 and they responded in a positive vein with the proviso that the U-Boat wreck was not to be brought above the surface and was not to be destroyed.

In August 2006 THV ALERT carried out a multi-beam and side scan survey of the wreck site and produced the image above. This was followed by Trinity House preparing an invitation to tender for the resettlement or relocation of the wreck, in accordance with the EU procurement procedure in the autumn of that year. In early 2007 it was clear that two options were possible, and that two consortia were likely contenders; one specialising in dredging operations, the other salvage experts.

It was decided that the least risk option was to re-settle the wreck in its current position and the proposal by the dredging consortium was the preferred method; by dredging trenches close to both sides of the U-Boat hull and then fluidising the sea-bed under the wreck until it settles to below the required clearance depth, thus causing the least disruption to the wreck and posing the least risk. A similar approach had successfully been utilized by the dredging consortium with the resettlement of a passenger/Ro-Ro in a busy shipping lane in Dutch waters.

In order to progress this option for the wreck of UB38, it was first necessary to undertake a detailed survey of the sea-bed and the nature and density of the material both at sea-bed level and below – to a depth of 15 metres.

This sea-bed survey was conducted by Gardline Marine Sciences on behalf of Westminster Dredging Ltd. / Van Oord UK Ltd., who were the preferred bidder for the resettlement option. The operation commenced on 10th May 2007 and continued until 17th May.

The survey covered an area 200 metres square centred on the wreck and was carried out in three stages:

1. Geo-physical Survey using multi-beam, single beam and side-scan sonar, magnetometer and sub-bottom profilers.
2. ROV search of any interesting anomalies observed during stage 1.
3. Geo-technical survey, to obtain samples of sea-bed and seafloor data around wreck site using Vibro-core and Cone Penetration Test equipment to a depth of 10 metres.

Although hampered by bad weather and some equipment failures, the survey progressed well and to the general satisfaction of those observing. The initial findings appeared to indicate that the area would be suitable for the envisaged dredging operations, however, the core penetration readings were only achievable down to 1 to 1.5 metres whereupon they were under excessive strain and liable to fracture. Vibro-core samples were achieved to a depth of 4.8 metres although these varied at different locations. The seabed appeared to consist of mainly sand with pebbles and gravel mixed together. The pebbles and compacted sand/gravel sub sea-bed appeared to be what caused some of the tests to stop at shallower depths.

All this resulted in increasing concerns over the nature of the sea-bed, which were realised when the samples and survey data were analysed. A dredge and resettle option was based on there being significant layers of sand at the site as indicated by the British Geological Survey. The sub-sea geological conditions were found to be substantially different from that envisaged and would necessitate a *materially more onerous approach* to be adopted in order to achieve minimum required clearance depth over the wreck.

It was agreed that the survey results precluded the dredging option and therefore the relocation of the wreck was the only way forward, although this was unlikely to be achieved in the summer of 2007 as it was July before all the survey results were analysed and the operation could not, realistically be undertaken until September or October. This was seen as too great a risk of adverse weather implications which could result in delays, increased cost of the operation and potential for damage occurring to the wreck of UB38. It was decided to aim for a contract to relocate the wreck of UB38 in the summer of 2008.

In the meantime and in order to ascertain the condition of the U-Boat and any ordnance onboard, Trinity House arranged for the Royal Navy's Southern Dive Team, operating from THV "GALATEA" to undertake a detailed inspection. This took place from 6th to 10th August 2007 and was aimed at evaluating the risks involved in lifting and relocating the wreck.

The main concerns being:

- Was the pressure hull intact and able to withstand lifting without damage?
- Was the ordnance onboard in a dangerous state and too unstable to withstand the operation?
- Was the wreck intact? Would the stern section remain attached?
- Was the wreck capable of being lifted, was the interior silted-up?

All these questions, and more were answered by the RN Dive Team and were to indicate that the "lift and shift" option was a real possibility with identified risks and operational requirements.

The divers reported that the pressure hull was in surprisingly good condition and mainly intact except for the stern section, which may well remain attached when the hull was lifted. The deck gun was clearly visible and hatches were open. However, the doors on the torpedo tubes were closed and attempts to open them failed.

It was thought that the tubes would have torpedos in them and that they may well be armed. It was decided not to disturb the tubes further and bear in mind their possible condition when it came to moving the U-Boat wreck. The hull was lying a little on its port side and the bow was slightly clear

of the sea-bed. It was also found that there had been minimal settling of the hull in the 90 years, further testament to the hardness of the sea-bed in the vicinity.

