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I F S M A - NEWSLETTER

The International Shipmasters Link

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INSIDE THIS ISSUE:

- Some thoughts from your Secretary General** p.2
- Single Hull Tankers Phase Out - IMO Meeting** p.3
- Violent Piratical Attacks at an All Time High** p.7
- Poor Lookout Cost Lives** p.9
- Master as Captain, Manager and Scapegoat** p.11
- Pushing the Limits and Getting it Wrong** p.17
- IMO Opens Regional Presence Office in Philippines** p.18
- Australian Reefrep - Automatic Reporting** p.20
- INMARSAT sponsors Sports of the Seven Seas** p.21
- Computer Skills for Seafarers ECDL** p.22
- Developing New & Existing Ports in Pakistan** p.24
- Shipmasters' Series of Books** p.25
- Guidelines of Places of Refuge for Ships in Need of Assistance** p.27

**IFSMA 30th Annual General Assembly - Provisionally to be held in
Buenos Aires, Argentina, dates to be announced.**

Some thoughts from your Secretary General

A positive slant to the fitting of Voyage Data Recorders.

It is only human nature to resent being spied upon, - the 'Big Brother is watching you' comment is often made in today's society and some may view Voyage Data Recorders (VDR) in this context. The argument given by those in the industry who are opposed to the use of VDRs apply the argument that in nearly all accidents the ship is not lost and the crew survives to tell the tale. I have been somewhat neutral in this argument, as none of our serving members have raised the issue but at a recent meeting with the UK's Maritime Accident Investigation Board (MAIB) I was made aware of the positive sides of this technology.

We often comment in our newsletters on some of the more relevant maritime accident reports that have been published, and in particular those carried out by the MAIB in the UK. Where recommendations are made in these reports we try to disseminate this information to the members through this newsletter. I welcomed, therefore, an invitation to attend on behalf of IFSMA a small discussion group held by the Chief Inspector of Marine Accidents to discuss ways of involving the industry in both improving ways of getting the message across to all seafarers, as well as participating as marine experts in reviewing the draft reports before they are sent out as final publications. I have undertaken to support MAIB on both these issues, and in future I hope more members will benefit from this service.

Perhaps I should explain a little more about MAIB, as it is unusual in its authority and its role within the UK's Administration. Formed after the *Herald of Free Enterprise* tragedy, the Board was set up

to investigate all types of marine accidents to or on board UK ships worldwide, and other ships in UK territorial waters. What makes it unusual is that although it was set up by the UK Government it is totally independent from government control and its findings cannot be used in litigation against any of the parties involved. It does not try to apportion blame, cannot enforce laws or carry out prosecutions. However it does have strong powers to gain access to evidence that may help in its investigations. Its role therefore is to investigate maritime accidents, and determine its circumstances and causes with the aim of improving the safety of life at sea and the avoidance of accidents in the future.

MAIB explained that sometimes the only evidence available to their inspectors after an accident comes from material witnesses to the incident, and are aware that a person's ability to recall events deteriorates rapidly with time. It is important, therefore, that inspectors gain access to the key witnesses as soon as possible after the event and that the witnesses feel free to discuss the circumstances in an open and unconstrained manner. Despite extensive efforts to improve the quality of witness evidence the fallibility of the human memory will always place doubt on its accuracy. The MAIB has numerous examples where apparently clearly recalled events are later proven to be inaccurate when compared with evidence obtained from electronic recordings. Often the witnesses themselves are astonished to discover that their clear recollection of events is incorrect. In such cases there had been no purposeful attempt to falsify evidence but memory can play tricks. The MAIB is becoming increasingly aware that, given time to mull over the circumstances of an accident, a witness is liable to begin to believe in fictional elements of the reconstruction of events especially if those elements mitigate his or her actions. For this reason MAIB is pleased that IMO, member states have now agreed that

VDRs must be fitted to all passenger ships and to all new cargo ships of over 3000gt. For many of these ships the requirement has already come into force. IMO is now considering whether a simplified VDR should be fitted to all existing cargo ships. The EC, slightly pre-empting the IMO, has directed that existing cargo ships, which call at ports within the community, should be fitted with an IMO-compliant VDR by 2008. In 2003 the IMO's NAV sub-committee approved a draft performance standard and carriage requirement for a simplified VDR (S-VDR). There is now a realistic expectation that all existing cargo vessels of over 3,000gt will be fitted by 2008.

VDRs and S-VDRs will provide investigators with information necessary to give factual answers to the key questions of what, where and when an accident occurred. But it will go further by also giving an insight as to why it happened. Bridge audio recordings will provide an insight into the way bridge operations were conducted, relationships between bridge team members, the detail of orders given and received, the alertness of the people involved and the actions of the bridge team. Post display radar recordings will tell the investigator whether the set was adjusted correctly, what, if any, navigational and collision avoidance functions were being used, the range chosen, how the set was being used and much other information which could not be obtained by any other method.

In short, the VDR will provide information on how humans were performing on the bridge and how well the interface between them and the bridge instruments worked. Frequently asked questions such as "Did he put the helm the wrong way?" or "Was he plotting the radar target?" which hitherto could only be answered with the benefit of witness recollection will now be answered with certainty. With definite answers to such basic questions,

investigators will be able to begin to understand why mistakes were made and lessons to be learned from marine accidents will consequently become stronger and more pertinent.

Of course I am viewing this from the investigations carried out in the UK. Perhaps other Administrations may use the information gained from VDRs in a different manner. I would, therefore, welcome the views of any of our members who have experience with VDRs or who may have comments to make on Voyage Data Recorders in general.

