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## **I F S M A - NEWSLETTER**

### **The International Shipmasters Link**

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Join the Campaign - [www.SaveOurSeafarers.com](http://www.SaveOurSeafarers.com)

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**IFSMA Register of Technical Consultants and Maritime Experts  
(RTCME) now Available on the Internet at "www.ifsma.org"**

**IFSMA 38th Annual General Assembly to be held in  
Copenhagen, Denmark, during June 2012**

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*Elected: 6/05/2009*

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Headquarters contact details on front page.

- ❖ **Secretary General**  
**Captain Rodger M. MacDonald, FNI**  
*Appointed: 01/08/2001*
  
- ❖ **Assistant Secretary General**  
**Captain Paul R Owen, FNI**  
*Appointed: 01/10/1996*
  
- ❖ **Administration Officer**  
**Mrs. Roberta Howlett**  
*Appointed: 08/10/2002*

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## Thoughts from your Secretary General

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### Protection against Criminalisation.

Having launched our Benefit Programme to Protect Masters from criminalisation, we are continuing to try to bring more powerful arguments to have the human rights of all seafarers protected by International agreements. Recently I met a newly formed group Seafarers Rights International (SRI) which share our concerns, and associate IFSMA with their aims. Their vision fully reflects the aims of IFSMA: to have a maritime industry in which seafarers enjoy full protection of their rights under a just rule of law. They plan to advance seafarers' rights in both national and international forums by providing high quality research, education and training in the law concerning seafarers, and to empower seafarers to realise those rights and to protect their interests worldwide.

This is an industry initiative to try to bring stakeholders' expertise together. The aim is to make it easier for seafarers to understand their rights, easier for stakeholders concerned about seafarers to have the legal evidence to support their representation, campaigning or lobbying efforts, and it will produce thoughtful leader articles and position papers that will champion the interests of seafarers. It will also encourage interest in the rights of seafarers amongst students and academics and so help build even more expertise in this area.

In speaking to SRI we learned that a wide-reaching survey had been conducted between May and September 2010 amongst seafarers on ships visiting ports in the UK, Holland, Belgium and Turkey. These findings have provided a clear indication of the concerns of seafarers and the need for information, support and solutions to the problems they face. Over 1,000 seafarers from fifty-eight different nationalities, reflecting the global labour market from a range of vessel types and a cross-section of ranks, responded to the questionnaire. The survey found that 96% of these seafarers wanted more information concerning their legal rights. That was staggering enough but shockingly, over 25% of those surveyed who needed expert advice had failed to ask for it, the main reasons being a fear of retribution and reprisals.

Although I feel IFSMA has helped to achieve some progress in fighting for the rights of seafarers, it is clear there is still so much to be done.

### Ships' Libraries.

One of the real services that our landlords in Lambeth provide, the Marine Society's role of providing books to ships, has been of great benefit to seafarers over the years. When the new Maritime Labour Convention comes into force, there will be an obligation for owners to provide regularly refreshed books on board ships for the benefit of the seagoing staff. (Note MLC Guidelines B3.1.11) This will be a major challenge as the requirements are to provide a library containing vocational and other books, the stock of which should be adequate for the duration of the voyage and changed at regular intervals.

Amazon now provides an electronic wireless reading device called a kindle. Could a more robust type be produced to be used on ships so that books could be provided electronically?

(CONTINUED ON PAGE 32)

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## eNavigation Conference - Seattle

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The only annual conference of its kind specifically aimed at the operations sector of the global maritime industry, we expect about 200 representatives of the shipping industry from around the world at eNavigation 2011. eNavigation 2011 is a unique opportunity for industry to make itself heard, and be involved in the development of the regulatory environment.

eNavigation 2011, will have as its focus the integration of ECDIS and other navigational and communications hardware in the Maritime Decision Support System (MDSS).

We'll explore these evolutionary changes through presentations and discussions organized into four components:

- The Evolution of ECDIS: Infrastructure Development and Training
- eNavigation as an 'Integrated Information Environment'
- Technology
- Regulatory and Legal issues

More information at: [www.enavigation.org](http://www.enavigation.org)

*This conference is supported by IFSMA*

## Navigation in a Unique Strait

*By Captain Tuncay Cehreli, Chairman, IALA VTS Committee*

Directorate-General of Coastal Safety, Turkey

Navigation in a narrow strait is always difficult, risky and stressful for all shipmasters. In this article, I will mention the Istanbul Strait, one of the most challenging waterways in the world, and the risks which may be faced while passing through this Strait.

### Istanbul Strait

Istanbul Strait with a length of 17 nautical miles is part of the Turkish Straits which has a total length of 164 nautical miles. The Turkish Straits link the Black Sea to the Aegean and the Mediterranean Seas, and have dense maritime traffic as well as geopolitical and strategic importance.

Currents have a special place within meteorological and hydrological conditions changing subject to climate. Four current types constitute the current model of the Istanbul Strait. The southern surface current which occurs because the Black Sea is approximately 20cm higher than the Aegean and its speed can reach up to six or seven knots. The northern deep current occurs because the Black Sea has less sea water density than the Aegean and its speed can reach up to two or three knots. Regional counter currents occur because of the geographical structure and there is the Orkoz current which is unique to the Istanbul Strait. The Orkoz occurs because strong southerly winds change the direction of the southern surface current to the north. Dangerous currents, sharp bends, narrows and low visibility from time to time are important factors



affecting navigational safety in a negative way and these factors make the Istanbul Strait a difficult and risky waterway for shipmasters.

### Services rendered

Services rendered for enhancing safety and efficiency of navigation and protection of the marine environment from possible adverse effects of maritime traffic in the whole of the Turkish Straits region, including the Istanbul Strait, can be summarized as: Pilotage, VTS, Tug Boat Service, Aids to Navigation, Search & Rescue and Marine Communications. All these services are provided by the Directorate General of Coastal Safety of which I am an employee. But beside the quantity and the quality of such services rendered, the other important issue is the use of these systems and services by vessels.

Taking a pilot in the Istanbul Strait is voluntary and although it is strongly recommended by IMO A.827(19), less than half of all vessels passing through the Strait take a pilot. One of the most important negative factors affecting maritime traffic safety, is the low number of vessels taking a pilot.

### Emergency Situation Management

Emergency Situation Management is carried out in the context of written procedures, not only in the Istanbul Straits but also in the whole Turkish Straits region. Actions to be carried out by VTS and the Port Authority in cases of emergency such as accident and breakdown are clearly defined in these procedures. However, applying emergency procedures to vessels without a pilot in the Istanbul Strait is an experience that no VTS Operator wants to undergo. Think for a while that a substandard vessel has an engine breakdown and drifts in the Istanbul Strait, this unique waterway. Imagine you are the VTS Operator who provides recommendation and information to this vessel about an anchorage and/or tug assistance options, but the level of English of the master is very poor and there are then severe communications problems. It must be understood when you are facing such a situation, you would wish that it was not real but a nightmare. On average 230 vessels have breakdowns in the Istanbul Strait each year and during at least 10% of these failures the VTS operator may have to confront circumstances such as these. As the Istanbul Strait passes through the city of Istanbul, with a population of more than 13 million, the situation for the VTS operator is made more complex and challenging.



TSVTS (Turkish Straits VTS) has a total length of 204 nautical miles and the VTS Area covering the whole Turkish Straits began operations in early 2004. It is divided into two sub-areas named Istanbul and Canakkale. Istanbul VTS Area is divided into five sectors, and Canakkale VTS Area is divided into three. Information, Navigational Assistance and Traffic Organization Services are given in all sectors of the TSVTS. Technically, all the area of the TSVTS is covered by radar, VHF and AIS. In addition, there are many sensors and equipment such as RDF, CCTV cameras, meteorological and hydrological sensors, and record-replay units in the system. Furthermore, all operators and supervisors working in the TSVTS are chosen from mariners holding an ocean going master's licence and they are trained and certificated in accordance with IALA V-103 and its model courses.

### Current situations and experiences

In an average year, 52,000 vessels pass through the Istanbul Strait and 10,000 of these are tankers carrying dangerous cargoes. These vessels carry 350 million tonnes of cargo in total, and 145 million tonnes of this are dangerous cargoes. In addition to this traffic, there is a dense local traffic with a daily average of 2,200 movements. Naturally, in such a dense waterway, it is faced with various incidents and very valuable experiences are gained.

One of the issues we have observed is that some captains do not have enough information about the services, authority and responsibility of the VTS, although they pass through a waterway frequently in which these services are rendered. This situation does not show itself in a problem-free passage, but it arises in case of accident, failure or contravention of rules, and it makes the current situation more difficult in such a narrow waterway where seconds are very important. The subject of VTS training for

bridge personnel, which is in the work programme of the IALA VTS Committee, should be included in the STCW for all navigating officers. Another of our observations is that frequently masters and bridge personnel lack education. So, it is highly important for them to know VTS and its functions very well and benefit from VTS as much as possible in order to prevent the risks caused by their lack of knowledge.

The average knowledge level of bridge personnel, including masters, about the NAS (Navigational Assistance Service) rendered by VTS, is considerably low. This service is usually perceived as "shore based pilotage" by vessels and only course advice to be followed is requested. Sometimes it is refused with the thought of a paid service although it has been declared free of charge.

Actually, it has been taught to all VTS Operators in their training that while rendering NAS, course advice may also be given when deemed as necessary or upon request by vessels. But we do not desire that NAS only is to be considered as providing course advice.

### Slot management

In addition to geographical, meteorological, and hydrological conditions and limits, passage rules and the huge number of vessels intending to pass through the Straits has necessitated slot management in the Istanbul and Canakkale Straits executed by VTS. Because of a continuing submarine tunnel project, one way traffic has been implemented since 2005 in the Istanbul Strait in which two-way traffic was defined by an IMO approved TSS.

In the slot management implementation based on the current passage rules, the first come-first served rule is applied, and no vessel has passage priority



in general except passenger and livestock vessels.

In slot management where the convoy system is not applied, passage sequences for vessels are determined by three main criteria. These are:

- Vessel related information (arrival time, type, cargo, length, speed, draught, and request for pilot and tug boat)
- Environmental conditions (visibility range, current speed and direction)
- Geographical positions (entrances of the Strait, the narrowest area and some reference points in the Strait to determine distance between vessels)



Information provided by vessels should be on time and correct in order to make a proper and effective slot management. Especially, maximum manoeuvring speed of the vessel is very important for its slot to be determined for the prevention of dangerous encounters and overtaking. In the slot management executed by TSVTS, it has been foreseen that vessels do not overtake each other in the Strait. However, except the narrowest area of the Strait, vessels may overtake each other by taking permission from VTS. If there is no overtaking intention, the following distance between vessels cannot be less than eight cables. Slot management in narrow waterways forms the basis of traffic organization. Undesirable dangerous situations can be prevented if slot management is planned and applied properly. It should not be forgotten that, good communication, interaction and mutual understanding between VTS and the vessel are vital as well.

## Conclusions

No master wants to put his/her vessel in distress, whatever his/her education and certificate level is, and he/she will try to keep the vessel out of danger

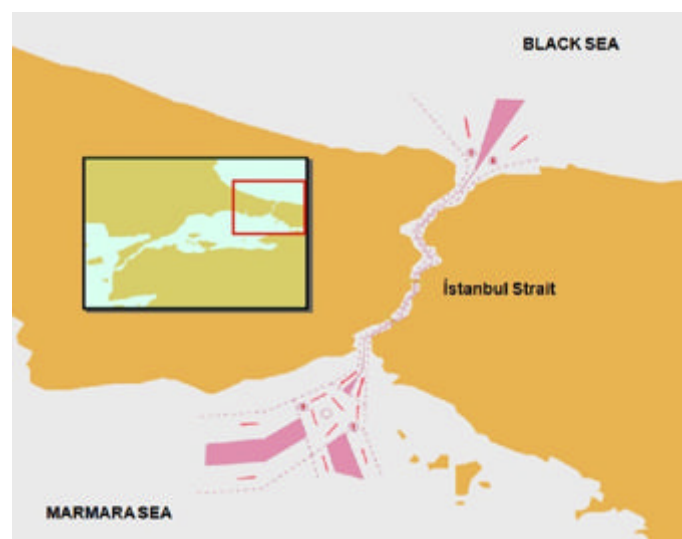
as much as possible. However, this is not so simple in a waterway such as the Istanbul Strait, because environmental factors of currents and visibility can show big differences in a short period of time. Therefore, each passage is unique through the Istanbul Strait and different manoeuvres may be necessary in another passage with the same vessel. No matter how well found and competent your vessel and personnel may be risks and dangers arising from another vessel can be upon you within a few minutes.