The divers did not enter the pressure-hull but could report that only light silting appeared to have taken place, indicating that the weight of the wreck may not be excessively increased.

With all this detailed information and the decision having been made to relocate the wreck to achieve the desired clearance depth, negotiations were reopened with the consortium comprising Titan Maritime Ltd., and Scaldis Salvage & Marine Contractors N.V., who were the preferred bidder in respect of the relocation option. Their proposal was to rig wires around the hull and lift the wreck from the sea-bed a couple of metres and relocate it in deeper water within a reasonable distance, achieving the required clearance depths at the wreck site and new location in accordance with the requirements of Trinity House.

The original bid from this consortium was renegotiated in light of the detailed information now available about the wreck and a contract agreed based on "Wreckstage 99" format, as a fixed price No-cure / No-pay agreement for the relocation in order to achieve at least 26.5 metres LAT clearance at the original wreck site.

The contract price was authorised by the Secretary of State, as Trustee of the General Lighthouse Fund, as this would be paid from the 'Wreck Removal Section' of the said Fund, which is where all light dues payments are held for the operation of the three General Lighthouse Authorities of the UK and Ireland.

The contract was signed on 3rd April 2008 to move the wreck to a new position in deeper water within UK jurisdiction and a FEPA Licence was granted by the Marine and Fisheries Agency of the Department for the Environment, Food and Rural Affairs to do so. Other interested Departments of Government, maritime institutions and marine stakeholders were kept advised of the operation through the UKSON Committee membership.

Following months of preparation the Titan / Scaldis - joint venture partners - mobilised their heavy lift ship "NORMA" to Newhaven, on the south coast of England – just north of the wreck-site, to load equipment and take board the crew and divers. The anchor handling tug "EERLAND 26" was assigned

to be in continuous attendance and THV "ALERT" was tasked and prepared to take up Guard-Ship duties for the entire operation, as this is taking place in the narrowest part of the busiest of sea lanes. The IALA Emergency Wreck Marking Buoy was used to mark the wreck site at times during the operation to good effect.

Notices to Mariners and Navigation Warnings were issued and repeated to ensure that all were aware of the operation and frequent broadcasts were made by the Maritime and Coastguard Agency's (MCA) "Channel Navigation and Information Service" (CNIS) at Dover. This played an essential part in controlling the risk of such an extensive operation in a high traffic area.

The Heavy Lift Vessel "NORMA" and anchor handling Tug "EERLAND 26" mobilised from Newhaven to the wreck site on 18th June 2008 to commence rigging wires around the pressure hull of the submarine by teams of divers operating at slack water on each tide.

During the following 25 days the "NORMA" had to cease operations and seek shelter in Dover due to adverse weather for a total of 14 days. Considerably more down-time than was expected given the time of year. The operation was sometimes hindered by the "NORMA" dragging her 'four-point mooring' anchors, due to the combined effect of weather and tide, and it was expected that heavier anchors would be necessary to complete the work. However, this was overcome and work progressed without the need to change the anchor arrangement.

The operation progressed with a team of 12 divers rigging as per the agreed Method Statement. It was found that the wreck was not silted or sanded into the sea-bed as it moved further onto its port side during the rigging. 'Air-lifts' were used to remove sea-bed material from under the pressure hull in order to pass wires, but it was eventually resolved to lift the bow a little and pass wires underneath, which resulted in successful rigging.

Lifting wires were in place and attached to the lifting gear of NORMA this was completed on 11th/12th July and the lift

and relocation took place immediately thereafter. The weight of the wreck was found to be considerably lighter than expected and well within the capability of the "NORMA's" equipment, therefore no air bags were attached to the hull.