IMO: December 2003 meeting to consider proposals for an accelerated single-hull tanker phase-out

An extra session of IMO's Marine Environment Protection Committee (MEPC) will be convened in December 2003 to consider the adoption of proposals for an accelerated phase-out scheme for single hull tankers, along with other measures including an extended application of the Condition Assessment Scheme (CAS) for tankers.

The proposed amendments to MARPOL 73/78 were discussed during the week-long forty-ninth session of the Committee, ending 18 July.

Speaking on behalf of the Secretary-General Mr. William O'Neil at the close of the session, Assistant Secretary-General Mr. Efthimios Mitropoulos said that the outcome of the intense negotiations on the issue was successful in general terms, although the decisions made were not final, pending the extra MEPC session in December.

Although a number of points within the overall context of the proposed draft amendments to MARPOL were left in square brackets (awaiting final decision), “the outcome of this week’s work shows the emerging trends on which Governments, the industry and, as necessary, the Secretariat should work between now and December to pave the way for consensus decisions to be made at the end of the day,” Mr. Mitropoulos said.

“We should, therefore, be hopeful that the good spirit of co-operation, which prevailed during the week, will also be demonstrated in December so that IMO would be able, once again, to do what it was founded to do, that is to encourage and facilitate the adoption of global standards to regulate shipping, and that it does so on the basis of realistic, pragmatic and well-balanced consideration of items on its agenda,” he added.

At its 49th regular session, the MEPC also finalized a new proposed draft convention on the management of ballast water and agreed ship recycling guidelines.

The MEPC met at IMO headquarters in London, from 14-18 July, under the chairmanship of Mr. Andreas Chrysostomou (Cyprus)

Single-hull tankers - proposals to amend MARPOL 73/78

The MEPC held extensive discussions in a Working Group and in plenary in relation to proposals to amend MARPOL 73/78, submitted by all the fifteen Member States of the European Union, calling for further acceleration of the phase-out timetable for single-hull tankers, an immediate ban on the carriage of heavy grades of oil in single-hull tankers and for the Condition Assessment Scheme (adopted in 2001 in the wake of the 1999 Erika incident) to be applied to tankers of 15 years of age and above.

The outcome of the discussions was as follows, with further discussion scheduled for the extra MEPC session in December, which will consider, with a view to adoption, the proposed amendments to MARPOL 73/78:

- The MEPC agreed on an accelerated phase-out for Category 1 tankers (pre-MARPOL tankers). This would bring forward the final phasing-out date for these tankers to 2005, from 2007.
- The MEPC discussed the proposal to bring forward the phasing-out of category 2 and 3 tankers (MARPOL tankers and smaller tankers) to 2010, from 2015. While there was substantial support in principle to the 2010 deadline, there was also concern relating to the phase-out of tankers of less than 20 years old in 2010 that this would lead to. There was a suggested proposal, for further consideration in December, which could see the operational life of these tankers extending to 2015 or until the ship reaches a specified age (e.g. 20, 23 or 25 years), subject to satisfactory results from the Condition Assessment Scheme (CAS).
- The MEPC agreed, in principle, that the CAS should be applied to single-hull tankers of 15 years, or older (as against being applicable to all Category 1 vessels continuing to trade after 2005 and all Category 2 vessels after 2010.) The MEPC agreed to circulate the proposed CAS amendments with a view to consideration for adoption at the extra session in December.
- The MEPC noted the proposed consequential enhancements to the CAS scheme which would be needed. The Committee further noted that in order to adequate CAS to future challenges such as its possible application to double-hull tankers or enhanced requirements for tankers carrying heated cargoes, intensive work is needed. It noted

with appreciation the offer by the United Kingdom would host an informal meeting on these issues with industry and interested Administrations, prior to the extra MEPC meeting in December.

- The MEPC considered the proposed draft regulation on the carriage of Heavy Grades of Oil (HGO) in single-hull tankers, which would ban the carriage of HGO in single-hull tankers. The MEPC agreed on the need for further technical discussion at the December meeting of the proposed new regulation 13H on Prevention of oil pollution when carrying heavy grades of oil, in particular in relation to the physical properties of heavy grades of oil (including their definition, in relation to density and/or kinematic viscosity) and in pollution combating.
- The MEPC noted the differing views on the issue of tankers carrying HGO engaged in domestic trades, regarding possible exemptions for tankers on local voyages and agreed this was a policy matter for a decision later.
- The MEPC agreed that the Informal Group of Experts should be re-established to review the impact of the proposals discussed at this session.

Extra session of the Committee (MEPC 50)

The extra session of the Committee will be held as MEPC 50 on 1 and 4 December 2003, during the 23rd IMO Assembly, which meets from 24 November to 5 December 2003.

Proposal for a West European PSSA

The MEPC approved in principle a proposal for Belgium, France, Ireland, Portugal, Spain and the United Kingdom to designate a Particularly Sensitive Sea Area (PSSA) to cover a wide sea area west

of these countries, subject to the area being reduced to bring the easterly line off the Shetlands Isles to 00 longitude.

The States proposing the measure withdrew an earlier proposal to ban carriage of heavy fuel oil in single hull tankers in the PSSA and instead agreed that the Associated Protective Measures linked to the PSSA would, at this stage, concern a proposed 48-hour reporting rule for ships carrying certain cargoes entering the PSSA. This measure would be referred to the Sub-Committee on Safety of Navigation (NAV), meeting mid-2004, for consideration.

Delegations who had raised potential legal issues relating to the application of the PSSA were invited to refer these concerns to the Legal Committee, which is scheduled to meet in October 2003 and April 2004.