It should not be forgotten that even a small pollution event in the Istanbul Strait, which is a biological corridor between the Black Sea and the Aegean-Mediterranean Seas may cause a huge environmental catastrophe.

Closing the Strait to maritime traffic as a result of an accident may have a huge effect on world maritime trade. Such a situation occurred in 1994 as a result of collision between the tanker *Nassia* and the vessel *Ship Broker*. Twenty-nine crew members lost their lives and 20,000 tonnes of oil pollution occurred and the Strait was closed to maritime traffic for a week.

In order to prevent undesirable circumstances and not to be faced with similar situations we at the Directorate General of Coastal Safety, Turkey, strongly recommend that vessels passing through the Turkish Straits:

- Take a pilot for all passages
- Take an escort tug for vessels longer than 150 metres and carrying dangerous cargoes
- Use VTS services with its good communications and interaction, and comply with instructions



and take into consideration information, warning and recommendations given by VTS

- Complete all technical, procedural and operational preparations which must be undertaken before entrance, and complied with throughout the passage.

## Pilot, Pilotage and Master Pilot Relations

By Captain A.K. Bansal, Individual Member

The word Pilot in English dictionaries means many things. In layman's language, to pilot is to see something intricate through its ups and downs. For seafarers it means someone to guide their ship through a difficult sea passage. Admiralty Sailing Directions were usually referred to as "Pilots" by most navigators. There is a marked history spread over 2400 years, of the practice to use someone to pilot a ship with local knowledge of waters around specific sea areas, as is evidenced by the following Maritime codes:-

Rhodian Code	400	B.C.
Code of Oleron	1199	A.D.
Hanseatic Code	1428	A.D.
Cinque port pilots	1496	A.D.
Trinity House Code	1527	A.D.

Usually piloting a ship has two main elements viz. navigation of a ship AND ship manoeuvring. The duty of a pilot is to direct navigation of a ship and manoeuvre her safely and efficiently into or out of harbour, with or without tugs, moorings or tow lines. Pilots are usually senior seafarers with considerable sea experience and are normally employed by port authorities to help navigate ships in and out of harbours with their local knowledge. Depending on circumstances, they also liaise, do ship handling and give bridge support. Today a pilot also liaises with VTS.

Most accidents occur while a ship is being manoeuvred in confined waters with or without the help of tugs. A shipping casualty while so navigating a ship is perhaps limited to running aground or a collision. Mechanical failures or limitations of engines or equipment are contributory factors. For example some ships steer better to Port than to Stbd. The

response of some engines to stern movements is not instant! Since Pilots have no knowledge of the ship's equipment and machinery AND the working efficiency of her crew, it is the Master's Responsibility to apprise a Pilot of all such matters. Time constraints and language problems between a pilot and the bridge team to exchange information are also major contributory factors.

In 1199 AD, the Code of *Oléron* stipulated severe penalties on any pilot who lost a ship in his care. In 13<sup>th</sup> century England, a pilot could be hanged for losing a ship. The law in 18<sup>th</sup> century France stipulated that a pilot would be banned from piloting if he lost a ship through his negligence. He could be punished with the death penalty if he did so intentionally. The 1812 UK Act exonerated the Master of a ship against any loss or damage to a ship through incompetence, fault or neglect of a Pilot. This was basically to ensure that the Pilot got effective control of the ship while piloting, to prevent *interference in the conduct of the ship in compulsory pilotage areas*. But the 1910 International Collision Convention and British Pilotage Act 1913, changed the legal relationship between Pilot and Master to what it is today. This makes the owner and Master liable for default, acts and neglect of even a compulsory pilot. The Indian Ports Act 1908 also has similar provisions.

Today in most common law countries including UK, India, Australia, Canada and the United States, the law concerning Pilots is relatively uniform. During the time a pilot is actually engaged for a ship, he functions as the agent of the ship owner, who legally appoints him and is responsible to any party injured by his act. The reasons for this may have been commercial because if the Pilot carried such liability, the cost of insuring him would have to be recovered through pilotage charges. Since the ship owner is fully covered for damage or loss caused during Pilotage, he need not pay twice to cover the same risk. Human error by the best of professionals can never be ruled out but is mostly acceptable. A pilot may misjudge. But again, error of judgment is acceptable, so long as services are rendered in good faith. Since the ship is invariably held liable for damages caused to the port or other property in most parts of the world except in the Panama Canal, the Master is answerable to owners as well as to the port for the consequences of any accident, because he is "ALTER EGO" (other self) of the ship. But he is not **personally** liable for misconduct, collision or damage by the pilot's error.

Those on the Navigating Bridge of a merchant ship, usually heave a sigh of relief when the pilot boards to navigate their ship into port and confidently takes the CON after exchanging courtesies and with a quick look round the bridge. A Deck log entry, "Proceeding to Master's orders and Pilot's advice" is made. The bridge team usually accept his advice without question, and promptly comply with what he asks of helm and of her engines etc. Helmsman naturally and immediately obeys his orders. All his orders are repeated before being executed and again when they have been executed. Once the Master has taken care that his orders are promptly obeyed, there is no legal or absolute need for him to be on the bridge with the pilot at all times.

Ship owners are answerable for any loss or damage caused by their vessel or by any fault of navigation of the vessel whether the pilot is on board or not, or whether pilotage is compulsory or not. But the 1913, and again 1983 Act, made no specific references to the duties of a Pilot. General implication is that the pilot does not act simply as an adviser because an adviser is a person who merely expresses his opinion, whereas a pilot is paid to perform a task, i.e. to safely navigate the ship for and on behalf of the Master from point A to B. His major role is to exercise independent judgment during high risk operations, absolutely free of extraneous or economic pressures by anyone including the owner and/or charterer and/or Master, lest safety is compromised.

"Command" refers to 'power'. "To conduct a ship" refers to 'action.'

To the Master in command, belongs the power for the entire conduct of safe navigation of the ship. The Master may, and does delegate part of his authority to his subordinates and outside assistants whom he employs. Delegation of power is not abandonment of authority, but is a way to exercise authority. Just because the Pilot, being a seasoned mariner with extensive navigational skills, is given control of the ship for navigational purposes on the Master's behalf, it does not mean that he has superseded the Master.

It is not easy for the Master to question the advice of a pilot who has local knowledge but no ultimate responsibility for the ship. Even though all orders given by the pilot must be executed without modification, the Master can overrule the pilot's orders, AND MUST, if he thinks it fit to do so. Such interference must be direct not covert. On the other hand, it would not be interference to consult the pilot or

to suggest to him that measures other than those being pursued by him, may yield greater success. But just because a pilot acts on advice or suggestion from the Master BUT contrary to his better judgment, does not exonerate the Pilot, if an accident follows as a result.

The Pilot's duty is not only to the ship he is piloting, but also to the safety of the harbour and safe navigation of all ships in the area. Responses from pilots suggest that, the crucial relationship between the pilot and the senior bridge team is being dangerously hampered by commercial pressures, legal and operational responsibilities, poor communications plus inadequate time for passage planning, soon after they board a ship.

Although increasing attention is being focused on 'human factors' in maritime safety, many bridge teams are inadequate. International standards need to be improved and boarding locations reviewed. Procedures should ensure that there is sufficient time for effective communications.

There should be enough time and opportunity for the passage plan to be discussed between Master and Pilot and to exchange information about entering harbour, berthing procedure and the ship's limitations in steering and engine movements. It is only when time permits and the passage plan is well understood, that the Pilot and the ship's company become one unit and part of one plan. This works well for departure but in many cases, NOT when she is entering port. By the time the pilot boards it is usually essential to immediately head into port, to avoid hampering other vessels. This way, team work can break down disastrously therefore it is good practice for port authorities to designate a pilot boarding point off their port, where the Master of a seagoing ship can have enough time to discuss the passage plan of his ship with the Pilot or to abort an attempt to embark a pilot, in case there is a contingency. A pilot launch breakdown, a sudden cancellation of berthing or a marine mishap which delays the pilot from boarding, are typical examples.

Modern navigational equipment on board can measure tidal streams, currents and winds acting on the ship, but cannot stop their effect. Therefore there is no substitute for a good pilot's local knowledge of geography, water depths, winds, tides, currents and other navigational hazards, coupled with his invaluable professional expertise in maritime safety. Even though pilots apply their skills on different types and designs of vessel with which they may not be

familiar, in circumstances where “instant” decisions are required, a pilot is best qualified to appraise the situation and give that crucial order.

Courts have always viewed that the Master is entitled to take control of the ship if he considers the pilot to be incompetent and to take navigation out of his hands to avoid immediate peril. If the pilot is intoxicated, or is steering a course to certain destruction of the vessel, no doubt the Master may interfere and ought to interfere. Again, the Master is not merely entitled, but bound to point out to a compulsory pilot that he may be mistaken in an opinion he has formed. If he does not do so, he would be neglecting his primary duty as MASTER. In the case of Alexander Shukoff, a pilot was navigating a ship, at full speed in narrow waters among a large number of other vessels. The course taken was such that it must have been obvious to the Master that it was his duty to call the pilot’s attention to the risk.

Lord Birkenhead, L.C. held that “the Master was not justified in doing nothing.” To “interfere” is his legal responsibility. If he does not interfere, he would appear as a silent spectator. But if an accident ensued he must be prepared to show justification of his actions to interfere”.

In the Princess Juliana case, Mr. Justice Bucknill held, “If the Master sees fit to take the navigation out of the pilot’s hands and countermands his orders, he must satisfy the court that he was justified in so doing. He must also show that the action which he took was at all events more calculated to avoid collision than the manoeuvre which he countermanded”. On the other hand, in a case in 1952, it was held by Mr. Justice Wilmer that, “A Master exercising ordinary and reasonable care is entitled to rely on guidance which he obtains from the local pilot. It would be putting too much upon a Master, to know all local signals or to expect him to be ready to query pilot’s actions on matters of purely local knowledge.”

It makes P & I Clubs unhappy if they have to pay for accidents due to pilot’s negligence or incompetence. Since most of such cases happen in compulsory pilotage areas, courts may not assign the same degree of responsibility if pilotage was not compulsory. But the Master can be held to blame for not employing a pilot, even when pilotage is not compulsory. In *The Alletta* 1965, it was held that a vessel can be held negligent for proceeding without a pilot in a situation where absence of a pilot or similarly informed person was the dominant cause of her negligent

navigation. This can be equated to the ordinary practice of seamen ‘to take all reasonable precaution to safely navigate the ship’. The following are some attempts of the International Maritime Community to define the roles of Master and Pilot.

IN the USA, a ‘best practices’ package of measures to improve the master/pilot relationship have been set out. It offers recommendations to national and international authorities to produce internationally agreed regulations and procedures to end the present confusion. It suggests that master/pilot liaison courses should be developed as part of all deck officers’ training. It also suggests that relevance of existing regime covering responsibilities and liabilities of masters and pilots during pilotage should be examined. The position of the pilot is aptly summarized by the Canadian Royal Commission on Pilotage, Ottawa 1968, ‘To conduct a ship’ must not be confused with ‘being in command of a ship.’ “The first expression refers to action, to a personal service being employed; the second to power. Question whether a pilot has control of navigation is a question of fact not of law.”

“The fact that a pilot has been given control of the ship for navigational purposes does not mean that he has superseded the Master. With respect to safety of navigation, the Master is answerable only for his own acts, mistakes, negligence or omissions. In Civil Law, he is merely the owner’s servant and does not incur any civil responsibility personally, for any damage caused by pilot’s error in which he did not participate or which he could not have prevented. the pilot does not supersede the Master in his command of the ship. If the Master decides to overrule the pilot’s directions, the responsibility is transferred to him”.

Pilotage legislation in Denmark states that the pilot has no right to command the ship’s crew. But if the Master does not carry out the pilot’s demands for navigation or to manoeuvre the ship with necessary speed, the pilot is without responsibility.

In South Australia, Section 114(1) of the Harbours Act 1936 describes the pilot’s function as follows:

“The duty of a pilot shall be to pilot the ship subject to authority of the Master. The Master shall not be relieved, by reason of the ship being under pilotage, from responsibility of the conduct and navigation of the ship”.

The Greek Pilotage Act states:

“The presence of a pilot on board shall not relieve the Master of his responsibility nor is he prevented by the presence of the pilot from navigating or manoeuvring the vessel as he thinks best”.

In the Corinth Canal, pilots place at the disposal of the Master their experience and practical knowledge of the canal, but as they cannot be acquainted with peculiarities, defects, difficulties in manoeuvring, stopping and starting of each ship, the responsibility of handling her devolves solely upon the Master who is held solely responsible for all damage or accidents of whatever kind resulting from navigating or handling of their ships by day or night.