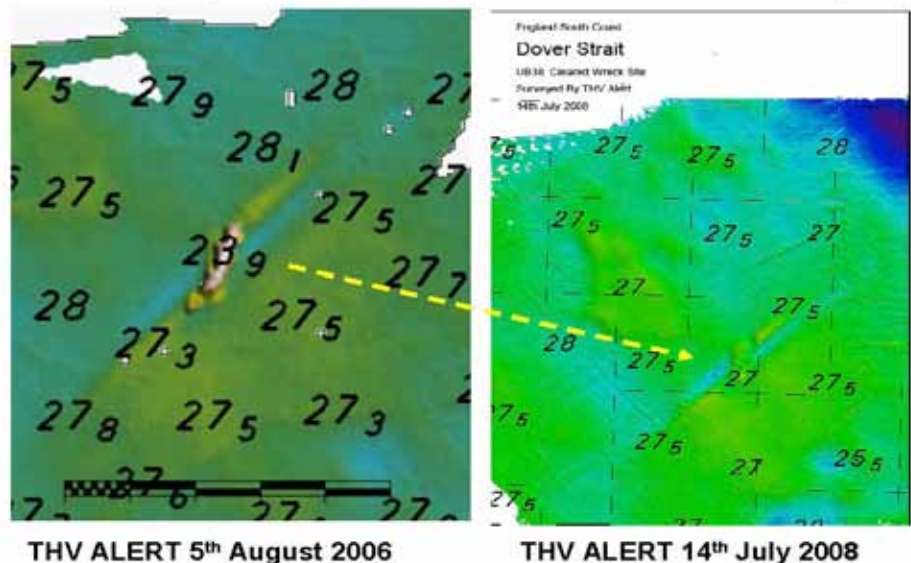
With the wreck clear of the sea-bed and ready to move the anchors were recovered and the "NORMA" proceeded to a suitable position just under a mile to the east where there is 40 metres of water (LAT) with 26 metre patches to the north and north-east. The lift went to plan and the relocation was achieved in a matter of hours late on the night of 13th July 2008.

The main body of the submarine weighed 185 tonnes at the time of relocation, a 15 tonne section of the stern – which had been badly damaged when the submarine was sunk in 1918 - having become detached during the lift . The total weight of 200 tonnes in total was less than anticipated for the submarine wreck. The stern section comprised the aft hydrofoils and rudder and was subsequently rigged, lifted and relocated with the main part of the wreck on the following day, Monday 14th July.

The "NORMA" departed for Newhaven to demobilize, still in unseasonal weather and "EERLAND 26" left for passage to Rotterdam. Notice to Mariners and Broadcasts were made advising mariners that the operation was complete.

THV Alert conducted multi-beam and side scan surveys of the wreck site at the time of the first lift to locate the detached stern section and verified its removal and a clearance depth of 27 metres as soon

UB38 Original wreck site and final clearance survey



as the operation was complete. She then surveyed the new wreck site and found a clearance depth over the wreck of 36.5 metres in a position where it was not a risk to navigation.

Prior to any activity with respect to this wreck – a First World War Submarine -it was established that it did not constitute a ‘war grave’. Following the end of the Second World War, one particular U-Boat in the North Sea was designated as the War Grave for all U-Boats lost in both the First and the Second conflicts. Had this not been the case it would have been particularly difficult to carry out the operation, despite being able to achieve the desired outcome without disturbing the interior of the submarine.

The final surveys completed, THV Alert returned to her duties as the Trinity House ‘rapid intervention vessel’ for the southern North Sea and Dover Strait. The survey details have been sent to the UK Hydrographic Office who will issue chart corrections detailing the clearance depth at the old wreck site –now 27 metres LAT, and the new position for UB38 which is clear of the shipping lane and has a clearance depth of 36.5 metres.

The wreck of this submarine is also detailed in Routeing guides and charts which will now be amended with the clearance depths now available to deep draught vessels using the south-west bound lane of the Dover Strait Traffic Separation Scheme.

Expanded Role for NATO Shipping Centre

Since the start of the NATO counter piracy mission, Operation Allied Protector in the Gulf of Aden and off the Horn of Africa, the NATO Shipping Centre (NSC) has seen a 20% increase in position and movement reports coming in from ships sailing through the area.

The reports are based on a voluntary reporting system covering the Mediterranean, expanded to include the Red Sea and the Gulf of Aden in November 2008.

Lt Cdr Mark Hornung, Head of NSC said,

“We are really pleased with the way the scheme has been received. The number of calls and emails we have received from ships transiting through the Mediterranean and down through the Gulf of Aden demonstrates the need for our system.”

The NSC is NATO’s permanent point of contact

for the international shipping community to share information. It collates information from a range of sources including the shipping community, other commercial sources and reports – providing the NSC with a unique and comprehensive overview of shipping in the Mediterranean and Gulf of Aden.