The Western European Waters PSSA will be considered by the Committee for potential final designation at the regular session of MEPC in October 2004.

Great Barrier Reef PSSA extended

The MEPC approved in principle a proposal from Australia and Papua New Guinea for the extension of the Great Barrier Reef PSSA to cover Torres Strait Region, together with the associated protective measures, subject to clarification on the compulsory pilotage measures at NAV 50 in 2004. The extended PSSA will be expected to be designated at a regular session of MEPC in October 2004.

Paracas National Reserve PSSA adopted

The MEPC adopted the Paracas National Reserve, Peru, as a PSSA.

Including the Paracas PSSA, there are now six designated PSSAs - the others being: the Great Barrier Reef, Australia; the Sabana-Camagüey Archipelago in

Cuba; Malpelo Island, Colombia; Around the Florida Keys, United States; and the Wadden Sea (Denmark, Germany, Netherlands).

Ballast water management - draft convention

The MEPC agreed a finalized draft of the proposed International Convention for the Control and Management of Ships' Ballast Water and Sediments, and agreed to hold a diplomatic conference from 9 to 13 February 2004 to adopt the Convention in accordance with the agreed timetable already approved by the Council.

The Committee conducted an article-by-article review of the draft taking into account the report of the second intersessional meeting of the Ballast Water Working Group.

The problem of harmful aquatic organisms in ballast water was first raised at IMO in 1988 and since then the MEPC, together with MSC and technical sub-committees, has been dealing with the issue. In order to help developing countries understand the problem and monitor the situation, IMO is implementing the GEF/UNDP/IMO Global Ballast Water Management Programme (GloBallast) and has provided technical support and expertise.

The problem of invasive species is largely due to the expanded trade and traffic volume over the last few decades. The effects in the waters of Australia, Canada and the United States as well as the Black Sea have been devastating. Volumes of seaborne trade continue overall to increase and the problem may not yet have reached its peak.

Ship recycling

The MEPC approved draft Guidelines on Ship Recycling and the associated Assembly resolution, for submission to the 23rd Assembly later this year for adoption.

The draft guidelines recognize that, while the principle of ship recycling may be sound, the working practices and environmental standards in the yards often leave much to be desired. While ultimate responsibility for conditions in the yards has to lie with the countries in which they are situated, other stakeholders must be encouraged to contribute towards minimising potential problems related to health, safety and protection of the environment in the recycling facilities.

The guidelines will give advice to all stakeholders in the recycling process, including administrations of ship building and maritime equipment supplying countries, flag, port and recycling states, as well as intergovernmental organizations and commercial bodies such as shipowners, ship builders, repairers and recycling yards.

The Committee also agreed a programme of future work on ship recycling issues.

The MEPC noted that technical guidelines for specific disposal operations and for specific wastes which may be relevant to ship recycling activities have been developed under the Basel Convention, and that existing ILO Conventions, Recommendations and Codes of Practice can be applied to deal with numerous occupational safety and health hazards and worker protection issues arising from ship recycling operations. The Committee agreed to recommend to the International Labour Organization and the Secretariat of the Basel Convention that relevant information be made available on their websites.

Greenhouse gases

The MEPC finalised a draft Assembly resolution on IMO Policies and Practices related to reduction of Greenhouse Gas Emissions from Ships, for submission to the Assembly in November-December.

Entry into force of MARPOL Annex VI

The MEPC noted that the requirements for entry into force of Annex VI of MARPOL 73/78 on Regulations for prevention of pollution by air pollution from ships (adopted in 1997) were nearly satisfied. As of 20 June 2003, Annex VI of MARPOL 73/78 has been ratified by 11 States representing well over 50% of the gross tonnage of the world's merchant shipping and ratifications by only four more States are required to satisfy the conditions for entry into force: ratification by at least 15 states with not less than 50% of world merchant shipping tonnage.

Cyprus, Italy, Japan, the Netherlands and Spain stated that their national procedures for the ratification of the Protocol of 1997 to MARPOL 73/78 have reached the final stage and they would be able to deposit their instrument of ratification for Annex VI shortly. This would mean that the Annex might satisfy the entry into force conditions before the end of year 2003, and would enter into force twelve months later.

Violent Piratical Attacks at an All Time High

London, 24 July 2003 - The number of reported piracy attacks world-wide in the first six months of 2003 rose by 37%, to 234 compared with 171 during the corresponding period in 2002, according to the ICC International Maritime Bureau (IMB).

In its Piracy and Armed Robbery Against Ships report, the IMB lists a total of 234 attacks on ships. The violence used in the attacks also continued to show an increase, with 16 seafarers killed and 52 injured in 2003, up from six killed and 21 injured the previous year. Ships were boarded in 165 instances and nine ships were hijacked. There are also worrying

signs of opportunist thieves becoming increasingly organised.

“This quarter's statistics show that levels of violence have increased significantly. A ship's officer on board a tanker off Santos was shot in the head and killed. Crew members have been abducted for ransom off Nigeria and a vessel was run aground. A chemical tanker off Indonesia was fired at by automatic weapons in an effort to force it to stop. One of the ship's engineers was shot and had to be evacuated for emergency hospital treatment. It is vital that coastal states in these and other risk prone areas deploy patrol vessels capable of dealing with these incidents and ensure that these criminals do not treat these waters as a pirate's charter. We would like to see the arrest and prosecution of these gangs.” said Capt Pottengal Mukundan, Director of the ICC International Maritime Bureau.

Indonesia recorded the highest number of attacks, accounting for over one quarter of the world total with 64 incidents. 43 ships were boarded, four ships were hijacked and attempted attacks were made on another 17 ships. It was also the location where the greatest violence was experienced, with many of the pirates armed with guns and knives. The IMB says there are no signs that the number of attacks will drop unless Indonesia takes serious steps to address the problem.