Section A VIII/2 part 3-1 paras 49 and 50 of STCW convention 1995 states, “Pilot’s presence on board does not relieve the Master or OOW from their duties and obligations for the safety of the ship”. “If in any doubt, the officer in charge of the navigational watch shall seek clarification from the pilot and if doubt still exists, shall notify the Master immediately and take whatever action is necessary before the Master arrives”.

The only exception seems to be the Panama Canal regulations which require the pilot to have full control of navigation and movements of the vessel. The Panama Canal company undertakes to pay immediate compensation for all damages or injuries incurred during transit.

#### M.T SEA EMPRESS. 1999.

The vessel grounded while entering Milford Haven with the Pilot on board and caused extensive pollution in the vicinity. The UK Govt, filed a case against the Port Authority under the Water Resources Act 1991. Mr. Justice Steel passed strictures against the Port for not providing a qualified and capable Pilot and fined the Port Authority heavily. He said that under compulsory pilotage, the Master has no alternative but to rely on the port to ensure their Pilots are competent and capable. He also passed strictures against the Master for not knowing the passage plan, for allowing the tide to drift her out of the deep channel leading into the harbour by his failure to keep his vessel in line with transit lights. He added that the port must designate a Pilot boarding position to allow sufficient time for the Pilot to discuss the passage plan with the Master.

#### M.V NEW REACH 1999.

This Panama Flag vessel grounded on the

Great Barrier Reef while the Pilot was in an advanced stage of drowsiness or in “first or second stages of sleep.” the Reef passage is about 34 hours. A cabin was provided but during his short periods of rest, the Pilot could not get any sleep. The Pilot hardly communicated with the OOW who never questioned the Pilot or checked his actions. The Pilot neither briefed the OOW on the passage plan nor asked for regular position reports. He did not explain to the Bridge team that the tidal stream could set the ship to starboard. The OOW was not instructed to alert the Pilot if the plotted position of the vessel was found off track. Thus there were two persons monitoring the ship, neither communicating effectively with the other. MIIU of Australia upbraided the Pilot and recommended that Pilots should actively involve the bridge team in the ship’s passage plan and keep communicating with them.

#### CARABAO 1 SINGAPORE FLAG.

The ship struck a rock off Northern Australia. The Master did not ask for the Pilotage plan and left his ship totally in the Pilot’s hands. Even correct the charts were not placed on chart table. The Pilot’s 20 years experience and small size of the ship led to a relaxed attitude.

The Pilot failed to appreciate the significance of his departure from the usual way. the Master and OOW, failed to fix the ship’s position regularly and to use Radar to ensure that safe distances were maintained.

The Masters of some cruise liners and Commanders of some Foreign Naval Ships, want to handle their own ships, yet use the Pilot’s services for entering and leaving port. In such cases the Pilots usually inform Port Control that Master is handling her. Even so the Pilot must protect the interests of the port and environment and to warn the Master of anything that he may not have perceived or any information that he may need from local knowledge. This includes coordination with tugs and shore station.

In 1968, IMO recognized the importance of employing experienced and qualified Pilots in approaches to ports and other areas where specialized local knowledge is required and asked member states to organize pilotage services and to define ships and classes of ships for which a Pilot would be mandatory. In 2003, the IMO Assembly adopted Resolution A. 960 (23) on training, certification and operational procedures for maritime Pilots who should be able

to use Vessel Traffic Services (VTS) as an additional tool to provide information that might not otherwise be available. Regulation 12 of the revised chapter V of SOLAS, is now in force as an amendment.

SOLAS requires that English is to be used as the working language for watch keeping personnel and Pilots in all cases except, where those involved speak a common language other than English. In 2001 IMO adopted Standard Marine Communication Phrases (SMCP), a version of maritime English, including standard phrases and responses for use in emergency.

Today VTS technology is highly developed and its use improved. A revised version of guidelines on VTS, was adopted by IMO in 1997. Regulation V/19 of SOLAS chapter V, now requires the fitting of Automatic Identification System (AIS). It will greatly assist VTS centres in their operations in future, which in turn will increase safety of navigation of ships worldwide. Since pilotage and VTS are complementary services, the main issue is HOW pilots and shore-based VTS can work together, as VTS relies on those who have “hands-on” control of the ship, to make on the spot decisions, under prevailing circumstances. The fact remains that most pilots the world over are responsible senior seafarers and can cope with all this.

The fact is that there is a lot of history behind the sensitive topic of Master-Pilot relations. Because a ship is most vulnerable in shallow or narrow waters, most such areas are designated compulsory pilotage. Thus the very nature of a Pilot's job includes a high risk of accidents. If Pilots are faced with punishments against eventualities, no one will choose to become a Pilot. Alternatively if Masters were asked to navigate their ships in such waters, they would refuse.

Another aspect of pilotage is independence of any commercial interest in the ship. That is the only way a Pilot can take decisions solely for her safe navigation which is and should be his primary duty. Decisions taken for reasons other than safety considerations would compromise both the ship and the waters in which she navigates. This can be done better by the Pilot as the Master can be under commercial pressures. In any case, with good communication between the two without ego, safety can be ensured.

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## IMO/MEPC62 - IFSMA - Report

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The 62<sup>nd</sup> session of the Marine Environmental Protection Committee (MEPC62) of the International Maritime Organisation (IMO) met from 11-15 July 2011. In addition to discussions held in Plenary the following Working and Drafting Groups, and a Review Group were established:

- WG1 Recycling of Ships
- WG2 Formal Safety Assessment/Environmental Risk Evaluation Criteria
- WG3 Reduction of GHG Emissions from Ships
- DG1 Consideration and Adoption of Amendments to Mandatory Instruments
- RG1 Ballast Water

The IFSMA Delegation comprised of Allan Graveson (UK). Following an open address by the Secretary General substantive issues were addressed with reports of the Sub-Committees as appropriate.

The issue of Ballast Water was discussed extensively given the possibility of an early ratification of the Ballast Water Convention. In the margins of the meeting IFSMA expressed concern over Ballast Water Treatment Systems that included the potential use of hydrated sodium hypochlorite – a highly flammable substance, preferring ‘ultraviolet’ treatment thus avoiding the dangers to personnel and the vessel by the carriage of large quantities of active chemicals.

Considerable time was taken up in Plenary concerning exhaust gas emissions and consideration of the Energy Efficiency Design Index (EEDI). IFSMA had prior to the meeting expressed concern with Delegations concerning the adverse effect of the EEDI upon propulsion power, stressing the need to ensure new ships have sufficient power to ensure safe manoeuvring in adverse conditions.

Extensive interventions were made by both China and Saudi Arabia concerning EEDI, however, amendments to MARPOL Annex VI were made thus producing the only global, legally-binding carbon reduction scheme. The adoption will make mandatory the EEDI (2019) for new ships and the Ships Energy Efficiency Management Plan (SEEMP) (1 January 2013) for existing ships. Agreement was only achieved after a vote in which there were considerable concessions to developing countries

including a delay in the application of EEDI for 6½ years.

Following considerable debate the Committee was of the opinion that the joint MSC/MEPC Working Group on the Human Element should be retained and not transferred to the STW Sub-Committee. This is at variance with the decision of the Maritime Safety Committee (MSC) and will require further consideration.

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## The 2011 SIRC Symposium

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*Report by Capt E Colin Evans, Individual Member*

The 2011 SIRC Symposium was held at Cardiff University on 6/7<sup>th</sup> July. IFSMA was represented by the undersigned Capt Colin Evans (Individual Member) on the first day only, in company with Capt FJ Van Wijnen (CESMA).

Two papers of interest to Members were presented on Day 1.

### Training and New Technology (Dr Lijun Tang)

The paper reports on some of the early findings of a questionnaire circulated amongst seafarers as part of a study into training consequent upon the advent of new technology. The findings highlight seafarers' perceptions of their own knowledge relevant to a selection of bridge and engine-room equipment, their preferred training methods when it comes to new shipboard technology, and the learning activities that have contributed most, to their knowledge of this new equipment as it exists today.

Over the last few decades technological innovation has led to the development of new and more sophisticated equipment for the marine industry which has made it possible to operate bigger, faster, safer, and more specialised ships with fewer people onboard. The paper uses ARPA, GMDSS, AIS, ECDIS and automated engine and cargo control systems as a platform for discussion.

Inevitably, the introduction of new technology demands new skills from shipboard personnel. In this regard there is a general consensus of opinion that such skills are best developed as a consequence of education and training. There is a large body of research, spanning two decades, which has

repeatedly confirmed that training increases productivity and, more specifically, there are indications that training is important when it comes to the introduction of Information and Communications Technology (ICT). Furthermore it was found that productivity increase associated with ICT use was enhanced by the more personnel that received ICT training.

There is much discussion within the shipping industry on the subject of training and technology. Often the indications are that training in this area is lacking. A recent survey of British seafarers' perceptions of shipboard technology suggests that while, in general, officers embrace new technology, they are greatly concerned about the sufficiency of appropriate training and an over-dependence on new technology. A number of Maritime Accident Investigation Branch (MAIB) reports have suggested that inappropriate use of shipboard technology due to poor training has caused accidents. Lack of familiarity with ECDIS equipment, for example, had been a contributory factor in several accidents. Other examples were quoted. In the face of this information, researchers, commentators, and policy makers have stressed the need to provide adequate training on, and sufficient familiarisation with, new technology and equipment. It remains unclear however, to what extent such calls have been met and it is this question which the paper seeks to address.

The methodology used throughout was supported by a plethora of data and trend forming graphs and the conclusions drawn may be summarised as follows:

- effective and sufficient training helps to harness the benefit of technology in enhancing productivity. In contrast, however, a lack of training coupled with the introduction of new technology can result in serious accidents. This may be particularly the case in the operation of ships. Shipping may be regarded as a "safety critical" industry where small operational errors can have potentially significant and serious consequences;
- in terms of seafarers' own assessments of their knowledge with regard to new onboard equipment, the questionnaire found that while the majority of respondents were confident about their understanding, there was nevertheless

a small percentage of seafarers who reported that their knowledge with regard to specific items was either 'zero' or 'basic' indicating a perceived need for training;

- deck officers self-reported knowledge levels did not vary significantly with rank. By contrast engineers self-reported levels in relation to engine room machinery were likely to vary with rank and experience;
- in terms of preferred forms of training, both deck and engineering officers stated that when learning about new shipboard equipment they would favour instructor-led training methods. They were more likely to prefer onshore training for technically more complex equipment and to prefer onboard instructor-led training for relatively simple equipment. In practice, respondents did tend to receive more onshore training on the most complex equipment. However, they did not seem to get the onboard training on simple equipment that they would like. The feed-back indicated that they relied heavily on makers' manuals instead.
- the means by which seafarers had acquired their knowledge on the equipment they already have, was to a certain extent affected by nationality. This probably reflects the relative strengths and weaknesses of training provision in different regions and also regional training provided by manning companies.

#### Seafarers and Growing Environmental Concerns: to Comply or Not to Comply – Choices and Practices (Abou-Elkawam)

The author gave a lively presentation of a paper dealing with the pressures imposed on modern day seafarers attempting to cope with the requirements of MARPOL Annex 1. Unfortunately the general thrust of the subject matter was lost amidst the excessive verbosity of the written paper.

Essentially, the paper describes the interim findings of a SIRC project which has been on-going for some time, and is likely to continue doing so. It highlights the perceptions and compliance practices of seafarers in the matter of oil pollution from ships. The data presented was gleaned from interviews with 40 tanker officers in a variety of companies trading in various parts of the world.

Compliance with MARPOL was chosen to depict clearly the problems and pressures faced by seafarers in their attempts to comply with their statutory requirements. The views (perceptions) of the interviewees were grouped into "economic-based", "value-based", and "socio/political-based" groups which, in many cases, presented a barrier to full compliance even when the vast majority of the officers interviewed clearly wanted to comply. Such perceptions were formed from the officers' experiences with pollution issues in different shipping companies operating in different parts of the world, while facing differing environmental priorities adopted by different state parties (to MARPOL) worldwide.

Cost was considered to be the single most prominent hurdle to overcome before total compliance could be achieved. The political will of nations to protect their waters from pollution depended to some extent upon the availability of economic resources. By way of example, coastal surveillance and the provision of oil reception facilities are far more common in the more affluent European countries than they are in other less well developed countries. But even so, there are still many ports, even within the EU, where reception facilities are not provided, leading to seafarers' frustration and ambivalence about the actual reasons behind what they (the seafarers) perceived to be institutional passivity or lack of political will to protect the marine environment – leading to questions like "*if they can't be bothered, why should I be?*" And even where reception facilities are provided the cost of using them is so prohibitive as to deter some ships/owners from using them. And this, in the view of some seafarers, seemed to justify their own illegal dumping activities at sea, in breach of MARPOL.