With the announcement of the new NATO counter piracy mission, Operation Allied Protector, in the Gulf of Aden and Horn of Africa, the NSC certainly expected to see its workload increase.

Cdr Stein Hagalid, NSC Branch Head, said

“We were ready for the expected increase in work. The NSC has worked with the maritime shipping community for the last 9 years. We have built up a lot of expertise and contacts and are confident that we will be able to contribute to NATO’s effort in countering piracy and armed robbery attacks.”

For the past seven years, the NSC has played a key role contributing to NATO’s counter terrorism operation, Operation Allied Endeavour, by providing information, guidance and advice to merchant shipping on the ongoing Article 5 operation that has significantly deterred the illegal transportation of weapons and ammunition through the Strait of Gibraltar and the Mediterranean.

UKHO - Adoption of ECDIS

ECDIS is an evolving technology and the new regulations surrounding its mandated use can seem confusing. The UKHO has produced a short guide to clarify the process that leads to adoption of ECDIS by shipping companies, in step with SOLAS Regulations. It can be downloaded from here < <http://tinyurl.com/m788t3>>

The Nautical Institute launches CPD

A major initiative aimed at helping maritime professionals develop their careers and meet future industry requirements for personnel, was launched earlier this year by The Nautical Institute (NI).

The Continuing Professional Development (CPD) scheme developed by the NI is aimed at helping retention of seafarers and ensuring that they can further their careers at sea and ashore.

The industry has estimated that the shortfall of officers could reach 83,900 by 2012, against fleet requirements and has initiated campaigns to attract recruits – not least the Go to Sea campaign backed by the International Maritime Organization (IMO).

Where the NI programme differs is in its aim at keeping professionals employed in the maritime industry.

The NI's CPD system is a password protected web-based entity where individuals can keep electronic certificates in one place. It will provide practical help and guidance – for instance on how to develop a CV individually tailored to a particular job.

The CPD system, which is backed by the IMO, has been developed by Northern Ireland-based Aurion Learning, which specialises in CPD learning. It was released at the end of April.

A range of learning will be recognised in support of an individual's CPD including programmes of study, participation at seminars and conferences and job exchanges and secondments.

Greek AMVER Tanker Rescues 2 Near Bermuda

An Amver participating Greek tanker was diverted as part of an international search and rescue effort for two sailors reportedly in distress over 600 miles northeast of Bermuda on June 21, 2009.

The sailors, one American and one Briton, were on a voyage to the Azores when they encountered trouble and activated a SPOT handheld emergency communications device.

SPOT personnel notified United States Coast Guard rescue authorities who immediately checked the Amver system for available ships.

Amver, sponsored by the United States Coast Guard, is a unique, computer-based, and voluntary global ship reporting system used worldwide by search and rescue authorities to arrange for assistance to persons in distress at sea.

The Astro Saturn, a Greek flagged tanker, was diverted to rescue the two sailors on the 33 foot sailboat Maelstrom. Coast Guard rescue personnel also turned to international rescue authorities to help locate the sailing duo.

Captain Michail Eleftheriadis turned his fully loaded tanker, operated by Maran Tanker Management of Athens, Greece, towards the distress location. Captain Eleftheriadis reported the weather conditions were quite severe with winds blowing in excess of 20 knots and seas at Force 5.

The Astro Saturn made radio contact with the Maelstrom and began planning the rescue. Captain Eleftheriadis maneuvered the Aframax tanker alongside the sailboat and his crew began rescue operations lowering a pilot ladder to the survivors. "Once we had the two sailors safely aboard the tanker we left the sailboat adrift," stated Captain Eleftheriadis.

With Amver, rescue coordinators can identify participating ships in the area of distress and divert the best-suited ship or ships to respond. Prior to sailing, participating ships send a sail plan to the Amver computer center.

Vessels then report every 48 hours until arriving at their port of call. This data is able to project the position of each ship at any point during its voyage. In an emergency, any rescue coordination center can request this data to determine the relative position of Amver ships near the distress location. On any given day there are over 3,600 ships available to carry out search and rescue services. Visit <http://www.amver.com> to learn more about this unique worldwide search and rescue system. You can read more stories on the Amver blog at <http://www.amveruscg.blogspot.com>, follow Amver on Twitter at <http://twitter.com/Amver> or join Amver on Facebook at <http://www.facebook.com/amver>.