Amongst other areas, Bangladesh witnessed a doubling of attacks, up to 23 from 11 in 2002. Third place in the 2003 table goes to Nigeria and India, with 18 attacks each, up from 8 and 12 respectively in 2002. A few areas to see a downturn in activity were Ecuador, Guyana and Singapore Straits.

The figures showed an increased use of violence during attacks, particularly the rising number of instances where firearms were used instead of knives. The number of attacks using guns rose from 31 to 53

and the number using knives from 57 to 80. Attacks with guns and knives rose to the highest number since the statistics were compiled in 1991. Incidents of crew taken hostage almost doubled to 193.

The report identifies 26 ports and anchorages, more prone to attacks. Chittagong, Lagos, Cochin, Chennai, Dakar and Rio Haina continued to record higher number of attacks on ships in these ports.

“The intelligence provided by the IMB to law enforcement agencies is now precise and contemporaneous. Law enforcement agencies can thus increase their presence in high risk areas to prevent the loss of life and injury to seamen that we have seen in the first six months of this year,” added Capt Mukundan..

The report highlights the following piracy prone areas;

S E Asia and the Indian Sub Continent

- **Bangladesh** - Chittagong and Mongla at berth and anchorage.
- **India** - Chennai, Cochin
- **Indonesia** - Adang Bay, Balikpapan, Dumai, Gaspar (Gelasa) Straits, Kuala Langsa, Lawi Lawi, Pulau Laut, Samarinda, Tanjong Priok (Jakarta). Areas around Anambas and Bintan Islands - increasing number of serious and brutal incidents have been reported within 30 nm radius of Lat 01 N – Long 105 E in June 2003.
- **Malaysia** – Pulau Pangkor
- **Philippines** – Manila, Zamboanga
- **Vietnam** – Haipong, Vung Tau

Africa and Red Sea

- **Africa:** Abidjan, Bonny River, Dakar, Dar Es Salaam, Lagos, Luanda, Nana Creek, Tema, Warri.
- **Gulf of Aden**
- **Somalian waters** – Eastern and Northeastern coasts are high-risk area for hijackings.

South and Central America and the Caribbean waters

- **Colombia** – Barranquilla, Buena Ventura, Cartagena
- **Cuba** - Havana
- **Dominican Republic** - Rio Haina
- **Ecuador** – Guayaquil
- **Guyana** – Georgetown
- **Jamaica** - Kingston
- **Peru** - Callao

The Report also draws attention to IMB's recent initiative to take the fight against piracy onto the Internet with weekly updates of attacks and warnings. The service, which has been well received in the shipping world, is compiled from daily status bulletins to ships at sea broadcast via satellite from the IMB Piracy Reporting Centre in Kuala Lumpur. Posting the information on the Internet means shipowners and land-based authorities are able to access the updates. The address for the weekly report is www.icc-ccs.org

The work of the IMB Piracy Reporting Centre is funded by 21 organizations, mostly P&I Clubs, ship owners and insurers. The Centre is now recognized throughout the maritime industry for its valuable contribution in quantifying the problem of world piracy and providing assistance, free of charge to ships that have been attacked. The attacks reported by the IMB account for 95% of the attacks officially released by the International Maritime Organisation.

A Blonde Joke

A blonde gave a note to a boy sitting on a park bench and told him to give it to his mother. The note said the blonde had kidnapped the boy and the mother was to put \$10,000 in a paper bag and leave it on the bench, signed The Blonde. The next morning there was the bag on the bench and when the blonde opened it the money was inside with a note. The note said, How could you do this to a fellow blonde?

Poor Lookout Costs Lives

Narrative

The master of a small cargo vessel lost his life when his vessel collided with a 4,600gt chemical tanker. The accident happened in the south-west lane of the Dover Strait TSS during fine weather and good visibility. Both bridges were being manned by certificated and experienced officers.

The tanker had been overhauling the cargo vessel at a relative speed of about 6 knots. The tanker was fitted with a modern integrated bridge, including two radars, an electronic chart system and an autopilot with track control system. The two vessels had been on coincident tracks for over an hour before the collision.

The collision occurred because the watchkeepers on both vessels were distracted from keeping a lookout at the critical time. Although the tanker, as the overtaking vessel, had the principal responsibility to alter course to avoid the collision, had either watchkeeper been keeping an effective lookout the collision might have been avoided.

In the preceding 13 months, three other very similar collisions occurred in the same area. However, this one was made particularly notable because the cargo vessel was holed below the waterline and quickly listed to starboard and sank.

The tanker's crew mounted a fast and credit-worthy rescue effort but, as stated above, despite their valiant endeavours, tragically the cargo vessel's master drowned. The other collisions could also just as easily have ended in tragedy.

Investigations have shown that the vast majority of vessels choose to transit the Strait towards the northern edge of the south-west lane. This causes bunching and an increased chance of close quarters situ-

ations and collisions. However, the fundamental cause of this, and nearly all collisions, is poor standards of lookout.

The Lessons

1. Poor lookout can cost lives and careers (the tanker's watchkeeper was convicted of manslaughter and was imprisoned for 12 months).
2. Poor lookout is inexcusable. It is fundamental to good watchkeeping practice and is essential for the avoidance of collisions.
3. Watchkeepers must not become distracted. They should look out of the window, as well as at navigational instruments, and should keep focused on their key responsibility – to maintain a proper lookout.
4. Risk of collision is heightened when large numbers of vessels choose the same or similar tracks. When transiting the Dover Strait, or elsewhere in high-density traffic, choose a track clear of the busiest routes and stay clear of trouble.