The paper concluded that seafarers viewed the wilful discharge of oily residues overboard as unprofessional and unethical. Furthermore, as professionals in today's competitive shipping market, they felt torn between the demands of professional excellence to comply fully with the requirements of MARPOL, and the dominant commercial ethos of some cost-conscious ship owners, whose unwritten policies encouraged their seafarers to solve disposal problems in the most "economic" (as they term it) way. Bridging the gap between full compliance (which is what they want to do), and what is required/expected of them by the ship owner [if they want to keep their jobs] is proving to be a continual challenge.

This paper received limited support which was possibly why it was not reported upon in the subsequent media/press release referred to below.

Although it was not possible for your reporter to attend the second day of the symposium, the following notes copied from the Media release and the paper itself, are included here for the sake of completeness:

- a paper considering the potential of new ways of managing health and safety across supply chains was presented by Professor Walters of the Centre (SIRC). The paper suggested that there are already considerable efforts to achieve this by charters in some sectors of the shipping industry (notably the transportation of oil-based cargoes), but these may not be matched in other sectors. Further work will determine whether this would be a very positive method for taking health and safety forwards in those sectors;
- in another paper, still on the theme of health and safety, suggestions were made relating to changes that need to be made in the collection and recording of data in order to show fatality rates within the industry. Two alternative methods for calculating fatality rates were proposed which would draw on established data relating to vessel numbers and registered tonnage rather than expecting maritime administrations to provide details of their local seafaring populations;
- the symposium concluded with a paper "Personalities, Policies and the Training of Officer Cadets". The key message from this paper homes in on the fact that effort is best directed, not at trying to find "the perfect cadet", but by addressing the external factors that lead to cadet attrition. No matter how resilient the individual, how well they learn to adapt to shipboard life and the demands of what the paper describes as "total occupation", the workplace can fail even the most enthusiastic of cadets. A poor training environment can mean ineffective learning with consequences not just for the individual but for the industry as a whole. Lack of employment opportunities post-qualification adds to a further challenge for aspiring young officers.

## Global Competitiveness of Seafarers Strengthened

*Source: safety4sea.com*

They are now given a higher tax deduction

The new act strengthens the competitiveness of the shipping companies as well as the Danish seafarers' employment possibilities on the global maritime labour market.

Minister for Economic and Business Affairs Brian Mikkelsen says:

I am extremely satisfied that a wide majority of the parties in the Danish Parliament are behind this growth package for the Blue Denmark. We are extending the Danish position of strength globally by improving the maritime framework conditions for both Danish shipping companies and Danish seafarers, and this means that we can compete with other major maritime nations also in the future.

It is also very important to me that the shipping companies continue to choose the Danish flag for the ships. This presupposes that we retain a critical mass of maritime competences and that we improve the Danish seafarers' possibilities of employment on the global maritime labour market.

The competitiveness of the shipping companies is strengthened because the amendments will provide them with updated framework conditions that better match those of other major, competing maritime nations, such as Singapore.

The fact that now the shipping companies will to a higher extent have a possibility of using masters (captains) from other non-EU countries will give them greater flexibility, which is important for their competitive performance worldwide.

The global competitiveness of the seafarers is also strengthened because they are now given a higher tax deduction. This means that now they have a better standing in the wage competition with seafarers from other countries.

The deduction is given to seafarers serving on ships above 500 GT, i.e. typically large ships engaged on international voyages. The act also establishes a special pool for improving the seafarers' social protection.

The amendments entered into force on 1 July 2011.

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## Tracking ships from space: ESA and EMSA SAT-AIS initiative

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Tracking of ships using shore-based AIS receivers is now being boosted by an ability to 'listen' for ship broadcasts from space.

On 26 January, the second SAT-AIS information meeting was held in Lisbon. Attendees from EU and European Space Agency Member states, together with the European commission, received updates on the ESA-EMSA SAT-AIS project. EMSA presented a recently commissioned user Benefit Analysis on European space-based AIS.

Participants were also informed about the possible set-up of a SAT-AIS Data processing centre, and plans for an ESA/EMSA operational Demonstration Mission (ODEM). The Norwegian Space Centre (NSC) showcased its *Norwegian AIS-Sat* program, with EMSA giving a live demonstration of the Norwegian satellite AIS data stream embedded into SafeSeaNet. Member states confirmed their willingness to receive data from EMSA once it becomes available.

On 27 January, a user requirements consolidation meeting was held, with industry representatives attending alongside representatives of the EU and ESA Member states, and other EU institutions (the commission's DG MOVE, DG ENTR, plus JRC and EUROPOL). A dedicated user group meeting will now be established by ESA for its Member states, with EMSA possibly attending as an observer.

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An elderly, white-haired man walked into a jewellery shop one Friday evening with a beautiful young blonde at his side.

He told the jeweller he was looking for a special ring for his girlfriend.

The jeweller looked through his stock and brought out a £5,000 ring. The old man said, "No, I'd like to see something more special."

At that statement, the jeweller went to his special stock and brought another ring over. "Here's a stunning ring at only £40,000," he said.

The young lady's eyes sparkled and her whole body trembled with excitement. The old man seeing this said, "We'll take it."

The jeweller asked how payment would be made and the old man stated, "By cheque. I know you need to make sure my cheque clears so I'll write it now, and you can call the bank on Monday morning to verify the funds and I'll pick the ring up on Monday afternoon," he said.

On Monday morning, the jeweller 'phoned the old man and said "Sir, there's no money in that account."

"I know," said the old man, "but let me tell you about my weekend!"

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## WHO AM I? WHAT AM I? AND WHY I AM WHAT I AM?

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I have roamed the oceans with man in my bosom for thousands of years. The mythical Sindbad the Sailor stood on my decks. I helped the Polynesians to cross the Pacific Ocean AND the Egyptians to cross the Atlantic Ocean. Both followed their Sun God to the west without a compass. Indian seafarers rode in my bosom to trade to China since prehistoric times. They also frequently went with me to the Mediterranean from 8th century BC. I have seen ancient Scandinavians lord over the seas, Greeks make the Mediterranean their playground and Romans carve an Empire riding on my decks. I have made names such as Vasco Da Gama, Magellan, Columbus, Francis Drake and Nelson, immortal in the history of mortals.

Power of Nature is limitless. Fury of the oceans can destroy in a moment what takes MAN years to build. Even so, tiny specs like me have survived on the seven seas since time immemorial, mainly by respecting the Laws of nature, wind and waves. Of late I have been carrying, single loads of 565000 tons in my bosom from continent to continent. In the year 2006, my count exceeded 92000. Today, this count is kissing the figure 100000!

The 7 billion humans on this earth today, cannot do without ME!

I have individuality and a personality. But I cannot speak, write or sign. I am feminine and function through an Alter Ego who is my Master.

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I AM A SHIP.

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## Odds and Ends

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The soul has no secrets that conduct does not reveal - Chinese Proverb

### Weinberg's Second Law

If builders built buildings the way programmers wrote programs, then the first woodpecker that came along would destroy civilization.

### Gumperson's Law

The probability of anything happening is in inverse ratio to its desirability.

### Gummidge's Law

The amount of expertise varies in inverse ratio to the number of statements understood by the general public.

### Sattinger's Law

It Works Better If You Plug It In.

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## IMO/FP55 - IFSMA - Report

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The 55<sup>th</sup> session of the Sub-Committee on Fire Protection (FP55) of the International Maritime Organisation (IMO) met from 25 –29 July 2011. In addition to discussions held in Plenary the following Working and Drafting Groups were convened:

- WG1 Performance Testing and Approval Standards for Fire Safety Systems
- WG2 Measures to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes
- WG3 Requirement for ships carrying Hydrogen and compressed natural gas vehicles
- DG1 Fire resistance of ventilation ducts

The IFSMA Delegation comprised of Allan Graveson (UK) and Rune Mortensen (Norway). Following an open address by the Secretary General the Sub-Committee was advised of decisions of other IMO bodies. Substantive discussion took place with respect to the Performance Testing and Approval Standards for Fire Safety Systems. In particular the fitting of a low-pressure warning alarm to the fireman's outfit. Following an expression of sincere condolence to all the people of Norway IFSMA supported the proposal of Australia and the Bahamas for the fitting of a low pressure alarm citing that many in current use were so fitted.

Detailed and intense discussions took place concerning the measures to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes. While there was a general agreement for the fitting of inert gas to tankers less than 20,000 dwt arguments centred around the lower limit. IFSMA thanked OCIMF for the research presented and supported a lower limit of 5,000 dwt. In the following discussion Plenary agreed to have a lower limit of 8,000 dwt. Further detailed discussion took place in WG 2 attended by IFSMA throughout.

A considerable amount of time was given over to discussions concerning proposals by Japan relating to the safety measures for cargo spaces carrying hydrogen and compressed natural gas vehicles. While there was a general agreement for alternative safety measures on car carriers there was considerable disagreement concerning Ro-Ro ferries where such vehicles are randomly carried.

The International Association of Classification Societies (IACS) submitted a number of papers concerning the unified interpretation of regulations. Considerable technical discussion took place resulting in a satisfactory conclusion in most cases.

IFSMA supported a paper submitted by Chile, Denmark, Norway and Sweden to ensure two means of escape from control rooms and other enclosed working spaces located within machinery spaces. While such provision is provided on many ships there is currently no regulatory requirement other than those specified by Classification Societies. The IFSMA intervention in support of engineers struck a chord with Plenary and hence the proposals received wide support.

Denmark provided a useful paper on casualty analysis referring to fires in vehicle spaces in Ro-Ro passenger ships. IFSMA made an intervention in support of the measures instigated by Denmark and the Company with respect to the carriage of thermographic equipment.

It was disappointing that proposals by Denmark, Finland and Sweden concerning the provision of communication between members of the Fire-Fighting Team received considerable opposition. IFSMA intervened stating that communication is essential for command and control to bring any potential incident to a satisfactory conclusion. This issue will be subject to further discussions.

The United Kingdom made a submission with respect to the development of guidelines for the use of fibre reinforced plastic within a ship's superstructure. While appreciating the use of such materials in limited circumstances IFSMA remained sceptical given the susceptibility of such materials to fire.

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## IMB Piracy Report – First Half of 2011

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During the first half of 2011 there were 266 actual and attempted acts of piracy against ships, this compares to 196 in the same period the previous year.

163 incidents were attributable to Somali pirates, with 20 vessels being held for ransom and 398 crew members of different nationalities being held hostage.

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## Fakes, Lies and Fraudulent Seetime

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As it gets harder to find seetime, and with people increasingly unwilling to do what it actually takes to get it, faking certificates and indeed experience is becoming a serious issue. An issue that has unfortunately been brought to the fore in the world of Dynamic Positioning (DP).

An article in the Spring edition of '6degrees' from the International Dynamic Positioning Operators Association (IDPOA), looks at the fakes, breaking the system and discusses cases of trainees 'flogging' their logs and even old hands getting a little creative with their time accountancy.

The Nautical Institute recently reported a number of cases of brazen DP fraud with trainees claiming faked time, with forged signatures and spurious seetime. IDPOA has learnt of other cases, not yet reported, of the mythical DP logbooks which spend more time at sea than their owners.

Action is being taken in the reported cases however there is much to be done to ensure that the professional community close ranks against these practices. Steven Jones, Executive Director of IDPOA said "As the currency of the DP certificate gains increasing market values, there is a danger of such problems growing further and we all need to work closely to ensure that it is clear that such conduct amounts to fraud, and is not acceptable".

IDPOA wisely pointed out that DPO's who gain their certificates without the requisite seetime pose a real danger to the safety of life at sea and the environment, as well as degrading the reputation of the DP profession and certification.

The seventh issue of '6degrees', the quarterly e-journal from IDPOA, isn't just about whether DPOs are good, bad or indifferent. The comprehensive journal looks at issues affecting DP systems and what happens when something goes wrong as well as covering new ships and old problems, what makes a good DPO, and its usual round up of the latest DP jobs and events.

'6degrees' is emailed directly to the inboxes of its ever growing membership of over 3,000 DPOs, Training Centres, Recruiters and Corporate Members, and to a database of over 50,000 mariners via IDPOA's media partners.

DPO's can sign up for FREE associate membership at [www.dpooperators.org/aff\\_sign\\_up](http://www.dpooperators.org/aff_sign_up)

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## Mr. Koji Sekimizu elected as IMO Secretary-General

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Mr. Koji Sekimizu of Japan has been elected as the Secretary-General of the International Maritime Organization (IMO), with effect from 1 January 2012, for an initial term of four years.

The vote took place during the 106<sup>th</sup> session of the 40-Member strong IMO Council, which is meeting from 27 June to 1 July 2011. The decision of the Council will be submitted to the IMO Assembly, which meets for its 27<sup>th</sup> session from 21 to 30 November 2011, for approval.

Mr. Sekimizu, 58, is currently Director of IMO's Maritime Safety Division. Mr. Sekimizu studied marine engineering and naval architecture and joined the Ministry of Transport of Japan in 1977, working initially as a ship inspector and moving on to senior positions in both maritime safety and environment related positions within the Ministry. He began attending IMO meetings as part of the Japanese delegation in 1980 and joined the IMO Secretariat in 1989, initially as Technical Officer, Sub-Division for Technology, Maritime Safety Division, becoming Head, Technology Section in 1992, then moving to become Senior Deputy Director, Marine Environment Division in 1997 and Director of that Division in 2000, before moving to his current position in 2004.

Congratulating the winner, IMO Secretary-General Mr. Efthimios E. Mitropoulos said he looked forward to "working closely with Mr. Sekimizu between now and the end of the year to introduce him to the current state of organizational affairs so that the transition of administration from me to him will be as smooth, harmonious and successful as possible."

"For him to succeed in the hugely demanding and heavy task the Council entrusted him with today, he will need all the understanding, support and co-operation of the entire membership and the Secretariat to enable him to provide direction and steer the Organization prudently and wisely in the challenging times that lie ahead. While I have no doubt that the membership will provide all that I have just suggested (as they did to me, over the last seven and a half years, for which I am ever so grateful), I can assure him that the Secretariat will stand by him to support him in any way possible and under all circumstances," Mr. Mitropoulos said.

The other candidates for the post were:

Candidate	Government
Mr. Lee Sik <b>Chai</b>	Republic of Korea
Mr. Andreas <b>Chrysostomou</b>	Republic of Cyprus
Mr. Neil Frank <b>Ferrer</b>	Republic of the Philippines
Mr. Jeffrey <b>Lantz</b>	United States of America
Mr. Esteban <b>Pacha Vicente</b>	Kingdom of Spain

## The Hidden Dangers of Log Cargoes Worldwide

The UK P&I Club issued Bulletin 769- 06/11 for the hidden dangers of Log Cargoes worldwide.

Log cargoes are prone to decomposition whilst en route. The process of decomposition results in a depletion of oxygen in the surrounding area. When this occurs in a ship's hold a dangerously low O2 atmosphere is created in the hold. This is the hidden danger of carrying log cargoes.

This is precisely what befell two Korean seamen on board a vessel moored at Port Marsden, Wellington New Zealand last May. The vessel was ill prepared to carry logs as it was found after investigation that the crew were unaware of the dangers of carrying logs, had no rescue training and lacked basic emergency skills.

The chief officer lost consciousness while he was climbing into the ship's hold and fell from the ladder onto the logs below. The crew member who tried to save him also passed out, fell and died within minutes.

It was later discovered that the sailors were killed by a lack of oxygen and the presence of toxic gases caused by the organic decomposition of logs. The Oxygen levels in the hold were between 1% ~ 3% low enough to cause unconsciousness in seconds.

There are many published recommendations and warnings regarding the carriage of log cargoes and the Club would wish to reinforce to Members that such advice should always be sought before carrying such cargoes.

This notice is in addition to the previously issued Bulletin 630 ("Carriage of logs – Fatality" issued 03/09) Mention should be made of the inexperience and lack of training of the crew which contributed to this accident, but the main purpose of this Bulletin is to highlight the hidden dangers of Log cargoes and to reinforce the fact that many cargoes that may seem benign may in fact have dangerous qualities when transported by sea.

## SOS SaveOurSeafarers Campaign - Update

In the coming weeks SOS activity will focus on many issues

The SOS SaveOurSeafarers campaign has been gathering pace. Letters to governments are now up to 20,700, with website visits now standing at 60,000 from 174 countries. Twitter followers have now reached 700, while Facebook followers total 4,000.

SOS is getting an average of six requests a week for pop-up banner artwork. This is great news and shows real support and engagement.

In the coming weeks, SOS activity will focus on the following:

- Press release re specific UK and Filipino government support for SOS.
- Letter to heads of corporations about the threat to their business from Somali piracy, and press release about this letter.
- A short (4-5 minutes) viral film on Somali piracy and the SOS campaign is planned for release via the internet and the social media later this summer.
- SOS campaign cards to be designed and then printed in high volume for everyone involved with the campaign to hand out.
- SOS Website is coming up for an overhaul with a harder home page, more focus on human impact, and more images.
- Website translation into a few key languages is being evaluated on the basis that this will make a huge impact on media pick-up around the globe.
- All organisations supporting the campaign need active encouragement to send letters via the SOS website - please encourage all your company's employees to send letters. In addition it would help if as many companies as possible could place the SOS logo and weblink on its website - they can get what they need from the SOS website.
- Hostage stories - SOS will be calling for more hostages and their families to come forward so we have more human interest leverage with the international press. This will be done via social

media channels. But if you can help, then please contact SOS.

- The SOS Steering Group will meet with NATO and EUNAVFOR on 3 August to discuss video material that can be released by the military on to the SOS website.

SOS SaveOurSeafarers is working on behalf of your seafarers.

Please help us to help you by taking an active part in promoting our campaign **SOS SaveOurSeafarers** - [www.saveourseafarers.com](http://www.saveourseafarers.com)

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## The Road to Enlightenment

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1. The journey of a thousand miles begins with a broken fan belt and a flat tyre.
2. The darkest hour is just before dawn. So if you're going to steal your neighbour's milk, that's the time to do it.
3. Sex is like air. It's not important unless you aren't getting any.
4. Don't be irreplaceable. If you can't be replaced, you can't be promoted.
5. No one is listening until you fart.
6. Always remember you're unique. Just like everyone else.
7. Never test the depth of the water with both feet.
8. If you think nobody cares whether you're alive or dead, try missing a couple of mortgage payments.
9. Before you criticize someone, you should walk a mile in their shoes. That way, when you criticize them, you're a mile away and you have their shoes.
10. If at first you don't succeed, skydiving is not for you.
11. Give a man a fish and he will eat for a day. Teach him how to fish, and he will sit in a boat and drink beer all day.
12. If you tell the truth, you don't have to remember anything.
13. Some days you are the bug; some days you are the windscreen.
19. A closed mouth gathers no foot.

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## Port Wifi - the Good the Bad and the Ugly

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A report published on 26 July 2011 by the International Committee on Seafarers' Welfare (ICSW) has found that seafarers' access to the latest communications technology is taking a back seat because of high investment costs and ports' concerns about security.

Developments in New Technology & Implications for Seafarers' Welfare was commissioned by ICSW in order to learn more about how port-wide WiFi and WiMAX are helping seafarers to maintain closer contact with home, which is one of the top welfare concerns of seafarers.

Globally, WiFi has become widely used as an affordable means of connecting to the internet within close range of a WiFi access point but it has a smaller range than WiMAX. WiFi typically offers a maximum range of 50m indoors and 100m outdoors while WiMAX provides wireless reception over greater distances. Many expect WiMAX to replace broadband accessed through phone lines, cable and DSL, thereby popularising broadband access in the same way that mobile phones have transformed telecommunications.

Thirty two percent of respondents have port-wide WiFi and 10 percent had port-wide WiMAX. Of those ports with port-wide wireless networks, 58 percent allowed seafarers access to the networks and 38 percent gave seafarers access for free. Just 26 percent of ports without port-wide access reported having plans for this technology in the future.

The main reason cited for not having port-wide wireless technology was a lack of demand (50%), followed by concerns about security (28%) and the cost of installing and operating port-wide wireless networks (28%). Concerns about security was also the main reason for not allowing seafarers access to existing networks amongst those that do already have port-wide access but do not currently provide universal access.

Concerns about cost in some cases appear justified, with some larger ports reporting that to implement this technology across their acreage would cost in the region of 10 million euro. However, concerns about the impact that providing port-wide WiFi or WiMAX would have on the income generation of charity funded seafarer centres is more worrying:

Roger Harris, Executive Director of ICSW said “Providing cheap and easy access to the internet and email enhances the welfare of seafarers and supports recruitment and retention to the sector. Most of us would find it unthinkable these days to exist without the internet - we rely on it to stay in touch with friends and family, keep our affairs in order and enrich our lives. Seafarers deserve the same benefits. The industry is facing a global skills shortage and young people considering a career in the maritime industry will undoubtedly be put off by not being able to get online when they’re in port.”

Dr Olivia Swift, Research Associate at Greenwich Maritime Institute, added: “This report isn’t suggesting that there’s one technology that will be viable in every port. But it does suggest that problems associated with port-wide wireless networks can often be resolved.”

The research did find some exceptional models of success, including the Port of Antwerp, the Port of Singapore and the Port of Kandla and ICSW will use the findings of this research to encourage improvements in the sharing of knowledge and experiences between ports. It will press ports and welfare organisations to work together to find ways to use technology to meet both the welfare needs of the seafarers and the commercial interests of the port and call on shipping companies to demand greater investment in these technologies. The full series of recommendations are included on page 22 of the report.

<http://tinyurl.com/portwifi>

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## Piracy: The Insurance Implications

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John Sandercock, of Lester Schwab Katz & Dwyer

“Marsh recently published this useful summary of the insurance issues arising out of piracy in the Indian Ocean, and indicated that one might share it with others.”

The hijacking of ships in the Indian Ocean has highlighted to the world at large that piracy remains a modern day scourge. During the first six months of this year at least 32 ships have been seized by pirates and that 19 are currently being held for ransom.

While the most high profile incidents are attributable to pirates from Somalia, ships have also been attacked recently in the Gulf of Guinea close to the west African coast, in the seas of south east

Asia and off the northern coasts of South America. Pirates have demonstrated that they are increasingly prepared to use machine guns and RPGs to achieve their aims, escalating the threat to shipping and seafarers.

The activities of Somali pirates in particular has led to changes in the ways that the insurance industry responds to piracy. Marsh has closely monitored these developments and has prepared a white paper setting out the insurance implications of piracy that apply in July 2011.

The white paper looks at the following issues:

- insuring against loss of or damage to ships caused by pirates;
- payment of a ransom to secure the release of a hijacked ship, cargo and crew; issues to consider relating to marine kidnap and ransom insurance;
- marine war risks and marine K&R insurance markets — a status report;
- loss of hire following piracy; the P&I position; and
- the use of armed security.

To read the white paper go to:-

<http://documents.marsh.com/documents/piracy-whitepaper07-11-11.pdf>

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## UK MPs Reject Plans for Coastguard’s Future

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30 Jun 2011

The four Emergency Towing Vessels stationed around the British Coast prevent disabled ships from becoming pollution disasters.

**The British Government should withdraw its controversial proposals to modernise the Coastguard Service, said Members of Parliament on the influential cross-party Transport Committee.**

Serious concerns were raised that the safety of people at sea, on cliffs and beaches will be jeopardised if the proposals proceed in their current form. Ministers must issue revised proposals for further consultation.

Launching the report on the floor of the House of Commons last week, Transport Committee Chair, Louise Ellman said, “We accept there is a need for

some modernisation, but the Government's proposals for the future of the Coastguard Service are seriously flawed.

"We found little support for the current proposals and we have no confidence that, under these proposals, the Coastguard will in future be able to respond to emergencies at sea as well as they do now, let alone in a more effective way.

"A drastic reduction in the number of rescue coordination centres will result in a loss of local knowledge amongst coastguard officers who are responsible for taking calls from people and vessels in distress. The Committee is not convinced by the Government's claim that technology can, at present, replace such local knowledge.

"Whilst there is a case for reducing the total number of rescue coordination centres, any future reorganisation of the Coastguard should be based on 24 hour centres, as they are now, and not on stations open only during daylight hours, as the Government proposes."

The Committee also strongly condemned the Government's cost cutting decision to withdraw funding for the four Emergency Towing Vessels (ETVs) stationed around the UK that intercept disabled ships to prevent environmental pollution disasters.

"We found no evidence that a suitable commercial alternative for these tugs exists. The Government's decision to withdraw funding for the ETVs is unwise and short sighted. Quite literally, it is inviting disaster," added Louise Ellman.

The Transport Committee also criticised proposals to completely remove government funding for the Maritime Incident Response Group (MIRG), a national fire fighting at sea capability. Ministers should instead adopt a slimmed down MIRG which is more cost effective than the present arrangement.

Lastly, the committee recorded its disappointment that Mike Penning MP, Minister for Shipping, instructed regular coastguards not to give oral evidence to the Committee on the basis that they were junior civil servants. "The minister should have shown more faith in the professionalism of the coastguards and stuck by his original commitment to the House [of Commons] to let them give evidence to the Committee," concluded Louise Ellman.