UK MAIB Safety Digest 2/2003

VHF Assisted Collisions

A lady seafarer onboard a ro-ro ship travelling between Zeebrugge and Gothenburg overheard an interesting interchange on VHF channel 16 recently.

Two officers were talking at length about how their respective ships should pass each other safely. She says:

"But they went on and on, until finally an officer from a third vessel on the airwaves got impatient and told them:

'Please arrange your collision course on another channel!'"



The World VTS Guide

Are your country's VTS on the WEB ?

if not, please tell your VTS authorities and ports to join this unique standardised Guide of the World VTS centers.

The World VTS Guide, produced between IALA with the International Association of Ports and Harbors (IAPH) and the International Maritime Pilots' Association (IMPA) is also supported by the International Federation of Shipmasters' Associations (IFSMA) and International Harbour Master Association (IHMA).

The Guide was first recognised by IMO in 1992 and again 1999 (MSC Circular - MSC Circ. 586/Rev.1) and it currently provides for 85 ports in 21 countries.

The World VTS Guide provides shipmasters and other users the information necessary to enter a VTS area, and subsequently to comply with its requirements, thereby optimising efficiency and enhancing safety. The Guide which is a "non profit" publication, is an Internet based system of standardised VTS information in a easy access and understandable format.

Information on any of the VTS Centres included in the Guide can be obtained from the Web site: <http://www.worldvtsguide.org>

Details can be obtained from the IALA Secretariat:

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Master as Captain, Manager and Scapegoat

By Captain A. K. Bansal, IFSMA
Individual Member

SHIP

Master is a qualified seafarer in Command of a Merchant SHIP. But firstly, WHAT is a Merchant SHIP?

In old days, a marine craft was a SHIP only if she was square rigged on minimum three masts and had a bowsprit. Today, laws that define a SHIP vary from country to country. Under the Indian Merchant Shipping Act, the word SHIP excludes a sailing vessel while the word VESSEL includes a SHIP. United Nations Convention on Law of the Sea, (UNCLOS) 1982, does not define what is a SHIP. But Art. 91 of UNCLOS requires every state to grant its nationality and right to fly its flag to SHIPS registered in that state. Therefore once a Flag State defines a marine craft as a SHIP, Art 91 of UNCLOS applies provided its Govt. has ratified UNCLOS 1982.

Ship's register evidences her Nationality, Port of registry and mortgages if any etc. Master is obliged to produce it on demand and declare her nationality at all times. Flag of her country is flown at her stern, to proclaim the Ship's nationality.

A ship has two legal personalities.

In Rem. i.e. The Res. A ship as a thing of Value.

In Personam. i.e. a ship as a person like us.

She can do wrong, incur liabilities and be held responsible. Collision is a typical example where the ship herself is responsible in Law to make reparations. She can be held liable for causing pollution, in addition to other remedies available to those who suffer from it. A Ship can have contractual obligations independent of her owners. For example a supplier or repairer has a right directly against the ship if he is not paid for supply of essentials such as stores/bunkers or for carrying out necessary repairs to her. Salvor has a

right, directly against the ship, for salvage services rendered to her. Owners usually discharge such liabilities, but if these are not discharged, she can be arrested and made to meet her obligations and liabilities, limited to her own value.

But a ship has no eyes, ears or brain. Therefore she functions through an Alter Ego who is her Master. His orders commit HER to a collision for which SHE is liable. His signatures on HER behalf, commit her to a debt which SHE must pay if owners don't. A ship can also exert her rights such as exercising lien, for unpaid freight earned by HER on cargo she carried.

MASTER

When we meet Master of a ship, we know who he is. But what are his responsibilities obligations and liabilities on a ship registered by a Flag State, especially in light of her legal personality? What laws are applicable to him and to his ship? To whom, to what extent and under what laws is he accountable. Indian MSA 1958 defines Master as any person having command or charge of a ship, and outlines his authority over her. He is accountable for safety of crew and passengers. Similar legal definitions exist in many countries.

Common Law prevails in most commonwealth countries & USA. It follows Statutes and earlier decided cases in courts. Once there is clear decision of a competent court, it is accepted in subsequent cases on same point as a principle of law, unless overruled by a higher court or by statute. Civil Law system, prevails in Scotland, continental Europe, South Africa, and Latin America. We don't know much about Russian, Chinese and Japanese Laws. Because West European nations, especially UK and USA, dominated commercial Shipping and International trade in the 20th century, modern International Maritime Law is largely based on Common Law.

Because International Law is the Law of the Jungle, following list of Masters responsibilities in order of priority is not exhaustive:-

- 1) To officers, crew and Passengers on board.

- 2) To his ship.
- 3) To save life at sea.
- 4) To the Flag State and its Laws.
- 5) To laws of the coastal State within whose territorial waters his ship is.
- 6) To shipowners for her satisfactory operation.
- 7) To the Govt. which has trained/qualified him.
- 8) To Claimants under the Law of Tort.
- 9) To any Coastal State which decides to criminalise him for any and every offence including causing pollution to their Coast.

1. The first item of Master's responsibilities listed above being historical and traditional, needs no elaboration. When choices have to be made, lives on board take precedence over the ship & cargo. In many a case Master has ordered 'abandon ship,' so that lives on board can be saved being his first responsibility.

2. That Master is obliged to do every thing in his power for safety of his ship without endangering lives on board, is evidence of his second responsibility. All seafarers have heard tales about Captains of ships going down with the ship after ordering all hands on board to abandon her. This practice probably originated with the age-old tradition, which identified the Captain with the ship as her Alter Ego. If the ship perished, the captain perished with her as her second self. The nearest historical evidence of this fact is that of the TITANIC. Since the vessel was in imminent danger, Master evacuated every person on board he could, and did not even think of saving himself. In this case, a lot of passengers also went down with the ship because she did not have enough life boat capacity.

3. Master's duty to save life at Sea

Nothing could release a Nautical Professional from his traditional duty to answer to a distress call except danger to his own ship or life on board. NOW it is an International legal duty. It maybe lives on a distressed ship, a

man adrift at sea, or refugees in boats. Master maybe carrying perishable cargo, OR rushing to make a C/P cancelling date! Apart from delay at sea to pick up person(s) in distress, he may get into problems with immigration authorities at his next port. This may tempt him to turn a Nelson's eye and sail by! But Article 98 of UNCLOS does not allow him any choice, and chapter V rule 10-A of SOLAS, does not allow owners or charterers to interfere with his decision for commercial considerations.

Under rules of UN High Commission for Refugees (UNHCR) 1983, if a master rescued Vietnam refugees, Governments of UN member countries co-operated to disembark them at his port of destination, with as little loss of time to the ship as possible. But if it was a different port than the one his ship was originally bound for, THAT country was not obliged to take on this responsibility. Therefore under these rules master could not deviate to the nearest port. Unless exceptional circumstances including deviation for safety of life on board, forced him to do so. UNHCR reimburses owners some amounts so that financial considerations do not influence Master's decision to rescue. If in any doubt especially if he wants to deviate to another Port, Master should seek guidance from owners, and P&I Club.

In a 1987 British case, charterers argued in arbitration that vessel was OFF HIRE during the time port authorities refused to allow her into port with 290 refugees on board, AND for time taken to disembark them! Arbitrators found that the vessel was "efficient in herself and fully capable to perform the services required of her." Therefore she was not off hire. Courts endorsed this decision and held that charterer takes a vessel with all obligations which normally attach to her under her national and International Laws, and this is one of her legal obligations. This is established Law now as it is reasonable to look upon the rescue as legally consistent with owners obligations and charterer's use of the ship, given Master's over riding duty to save life at sea under Maritime conventions Act 1911, and Art 98 of UNCLOS.

4. Master's Duty to Laws of the Flag State.

In some countries, only nationals can command their ships. Till 1995, Master, Chief officer and Chief Engineer of British ships had to be British. Today numerous Masters sail the high seas in command of foreign flag vessels. Articles 91,92 and 94 of UNCLOS stipulate that ships shall sail under flag of one State only and be subject to its exclusive jurisdiction and control on the HIGH SEAS. Therefore Master commands a ship in accordance with Laws of the Flag State, regardless of his own nationality or nationalities of his officers, crew and passengers. He must ensure compliance of safety, manning and other Maritime, civil and criminal matters on the HIGH SEAS in accordance with its Laws.

In a recent case, two Pilippino seamen killed a Japanese 2nd officer on a Panama registered VLCC on her way to Japan. Despite the fact that the deceased officer was Japanese, and the ship arrived in Japan immediately after the crime, the seamen were deported to Panama, for criminal prosecution even though they were nationals of Philippines. This is because under UNCLOS only the Flag State has jurisdiction over such a crime, committed on a ship while she is on the high seas and the crime was committed on board a foreign flag vessel in International waters.

5 Master's duty to Laws of the Coastal State

Under Arts. 2 and 3 of UNCLOS 1982, Sovereignty of a Coastal State extends to an adjacent belt of sea, breadth of which is 12 miles. Roadsteads normally used by ships to anchor and for cargo work, are included in territorial sea. Since all countries are Sovereign within their own political boundaries, it naturally follows that all ships within their political boundaries and territorial waters are subject to their jurisdiction and laws. Thus in addition to compliance with the Laws of Flag State, all ships must comply with Laws of the Coastal State even while navigating through its territorial waters. Articles 18, 21 and 39 of UNCLOS stipulate how a coastal State may apply its Civil and Criminal Laws to Foreign Flag Vessels including ships in its territorial waters on innocent passage i.e. without entering or without proceeding to or from her internal waters. When in the territory of a

foreign country, a merchant ship flies the flag of that country on her foremast to show courtesy, and to proclaim that she and all on board her, submit to its Laws and jurisdiction.

Recently, Master and Chief Engineer of a ship in port, went into a bar in Shanghai to have a drink and got engrossed in watching a World Cup foot ball match. One drink led to another and they fell asleep. When they woke up next morning they rushed to their ship by taxi only to find Police waiting for them. It is illegal in China for ship's personnel to stay ashore over night. Even though what happened was innocently done, caused no harm to anyone, AND they did not know that they had violated this is rule of Chinese Law, both had to pay heavy fines.

In another incident, a seaman was caught fishing from the stern of his ship anchored in US territorial waters. Both Master & the seaman were arrested for contravening US Law which requires a person to have a licence to fish. The seaman was not a National of USA, and was fishing from taffrail of his Foreign Flag vessel. Even so US Law applied even though it is usual for seamen to throw their fishing lines overboard in their leisure time in all waters, all over the world.

6. Masters Responsibility to Owners

Quite obviously, a merchant ship is operated by owners for profit. Master is their agent and Chief Executive on board and is answerable to them for her successful commercial operation subject to laws applicable to him and his ship. But for this he must understand how such laws and rules affect his ship at any given time in any country. In the past few hundred years, even though owners and Masters may have had their problems, shipmasters acquired an aura of authority, social respect and economic professionalism. But today, with the owner's office having shifted to his bedside, Master has become more of a floating office manager. This tends to take away his authority without exonerating him of his responsibility.