## Marshall Islands Refuses to Flag Anti-Piracy Fleet

THE Marshall Islands will not register the proposed fleet of privately-armed anti-piracy patrol vessels, Clay Maitland, managing partner of International Registries Inc, has confirmed.

Moreover, until there is an International Maritime Organization convention on the suppression of piracy, as the Marshall Islands is advocating, no reputable open register can do so, he said.

Speaking on behalf of the Marshall Islands government, Mr Maitland said: "The Marshall Islands cannot and will not flag these vessels. The Marshall Islands is an independent state, but has a "compact" with the US government that the US Coast Guard acts as the coastguard for the Marshall Islands."

The Marshall Islands cannot therefore accept military vessels on to its register. "There is no legal basis for the registration of a warship on any open register," he said.

Mr Maitland stressed the Marshall Islands is in favour of forceful action against pirates, wherever they are, "but it must be taken in accordance with the rule of law".

Such action, other than by navies, cannot be done without an international convention, which does not currently exist. "The use of mercenaries is not sanctioned under international law."

He voiced disagreement with the IMO's position that it is up to individual flag states to sanction any action — and that piracy is already adequately covered by the United Nations Convention on Law of the Sea.

The Marshall Islands is calling for the adoption of a new international convention on the suppression of piracy. Despite the reputation of the IMO for being slow moving, Mr Maitland cited the speed with which the International Ship and Port Facility Security Convention was adopted and suggested the same process could be applied to a piracy convention.

“In the event of a shooting war with pirates in the Indian Ocean, which is where we are headed, there must be rules of engagement that enable action to be taken against pirate groups. If shooting starts, seafarers will be at risk and in the line of fire. Whatever action is taken must be in accordance with a legal framework that does not exist,” Mr Maitland said.

The absence of an international agreement on the suppression of piracy — and, in particular, the involvement of what is a private navy — concerns the Marshall Islands. Its position is that the use of armed guards on board ships is better than a private navy.

Neither the Marshall Islands nor any flag can guarantee crews would follow rules of engagement, laying them open to potential lawsuits.

“We are not against the use of armed guards, but do not endorse private navies. But that does not mean we are against it,” he said. This apparently ambiguous position reflects the uncertain legal status of any privately-sponsored anti-piracy “navy”.

For the same reason flag states cannot give formal authority for the use of armed guards, but generally take a neutral position while tacitly supporting owners who take that decision.

The Marshall Islands supports the recent creation of the Security Association for the Maritime Sector, set up to vet organisations supplying armed guards.

Lloyd’s List 18 May 2011.

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## **Defending Against Pirates**

### **The International Law of Small Arms, Armed Guards and Privateers**

Individual Member, John A. C. Cartner, has just published his latest book with the above title.

It can be seen and bought at:

[www.intershipmaster.com](http://www.intershipmaster.com)

The authors says that it concentrates the debate on armed guards and pirates.

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## **Manslaughter Charges Against Corporations?**

*Walter Becker and Daniel Tadros of Chaffe McCall, LLP*

In March, 2011, it was reported by the press that David Uhlmann, a former chief of the U.S. Department of Justice’s Environmental Crimes Section who is currently a law professor, has intimated that he expects that companies involved in the Deepwater Horizon rig explosion which occurred on April 20, 2010 off the coast of Louisiana will be charged with the crime of seaman’s manslaughter. What is this rarely-used federal criminal statute?

The Seaman’s Manslaughter Statute (18 U.S.C. § 1115) was enacted by the U.S. Congress in the mid 1800’s and applies to captains, engineers, pilots, or other persons employed on a vessel, by whose misconduct, negligence, or inattention to his duties on such vessel results in another person’s death. The term “employed” has been held to limit the statute to commercial vessels. It does not apply to recreational vessels. See *United States v. La Brecque*, 419 F. Supp. 430 (D.N.J. 1976). It also applies to all owners and charterers of the vessel whose fraud, neglect, connivance, misconduct, or violation of the law results in the death of another person.

When the owner or charterer of the vessel is a corporation, an executive officer of the corporation can be prosecuted under the statute if he/she was “actually charged with the control and management of the operation, equipment, or navigation” of the vessel, and he/she “knowingly and wilfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of the law, by which the life of any person is destroyed.” The U.S. Fifth Circuit has held that there is no need to prove gross negligence under the statute. Simple negligence, misconduct, or inattention is all that is needed. *United States v. O’Keefe*, 426 F.3d 274, 277 (5th Cir. La. 2005). While the legal standard is simple negligence, prosecutors have some discretion in applying the statute, and reported decisions typically involve aggravating circumstances such as a charter fishing captain disregarding multiple warnings from the U.S. Coast Guard that resulted in the death of several customer/passengers (*United States v. Oba*, 317 Fed. App. 698 (9th Cir. 2009)), a tug captain who was found to be under the influence of cocaine at the time of an accident that killed his girlfriend who was an unauthorized guest aboard the ves-

sel, (*United States v. O’Keefe*, 426 F.3d 274, 277 (5th Cir. La. 2005)), or a ferry captain who became incapacitated due to lack of sleep and medication, resulting in the death of 11 passengers. (*Agni v. Wenshall (In re City of New York)*, 522 F.3d 279, 281 (2d Cir. 2008)).

The maximum penalty for an individual convicted of this offence is 10 years imprisonment and a \$250,000 fine. The maximum penalty for a corporation convicted of this offence is a fine of \$500,000. The cases cited above support the conclusion that federal prosecutors will in fact charge individuals and corporations under the Statute in an effort to deter the type of misconduct or negligence that leads to the death of innocent civilians. Will the Statute be used in the BP litigation? Very likely.

<http://www.chaffe.com>

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## Maersk Joins The World Ocean Council

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**The A.P. Moller - Maersk Group has joined the World Ocean Council to support global leadership and collaboration on ocean sustainability**

Through its signatory to the World Ocean Council, Maersk supports the efforts to promote sustainable development and stewardship through collaboration across private sector industries.

The World Ocean Council is the only international organization bringing together a broad range of ocean industries to address sustainable use of the seas.

“The oceans are core to our activities in shipping and energy. We are pleased to join this forum which provides an important collaborative platform for sustainable advancement” said John Kornerup Bang, Lead Advisor on Climate & Environment in the A.P. Moller – Maersk Group.

“We are excited to welcome A.P. Moller - Maersk to the growing ocean business alliance on Corporate Ocean Responsibility,” said Paul Holthus, Executive Director of WOC. “Maersk exemplifies the kind of commitment and leadership that is needed to tackle the complex challenges of ocean sustainability.”

Maersk’s environmental strategy pledges to protect the marine environments and biodiversity and reduce the impacts of operations at sea.

“The marine environment is fragile and we are determined to be good citizens of the world’s oceans. This partnership will help us go beyond regulatory standards and take a proactive approach” added John Kornerup Bang.

The WOC is pulling together proactive leadership companies to develop coordinated action across the ocean business community. For example, its National Business Forum on Marine Spatial Planning in Washington D.C. on July 13-14 will bring together responsible ocean companies to engage in U.S. ocean planning efforts. 6 July 2011.

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## Isle of Man Signs New Declaration for Seafarers

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*News from Isle of Man - 9th August 2011*

The Isle of Man has entered into a new tripartite declaration designed to improve the living and working conditions of all seafarers on Isle of Man-registered ships.

This formalises the important work carried out in a tripartite forum between the Isle of Man Government, the Isle of Man Shipping Association and the seafarers’ representative unions, which has been in place for many years.

The forum has been a key element in the continued success of the Isle of Man’s Ship Registry as it demonstrates the commitment to the seafarers serving on its ships to ensure they are provided with the right living and working conditions, employment conditions and pay.

The “Declaration of Principles”, originally agreed and signed in 2003, has been revised to bring it up to date with international developments.

Additionally, the Declaration recognises the importance of the Maritime Labour Convention (MLC) and demonstrates how the Isle of Man is working towards its adoption. The MLC, which is expected to enter into force in 2012, will be the new standard enforced globally to cover the rights of seafarers.

**Minister for Economic Development, Alan Bell MHK, commented:** “I am delighted that we have been able to sign this declaration. The tripartite relationship is important to the Isle of Man and as the shipping register continues to grow, it is vital that we remain focused on the rights of its seafarers.”

**Alex Downie MBE MLC, the Department member with responsibility for shipping said:** “We value this partnership and the work towards improvements in the conditions for seafarers. It is all the more important as we work towards adoption of the new Maritime Labour Convention.”

**Dick Welsh, Director of the Isle of Man Ship Registry said:** “The tripartite relationship, which has been developed over many years in the Isle of Man, is invaluable in our work on the new convention. It is a forum by which we can consult on draft policies and regulations, which gives the ship owners and the unions a real chance to shape the future for seafarers.”

## Global Navigation Space Systems: Reliance and Vulnerabilities

*From a paper by the Royal Academy of Engineering – March 2011*

### Executive summary

In an ever more connected world, society’s reliance on high integrity positional, navigational and timing (PNT) data is growing. The easy and cheap availability of Global Positioning System (GPS) and other global navigation satellite systems (GNSS) has meant that their use as primary sources of data can be found in an increasing number of products and services. The range of applications stretch from highly accurate surveying to in-car navigation, and from network synchronisation to climate research.

The Academy’s study has identified an increasing number of applications where PNT signals from GNSS are used with little, or no, non-GNSS based back-ups available. The trend is for GNSS to be used in a growing number of safety of life critical systems. Unfortunately, the integrity of GNSS is insufficient for these applications without augmentation (see below). Non-GNSS based back-ups are often absent, inadequately exercised or inadequately maintained.

The original implementation of GNSS, the US operated GPS comprises ground based, space based and receiver segments, all of which are susceptible to failures of various types. There are also some common mode failure mechanisms which can affect whole classes of receiver or even the entire satellite constellation.

A failure, or loss of signal due to some outside influence, can result in a range of consequences

depending on the application; in a telecommunications network, a small loss in the efficiency of data handling may occur while the system ‘freewheels’ until a signal is restored: in a surveying application where timing is not critical, some delays may occur before the survey can be properly completed. In such applications, a temporary loss of GNSS signals might be considered an inconvenience. However, where systems are used in safety of life critical applications, the consequences can be more severe – in some situations, even if operators are well versed in procedures for a loss of GNSS signals, the number of interlinked systems simultaneously activating alarms can lead to eroded situational awareness of operators in what could well be an emergency situation.

Some systems which rely on PNT signals from GNSS are robust in themselves and procedures are in place to deal adequately with any GNSS based system faults that occur. However, disruptive interference can occur unintentionally and, worse still, deliberate interference is a real and growing possibility. As opportunities arise for criminals to make money, avoid costs or avoid detection, it is known that significant effort will be directed towards attacking GNSS based systems. The banking infrastructure has already seen such an increase in high-tech attacks and now devotes considerable time and expense to countermeasures.

Potential and already known mechanisms for deliberate interference include:

- Jamming GNSS based vehicle tracking devices to prevent a supervisor’s knowledge of a driver’s movements, or avoiding road user charging.
- Rebroadcasting (‘beaconing’) a GNSS signal maliciously, accidentally or to improve reception but causing misreporting of a position.
- Spoofing GNSS signals to create a controllable misreporting of position, for example to deceive tracking devices.

As the use of GNSS for revenue raising purposes increases through road user charging or vehicle tracking, the prevalence of cheap jamming devices will increase. Because the signal received at ground level from the GNSS satellites is weak – it may be as low as -160dBW (1 x 10<sup>-16</sup>W) – jamming over a small area is easily achieved and it is known

that dedicated kit is already readily available for purchase over the internet even though use of that equipment in the UK is illegal. In the United States, monitoring for GPS signal anomalies is routine and the occurrence of jamming incidents, both deliberate and accidental is growing. In the UK, the Technology Strategy Board is supporting a project to establish a service to verify the extent to which GNSS signals can be trusted by users.

We have therefore made a number of recommendations with the aims of (a) raising awareness of the nature and magnitude of the issues; (b) proposing some policy interventions that could reduce the risks; and (c) increasing the resilience of services that rely on GNSS.

## Recommendations

### a) Raising awareness and analysing impact

Critical services should ensure that GNSS vulnerabilities are included in their risk registers and that the risks are reviewed regularly and mitigated effectively.

National and regional emergency management and response teams should review the dependencies (direct and indirect) on GNSS and mitigate the risks appropriately.

Services that depend on GNSS for PNT, directly or indirectly, should document this as part of their service descriptions, and explain their contingency plans for GNSS outages (say, of duration 10 minutes, 2 hours, 5 days, 1 month)

### b) Policy responses

It is already illegal to place GNSS jamming equipment on the market in the EU, as it cannot be made compliant with the EMC Directive. The Directive is transposed into UK national legislation. The use of jammers is also a serious offence under the UK Wireless Telegraphy Act 2006. Ofcom also has the ability to close remaining loopholes by putting in place a banning order under the 2006 Act which would prohibit import, advertisement and mere possession of jammers. The case for this is easily justified given the clear danger to safety of life services, which present a clear priority for Ofcom. We recommend that Ofcom should introduce such a banning order, ideally in co-operation with other European legislators.

The Cabinet Office Civil Contingencies Secretariat

should commission a review of the benefits and cost-effectiveness of establishing a monitoring network to alert users to disruption of GNSS services, building on the results of the GAARDIAN and similar projects and the US experience with JLOC.

The Cabinet Office should consider whether official jamming trials of GNSS Services for a few hours should be carried out, with suitable warnings, so that users can evaluate the impact of the loss of GNSS and the effectiveness of their contingency plans.

Widely deployed systems such as Stolen Vehicle Tracking or Road User Charging should favour designs where the user gains little or no advantage from the jamming of signals that are so important to other services.

The availability of high quality PNT sources is becoming a matter of national security with financial transactions, data communication and the effective operation of the emergency services relying on it to a greater or lesser extent.

Greater cross-government coordination of science and technology issues related to national security should explicitly recognise the importance of PNT, treating it as an integral part of the operation of national infrastructure.

### c) Increasing resilience

The provision of a widely available PNT service as an alternative to GNSS is an essential part of the national infrastructure. It should be cost effective to incorporate in civil GNSS receivers and free to use. Ideally it should provide additional benefits, such as availability inside buildings and in GNSS blind-spots. We are encouraged by progress with eLORAN in this context.

The Technology Strategy Board (TSB) and the Engineering and Physical Sciences Research Council (EPSRC) are encouraged to consider the merits of creating an R&D programme focused on antenna and receiver improvements that would enhance the resilience of systems dependent on GNSS.

## Denmark Ratifies the Maritime Labour Convention

The Director of the International Labour Standards Department, Ms Cleopatra Doumbia-Henry, received today the instrument of ratification of the [Maritime Labour Convention, 2006 \(MLC, 2006\)](#) from Ambassador Steffen Smidt, Permanent representative of Denmark to the United Nations. Denmark becomes the third EU member state, after Spain and Bulgaria, to ratify the landmark Maritime Labour Convention, 2006.

In receiving the instrument of ratification, Ms Doumbia-Henry stated: "The ratification of the MLC, 2006, by Denmark reflects the country's long standing attachment to ILO's principles and values and its commitment to secure decent working and living conditions for the seafarers employed on board its ships. In ratifying the MLC, 2006, Denmark becomes the third EU member State to implement the EU Council Decision of 2007 authorizing member States to ratify the Maritime Labour Convention, 2006 in the interest of the European Community. This ratification sends a strong message to the remaining 24 EU members to come on board to enable the world's seafarers to benefit from this Bill of Rights and shipowners from a level-playing field."

In depositing the instrument, Ambassador Steffen Smidt stated: "Decent working conditions for seafarers and fair competition for shipowners are very important for the truly global industry that shipping constitutes. We hope that many other countries will be able to ratify this Convention as soon as possible and thus enable the Convention to promote the proper quality conditions for shipping worldwide. This would benefit seafarers and shipowners, not only in our own shipping industry, but worldwide."

Denmark has a long-standing maritime tradition and the shipping industry is one of the most flourishing sectors of the national economy. Denmark ranks 17th among the flag States with the largest registered tonnage, has 615 vessels with total tonnage of 11.8 million gross tons registered under its flag engaged in international trade, thus constituting 1.2 per cent of the world merchant fleet.

With the ratification of the MLC, 2006 by Denmark, 16 ILO member States, representing over 53 per cent of the world gross tonnage of ships, are now parties to this important Convention, which sets out minimum standards and fair working conditions

for seafarers worldwide. It is expected that the additional 14 ratifications will be obtained before the end of this year making it possible for the MLC, 2006 to enter into force in 2012.

*Safety4Sea News 4/7/11*

## Canada to keep a sharper weather eye

Ottawa will spend C\$34.8M (\$35.2M) over the next half-decade to improve weather forecasts and provide round-the-clock Arctic navigation information.

Fisheries & Oceans Minister Gail Shea said the money would also enable the Canadian Coast Guard to expand satellite monitoring of Arctic shipping lanes. This is in line with Canada's pledge to the IMO to improve meteorological and navigational safety information for the Northwest Passage, waters north of Alaska and along the western coast of Greenland.

As of 1 June, bulletins will be issued as part of its Global Maritime Distress & Safety System and through the Fisheries Department's high-frequency radios network, Shea said.

Ottawa has also opened a forecasting station in Resolute Bay, Nunavut, which tracks and receives near-hourly data directly from polar-orbiting satellites operated by the US, Europe and China. It will use satellite data to provide weather and ice information, including freezing-spray forecasts.

Shea and Environment Minister Peter Kent said Canada was acting in response to growing international interest in Arctic navigation.

## Bermuda Shipping Register has Best Safety Record

According to a European port state control organisation

Source: [safety4sea.com](http://safety4sea.com)

Bermuda's shipping register has the best three-year safety record, according to a European port state control organisation. The Paris MoU rates registries each year, based on the number of inspections and detentions in a rolling three-year period.

According to a story in Lloyd's List, the organisation uses a three-tier classification, of a white list for the safest, a grey list for those with average track records and a black list for those considered to carry

medium or high risk. The white list of 42 registries for the 2008-2010 period was topped by Bermuda, which recorded 270 inspections and zero detentions.

Second-placed Germany had 1,388 inspections and 14 detentions. Sweden, the UK, the Netherlands, France, Denmark, Finland, China and the Isle of Man made up the rest of the top ten.

Bottom of the table was North Korea, just behind Libya, Togo and Sierra Leone. Bermuda is part of the Red Ensign Group of shipping registries. The UK's Maritime and Coastguard Agency (MCA) gave the Island's Department of Marine Administration and the Department of Marine and Ports a glowing endorsement after they visited in late 2008.

At that time, assistant director of corporate governance and risk at MCA, Andrew Cherrett, said: "We are very pleased with the quality and standards of survey and certification of Bermuda's international fleet which includes many of the world's top cruise ships, and of the level of cooperation between the Department of Marine Administration and Marine and Ports which is among the highest we have seen."

The MCA regularly monitors the Red Ensign Group shipping registers of the UK Overseas Territories and Crown Dependencies to review the quality and standards. Bermuda operates a category one register, which allows registration of unlimited ship type and tonnage within conditions agreed with the UK.

## What do Oil Spills, Piracy and the Greek Crisis have in common?

By Clay Maitland

Managing Partner of International Registries

Originally published in Clay Maitland's blog at [www.claymaitland.com](http://www.claymaitland.com)

There are at least three "received truths", as one of my college professors sarcastically called them, that, in the world of shipping, may be open to challenge. One is that last year's Gulf of Mexico oilrig explosion had nothing to do with the rest of the shipping industry, being only about wells and rigs — and not ships.

Another "truth" that is repeated constantly is that "we've got to do something about piracy", particularly the Somali variety, and that if our industry musters the "will", whatever that is, the world will listen. And the third is that Greece's (and Europe's) current economic and political passion play has,

and will have, no relevance to the Greek-owned shipping sector.

In my more than 40 years in shipping, I've learned that like most businesses, ours is dominated by relatively few voices, functioning within an echo chamber of mutually supportive expressions of internal consensus. These voices do not always take account of uncomfortable events outside: a failure that brings unpleasant surprises from time to time.

There are a number of reasons why the three "truths", that I have referred to, aren't actually true at all.

"Truth" no. 1 ignores the fact that sound risk management, as a good classification society will tell you, requires a programme that implements principles embodied in the International Safety Management (ISM) Code, the U.S. Oil Pollution Act (OPA '90), SOLAS and MARPOL. These principles, particularly stringent internal and external audit procedures — in other words, sound corporate governance — were notable for their absence leading up to every major oil spill up to and including (you guessed it) last year's in the U. S. Gulf. They apply to shipping companies just as much as they do to oil companies and offshore rig operators. Perish forbid that the great and good should publicly take note of this.

"Truth" no. 2 maintains that the Great Powers are minded to heed the pleas of some of us, and take concerted action against Somali and other pirates. This is implicit is the mantra: "something must be done". A related school of thought has been active in promoting the belief that mercenaries can be put into smallish private navies, and counter-attack the skiffs and "mother ships". Well, of course this is possible, but the enormous liability exposure that it would entail has, it seems, not been fully considered. As for the notion that the Obama administration or China, or another Great Power, is willing to take on the pirates, that too is possible — just. There are reasons, though, to doubt that any such thing is likely.

One is that the rise of Al Qaeda in the Gulf of Aden area is of greater concern to certain powers than a little thing like piracy, and that the said pirates — or their tribal colleagues — are adroitly selling their services, as allies, to certain famous intelligence agencies.

A second reason is that after the less-than-stellar performance of NATO & Co. re Libya, and the forth-

coming U. S. skedaddle from Afghanistan, evidence exists that further military activities are being discouraged, for now. I can't refrain from adding that our industry's leaders have not been good at burnishing our image – not that they've tried very hard – with the result that our political leaders have very little stomach for pounding Somali villagers, and their husbands, with predator drones, J-Dams and Seal Team Six.

Yes, I know about the poor seafarers, but do they have effective spokesmen in the councils of the mighty? Show me. If something CAN be done, I don't think we're there yet.

“Truth” no. 3, that the Greek shipping sector is (more or less) unaffected by the increasingly messy situation in that country, has more merit than “truths” 1 and 2. Most Greek shipowners of my acquaintance have been careful not to get too close to Greek banks, much less the government. They tend, with good reason, to prefer foreign flags, foreign banks and foreign corporate domiciles. Those however who say that the present crisis will leave no imprint on the “mind” of the Greek shipping sector are mistaken. The present spot of trouble only confirms the traditional sectoral belief that it's best not to put all one's eggs in one basket, or one's ships under the blue ensign.

Those of us who remember the fervent efforts of successive Greek governments to woo shipowners back to the Greek registry realise that the present developments are likely to be unhelpful. Social unrest is growing. Greece is insolvent: its debt load is now about 160% of its GDP. Greece is a rare — and maybe the only — country where shipping is still regarded as a fundamental national asset, accounting for nearly 30% of GNP. Shipping has for many years enjoyed preferential tax treatment. Posidonia, Greece's famous biennial maritime bash, is the industry's foremost global trade fair. While none of these is really at risk, there is a growing realisation that a company's identification with Greece will sometimes be unhelpful in the global financial markets.

On the other hand, it has long been said that when times are bad in Greece, Greeks turn to the sea. Hellenic seafarer recruitment is up and is likely to grow further as shipping revives. The Hellenic shipping sector has a long history of surmounting troubles ashore. Buoyant is an apt word for it.

*Do you have any views on the above? Why not air them in the IFSMA Forums.*

**CHANGING TIMES - CHANGING WAYS**



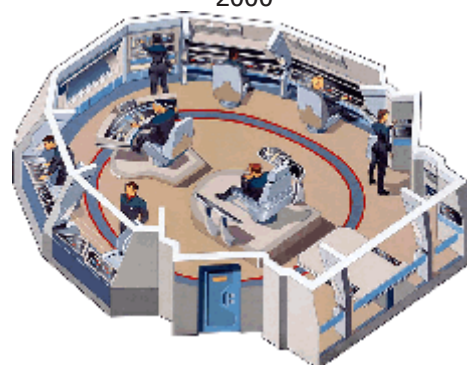
1900



1950



2000



The Future - Maybe sooner than we think? Probably only one man aboard, but will he need to be a qualified Master Mariner?

*From the New Zealand Company of Master Mariners journal "On Deck".*

## SaferSeas Conference - Brest May 2011

*Capt. Hubert Ardillon, President, AFCAN*

Part 1 : Policy, rules, technological innovations and operational means : advances made in maritime safety since.

Session 2 : Technological answers.

Good evening. I am still a seagoing captain on board a VLCC. I plan to speak about problems I meet when using two technological answers: ECDIS and terrestrial AIS, and with an operational mean: ballast water exchange.

1- ECDIS :

This is a very useful navigational device. On one screen is a lot of information coming from different sources: chart, position, heading and speed (water and ground), targets representing other vessels in the vicinity as ECDIS is connected to radars, GPS, gyros, logs and other AIS.

Therefore a centralization of all information which leads to a better lookout.

Chart corrections are easier, as coming from a file, so less errors possible during writing and applying.

Ideally, extra time used by the officer for chart corrections now saved by computer would be dedicated to lookout, which normally should be the first duty of the bridge team (often comprised of one man only). But do not dream, one found very quickly other duties to give to the deck officer in charge of chart corrections.