Master is custodian & bailee of cargo, but his authority on cargo is limited by Bills of Lading and Charterparties. He can bind the ship, her owners and cargo to GA and Salvage.

Increasing complexity of Management and handling of ships and cargo, coupled with rapid developments in National and International Laws make ever increasing demands on him. He must understand the techno legal issues involved in specific situations and know how to avoid pitfalls to make her a good commercial unit for owners. He must learn how to sift out pulls and pushes of commercial interests to ensure that no untoward commercial or legal liability attaches to his ship. He must know the WHY, HOW AND consequences of his orders & actions. Even so, no two situations on board ship are alike. Therefore he should always seek expert advice from owners and his P & I club, readily available to him NOW through modern communication systems. But he must know when to seek advice, assistance and instructions.

7. Masters Accountability Under Art 97 of UNCLOS

Only a born American National with American certificate can Command a US Flag Ship. In some countries, only those who hold their own state certificates can command their ships. For example Laws of Panama only allow Panama flag vessels to be commanded by holders of a Panama Certificate of Competency.

Therefore, presently some Masters hold another independent Master's Certificate issued by the Flag State, unconnected with their national certificate. In such situations they are accountable to the State which issued THAT certificate by virtue of which Master was commanding the ship at the relevant time.

On 12.8.86, a Panama Flag vessel sank 232 nautical miles off Indian coast. Indian Mercantile Marine Department filed a complaint in court under Sec 363 of Indian Merchant Shipping Act 1958, charging the Indian Master with incompetence and misconduct, and calling for cancellation of his Indian Certificate under part XII of the Act. Under Indian Merchants shipping Act 1958, Govt of India can cause a certificate of competency to be granted, but it can be cancelled only by resort to Indian courts. Captain filed a petition that Indian Courts had no jurisdiction in this case. Fact that he was an Indian National

AND also held an Indian Master's Certificate had no relevance. He commanded a Panama flag ship by virtue of holding an Independent Master's certificate issued by The Panama Govt. The ship sank in International waters. Therefore Merchant Shipping Act 1958 did not apply.

Held by Supreme Court of India:-

1. Alleged negligence, having occurred to a foreign flag ship, 232 nautical miles away from India, i.e. outside Indian territorial waters, the Act would not apply.

2. MSA 1958 could apply to her only if she was within India, including Indian Territorial Waters i.e. at a distance of twelve nautical miles from baseline. Therefore this casualty is not a shipping casualty as envisaged in section 358 of MSA 1958.

3. If Master held a certificate under law of any other country but incompetence or misconduct occurred on board an INDIAN Ship ANYWHERE, the Act will apply.

4. Under Art 2 and Sec 3 of UNCLOS, and Indian Merchant Shipping Act, all ships are under Indian jurisdiction, within Indian territorial waters even while on innocent passage. Therefore the Act applies if the accident occurred within territory of India and inquiry affects Master of a foreign ship who holds a certificate from another country. In that case Indian Govt. may hold an inquiry and transmit a report together with evidence, to proper authority in that Country under sec 363 of MSA 1958.

Above judgement of the Highest Court in India, endorses the accepted Law that:-

1. Under Art. 91 of UNCLOS, ships shall be subject to exclusive jurisdiction of the flag State on the high seas. Therefore if a casualty occurs on a foreign flag vessel on the HIGH SEAS, an inquiry can only be conducted by the flag state.

2. Under Art 97 of UNCLOS, only issuing Govt. can question holder of a certificate of competency regardless of his nationality. Therefore if Master of that ship had commanded her by virtue of holding an Indian

Certificate, the Flag State could transmit findings of that inquiry to Indian Govt. His competence to hold the Indian certificate and his conduct could then be questioned in Indian Courts under MSA 1958. But in this case, he did not Command that vessel by virtue of his Indian Certificate. Even if the Flag State conducted an inquiry AND had found him incompetent, or guilty of misconduct, they could only cancel his Panamanian certificate if they wished.

In this case even though factually the Panama certificate was issued to this Master on the strength of his Indian Certificate of Competency, but legally, it was issued after Panama Govt authorities OR their authorised agents in India, checked the Master's sea service record, examined him and found him eligible and fit to hold an independent Panama Master's Certificate of Competency.

Since this judgement by The Supreme Court of India, STCW convention has made certain changes. In time it may be no more possible for a seafarer to hold two independent certificates of Competency. Panama authorities are already endorsing their Certificates with a statement that it is issued because the holder has an Indian Master's Certificate. But all this is now in a flux and may change further.

8. Master's responsibility under the Law of Tort.

A Master may delegate his authority but not his responsibility or accountability. Under U.K. Merchant Shipping Act 1995 (MSA 1995), a master is exposed to civil, disciplinary, and criminal sanctions whilst on board a UK registered vessel or within the UK jurisdiction. He can be guilty of an offence where his ship is found to be in a dangerously unsafe condition. He may find himself convicted for something of which he was totally unaware. Indian Merchant Shipping Act has similar provisions. A Master may also be under a personal liability to any person who has a cause of action against him in accordance with general principles of the Law of Tort. This is not a cause arising out of contract. In the Law of Torts, each of us has a duty of care not to cause harm or injury to fellow man through our actions and inactions. In the same vein, Master has a duty of care not to cause harm

or injury through his acts of omission and/or commission, to anyone who is on board his ship bona fide. This duty is not based on any contract or agreement between the wrong doer and the wronged. For example if a stevedore labourer on the ship is injured while on board, because a manhole was left open in a dark tween deck, those responsible can be held liable, for their negligence. If no one else is identified, Master is accountable.