Nevertheless, in heavy traffic zones, there is a risk for the screen to be overloaded. Sometimes it could be judicious to limit or remove the targets from radar or AIS.

There is also a heavy risk of a wrong use by persons in charge as there is a large difference between the paper chart and the one on screen.

The human eye can see the paper chart in totality. Therefore the officer in charge sees further than the next few minutes of navigation, and so he is able to better anticipate on manoeuvring. The same does not exist on the actual screens. This will come when the screen will be of the same size as the paper chart, but due to available place and price, when could this be possible?

On the ECDIS screen, to see the near future while keeping own position on it, one should change range. But this erases a lot of information which could be important, even essential, for navigation, manoeuvring or passage planning.

Now, two difficulties I met:

China coasts charts: ports and associated channels are moving quickly, and one can find oneself in a totally unknown environment. It has happened to me: to sail for anchorage, pilot or berth, outside the borders (latitude or longitude) of a chart. This is a bit worrying. To be with a 20 metres draft on chart where depths are between 6 and 10 metres only, even after receiving from the agent that there is no draft problem for this occasion because there is a channel, is not what one thinks is made safer for navigation.

In other areas, updates do not exist. Once, I proceeded to load at Lavan Island and Kharg Island – both in Iran. I checked on the charts in order to prepare passage planning and I found in Lavan a berth with a draft restriction, so I deduced Lavan to be the first load port. But no. I checked with the local agent who answered that I am not the first to go there for loading on Lavan SBM. SBM ? But there is no mention of SBM on my chart (BAC). Finally I succeeded in getting information on this SBM, and while loading I asked why it was not on the chart. Clear answer: 'we do not tell the English because we do not like them'. During loading I took information and pictures and we corrected our paper chart. Of course I sent all this through my manager to the British Admiralty. OK, the paper chart is « corrected », but what about the next paper chart? And for the electronic chart, how to keep this useful correction?

Soon all vessels should be equipped and deck officers who use ECDIS will have to carry two certificates: one for general ECDIS and one for the specific vessel ECDIS.

And, do not delude yourself with the training, most of the managers are recruiting at the least possible cost, so they are less trained and educated, even if all certificates are always valid. Who will be responsible for the final (and initial) training given to these users? And who will be held responsible after an accident following a wrong use of ECDIS?

2- AIS

AIS is a nice invention. If it is used to exchange

information with ports and VTS. And, of course, the same should have as a consequence to limit oral exchanges with such VTS.

It should also be the guarantee on a better follow up of vessels in narrow waters and straits.

Unfortunately, AIS is also described as an anti-collision device.

Yes unfortunately, because AIS is not an anti-collision device.

AIS is working on VHF waves. And on VHF one knows who is calling, but not who is answering, leading to collisions assisted by AIS. One believes that a called vessel has understood we have understood he answered to our call, but in fact it is really more complicated than before.

And we should say also that AIS is very quickly used by deck officers to help them to manoeuvre, contrary to good sense and Colregs.

Another problem with AIS: it is enough to have a receiver to know where are the vessels, and mainly the one which should be attacked for piracy, robbery or terrorism. Actually in the Indian Ocean, it is rare to meet a vessel with AIS powered on.

A good use now: in the China Sea all fishing boats are equipped with AIS, which is very useful for merchant vessels sailing in this area.

Why not elsewhere?

Why not in English Channel? In the North Sea?

And not only the main and large fishing boats?

Also why not pleasure boats?

### 3- Ballast Water Exchange :

Ballast water exchange before arrival at the loading port; if captains understand it is useful for the planet, it generates organisation and responsibility problems.

Ballast water exchange at sea is mainly depending on the vessel. Is exchange possible in all circumstances?

On some vessels, due to stability, it is definitively not.

On other vessels, it is possible, but then trading circumstances often lead to impossibility.

First let us see vessels on which exchange cannot be performed at sea. A problem which seems to be solved by the fitting of equipments which will "sterilise" water during ballasting.

So normally time and bunkers saved, as the vessel should take ballast during discharging.

And a large part of stability problems are solved, vessels being in port conditions in calm waters.

But those vessels are built to ensure specific loading and discharging rates. Yes, we can see now ballast equipments with good rate being installed on vessels. But apart from the problem of placing on board vessels, as these equipments were not scheduled during building, rates are still a bit too low for some vessels.

The question is then: who is or will become responsible for the time lost during discharging if the vessel cannot reach the rate required by the terminal?

Ballast water exchange at sea, it is under conditions: reducing speed and sea state. And water used for ballasting should be taken more than 200 miles from shore and 200 metres depth minimum, or even 2,000 metres for some countries. What is called oceanic water.

Most of the time, it is possible, and we can note that actually speed is not a real problem; a lot of vessels sail at an economical speed. But when will the crisis end?

How to justify a speed reduction in good waters just for ballast exchange?

It is important to note that after taking ballast in ports such as Donges in France or Ningbo in China, it should be necessary to exchange water upon sailing. The water quality, or better formulated the mud quality, of this ballast is such that exchange should be carried out as soon as possible after sailing, in order to avoid an important settling of mud in ballast which will reduce the loading capacity of the vessel. For information, on a VLCC, 50 centimetres of mud in ballast tanks, which is a normal value on sailing from above mentioned ports, is equivalent to 65,000 barrels of cargo.

Now the passage, the China Sea to Arabian Gulf. The leg North Sumatra to South Ceylon is not enough, even with slow steaming, to carry out a full ballast water exchange. The remaining is then carried out in the Indian Ocean. The actual problem,

which is not really going to end, is the presence of pirates in this area. It is obvious that reducing speed is not a good solution, but same leads also to captains to choose a route closer to Indian coasts, safer as less patrolled by pirates (for the time being) but out of the rules area.

Another point of interest: Mediterranean Sea. It is better for vessels coming from US, for example, to carry out the exchange while in the Atlantic Ocean. But some countries in the Mediterranean Sea require that water which will be deballasted at sea during loading in their ports to be Mediterranean water. Therefore a second ballast water exchange has to be planned in order not to pollute the Mediterranean with, for example, Mississippi water.

And if bad weather or the sea do not permit ballast water exchange to be carried out as it should be, or not completed, who is then held as responsible?

Regarding all above questions, it should be good that Captains, contrary to what they are unfortunately in habit of thinking, do not believe that all answers will be on their shoulders.

4- A last remark.

In respect of the limits of technological innovations in safety matters, please let me remind everyone that there are still so many accidents, deceased and injured seamen, during lifeboat waterborne drills. Of course it concerns only the safety and life of seafarers, not the environment and cargo, but nothing is really going to eradicate this recurrent problem.

Thank you

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## **Review of 'All Hands and the Cook'**

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*by Michael Grey, Honorary Member, in Lloyd's List.*

EVERY trade and profession has a language of its own. On holiday a couple of years ago, I sat in a pub listening (rather rudely you might think) to the conversations of a couple of thatchers. They were speaking English, but I scarcely understood a word they were saying.

The British merchant seafarer also speaks in a mysterious language that is incomprehensible to all not of his craft. And bearing in mind the decline in British seafaring, which has been so calamitous in the past 30 years or so, I suppose one could consider this to be a threatened language, going the same way as Cornish or Manx.

So I was particularly delighted to lay hold of an early copy of *All Hands and the Cook*, which portrays the customs and language of the British merchant seaman from 1875 to 1975, which is, I suppose the date after which it all went down the tubes and was replaced by Tagalog on so many once-British ships.

Barry Thompson, a marine surveyor in New Zealand, who sailed with the Port Line and P&O, is the author of this excellent book, which is, in its peculiar fashion, almost a social document, and which will, some years hence, surely become a textbook referred to by students of linguistics.

Capt Thompson has put in plenty of overtime producing this compendium, with no fewer than 21 comprehensive chapters that cover virtually every aspect of seafaring. This is not slang, but a working, fully functional language that enabled seafarers to communicate and ships to be worked. So it is a book that will give much pleasure to people who once used it as part of their everyday communication aboard ship, between shipmates and "BOT acquaintances" and others who enjoy such speech.

It is great fun to turn these pages and be transported back in time and read these forgotten words again. Do seafarers, worried about the tramp of heavy feet on their gangways as the shore side officials swarm aboard still talk about the "crimps, pimps and banjo players" who will be causing them grief? It was great to be reminded of Norwegian Steam (which means manual labour) and all those hours 'sugiing' the paintwork.

It is also a book for reminders of what has gone in the nicknames of British shipping companies. T&J Harrison (two of fat and one of lean), Hungry Hogarths, Union Castle (the lavender hull mob), P&O (peculiar & ornamental) and Shaw Savill & Albion, which became slow starvation and agony.

It is a book to treasure, like the language itself.

*All Hands and the Cook*, by Capt Barry Thompson ISBN 0 908608 72 1 is published by The Bush Press and available in the UK through [rushan@shoreside.demon.co.uk](mailto:rushan@shoreside.demon.co.uk) and in New Zealand via [shipmaster@ihug.co.nz](mailto:shipmaster@ihug.co.nz)

## Thoughts from your Secretary General - Continued from Page 3

### Shipping's Carbon Emissions.

Recently two documents have been provided by the British Chamber of Shipping and each one discusses alternatives as to how the industry should play its part to provide a practical way regarding the necessary reductions in carbon dioxide, without damaging the commercial aspects of our industry. Firstly there is the Emissions Trading System (ETS) which is a cap-and-trade emissions trading system and establishes a cap on net carbon dioxide (CO<sub>2</sub>) emissions allowing the market forces of supply and demand to drive the allocation of emissions rights, so as to achieve reductions in the most cost-effective manner.

The aim of any ETS for shipping is to reduce the industry's contribution to atmospheric CO<sub>2</sub> levels by accelerating the cost-effective delivery of improvements in the energy efficiency of individual ship operators. A truly global and flag-neutral system would be the preferred approach. However, the methodology proposed would also allow a differentiated approach based on the United Nations Framework Convention on Climate Change (UNFCCC) principle of 'Common But Differentiated Responsibilities' (CBDR) according to countries' respective capabilities.

The attraction of the cap-and-trade system is that a market-based approach would allow choice and flexibility in the pursuit of CO<sub>2</sub> emission reduction targets. This goal based approach suits an industry as diverse as international shipping and would allow ship operators to make the necessary reductions at lowest cost. The additional costs imposed by an ETS would force shipping companies to consider where to allocate shareholder capital in order to maximise returns, thereby driving efficiency in achieving the environmental aim, with the 'decision to emit' requiring an assessment of both the internal costs of abatement and the market price of allowances. The creation of a genuinely global market for carbon for shipping - and its interaction with other existing trading schemes - would also mean that a price is established. A system based on this general approach would also allow shipping companies to buy units in other existing and future emissions trading markets.

The alternative is the establishment of a possible International Greenhouse Gas (GHG) contribution fund for the shipping industry. Such a system is viewed as one of the main market-based measure (MBM) options that may be applied to international shipping in order to encourage the sector to reduce its net contribution to global GHG emissions.

In the search for a mechanism that will provide the nec-

essary reductions in carbon dioxide (CO<sub>2</sub>) at the lowest cost to ship owners and operators, a contribution-fund-based approach, whereby GHG contributions are made on bunker fuel purchases, has the following key attractions and advantages:

- Acting as a straightforward incentive to reduce fuel consumption and in-sector GHG emissions
- Providing price certainty in the short- to medium-term
- Allowing for the cost to be redistributed easily along the supply chain
- Providing a low administration-cost system
- Not restricting the growth of international shipping
- Funding emissions reductions out-of-sector
- Funding net climate change mitigation and adaptation benefits in developing countries.

The international GHG contribution fund would have its own independent administrative body reporting to the International Maritime Organization (IMO) and would set the contributions to be made in dollars per tonne of bunker fuel purchases, collect the contributions, and distribute the funds in accordance with agreed climate change goals.

The fund would offer opportunities to deliver emissions reductions beyond those achievable through in-sector technical and operational measures alone. The Chamber fully supports the introduction of a mandatory Energy Efficiency Design Index (EEDI) to improve the efficiency of the future fleet, and also the use of the Energy Efficiency Operational Indicator (EEOI) and Ship Energy Efficiency Management Plan (SEEMP) to optimise the performance of the existing fleet. However, we believe that these measures alone will not be sufficient, particularly when set against a growing world fleet.

While a requirement to make GHG contributions on bunker fuel purchases would be expected to drive shipping emissions reductions via efforts to reduce fuel consumption, anticipated economic growth in international shipping might ultimately result in net growth of in-sector emissions.

These are challenging times for the Industry and whilst IFSMA supports the drive to protect the environment, we must watch how these programmes will impact on the Master's responsibilities.

Rodger MacDonald  
Secretary General