ADLER v DICKSON, is a cardinal case concerning duty of care and Master's liability. Decided in 1955 by the Court of Appeal in England, it is good Law till this day. This was a case of personal injury suffered by a lady passenger on the P&O ship HIMALAYA who fell down and injured herself while climbing the ship's gangway at Genoa. She sued P&O and claimed medical expenses and damages. But P&O denied liability because under clauses printed on her ticket, the passenger contracted with shipowners, absolving them for all their acts of negligence, omission and commission including those of their employees.

She then personally sued the Captain and Bosun of the ship in Tort and claimed that because she had a right to be on the ship by virtue of her ticket, (i.e. she was not a trespasser) she was entitled to safe access to and from the ship. As professional persons responsible for safe running of the ship, Master & Bosun owed her a duty of care to ensure that the gangway was safe for her use. It was further argued on her behalf that the shipping Company could not contract out of THIS personal obligation of Master and Bosun through the clauses on her ticket as it was outside the contract of carriage. UK Court of Appeal upheld this argument and awarded heavy damages in a judgement against the Master and Bosun in person, for not discharging their duty of care.

9. The Criminalisation of the Ship Master

Master is given authority by the flag state to maintain good order on board and meet reasonable safety and pollution prevention standards set out in national and International Maritime legislation, increasingly influenced by UN and IMO Conventions. In today's scenario, it has

become a practice to hold the ship and Master criminally responsible for anything and everything under local laws. Coastal states have a range of provisions which give them powers to prosecute masters for infringements. Among many such laws are included rules against:-

1. Violations of traffic schemes and Rule of the Road, groundings and Collisions with other ships and fishing vessels.
2. Major and minor pollutions including illegal dumping of garbage or excessive noxious emissions from their ship.
3. Drugs, contraband, illegal immigrants and other Customs related infringements

Because of international nature of his work under the most varied legislation in different countries, consequences of errors, omissions or negligence of crews, causing pollution, deficiency in seaworthiness and cargo-worthiness of the ship, and even financial viability of the owners, may lead to ship arrest and criminalization of the Master. Owner can rarely be made personally accountable even for causing pollution because of the peculiar nature of a ship's personality.

It is the ship which has caused an offence or pollution and not the owner. Therefore the maximum that can happen to the owner is that he may have to abandon his ship in hands of those who have suffered from any of it.

Before Torrey Canyon spilled nearly 90000 Tons of oil when she stranded on Sudbury Reef in 1967, there were no known cases of criminalisation of masters of ships. In this case it was reported that Master of Torrey Canyon, tried to save two hours of steaming time by taking a shorter route to avoid four days berthing delay. In the process the ship ran aground due to insufficient depth of water enroute. Many beaches on both coasts of the English Channel were polluted, not to talk of millions of Dollars worth of loss to fisheries and other civil and marine infrastructure.

In Law whether a ship sinks or is abandoned by her owners, Master is accountable as her Alter Ego not only to the coastal State but also to Riparian States whose coasts may have

been polluted. Yet this Master was not criminalised for what could best be termed as his error of judgement which caused this disaster. But today, every time there is a pollution incident or a Marine accident or breach of port regulations, a collision or stranding, the first action of the local authorities is usually to detain the master. He may have lost his ship through no fault of his, and may have been one of the few survivors from an appalling tragedy. But he is thrown in jail as a hostage, and subjected to harsh interrogation through days and nights. Of late, there have been many cases of unjust treatment and detention of shipmasters without trial even when they were generally innocent. This incarceration without due legal process is a matter of grave concern. Following examples demonstrate vulnerability of Masters under foreign rules and Laws, even when they were themselves victims having lost their ships.

The Maltese Flag, 25 year old, M.T Erica of 37238 DWT, broke into two and sank in the Bay of Biscay at 0820 hrs on Sunday December 12, 1999, in poor visibility, gale force winds and up to six meters swell, while enroute from Dunkirk to Livorno, loaded with 31000 tonnes of fuel oil.

Media and International maritime community praised the Master for his seamanship which ensured rescue of all 26 crew members by helicopters from ship's life rafts and the sinking stern section of the ship. Yet Master was arrested in France. Released under extreme International pressure, he was not allowed to go home to India till February 2000.

ERIKA had passed her Annual Survey just 18 days before she sank. Her Safety Construction, Load line, Safety Equipment Certificates, ISM Code, DOC and SMC were all valid until 8/03. But the ship was described by the Media as an old RUST BUCKET. It is difficult not to accept that Master knew or ought to have known overall condition of the ship, even though fully certified and in CLASS. RINA & International Association of Classification Societies (IACS) were severely criticised by the Maritime World for gross dereliction of duty by their surveyors.

Sinking of the 1976 built tanker Prestige on 19.11.2002, because shipside plates fell down

in bad weather, is another case. Jailed in Spain and released after 83 days on an exorbitant bail of Euro three million, Master is still not allowed to go home to Greece even though no case of error of judgement has yet been made out against him much less that of negligence what to talk of criminal negligence warranting arrest. Yet those more likely to be responsible for this tragedy, remain untouched and free to point fingers at each other AND all and sundry in self defence!?

Capt. S. Paloba, master of the Pakistani flag vessel Al-Hadi which sank off Bombay on 16.08.1996, was held responsible for causing pollution and detained for over 10 months by Indian authorities.

Owners of M.V. Delta Pride a Pakistani Flag vessel, filed for bankruptcy in March 1998. While she anchored in US territorial waters, the vessel was auctioned by court orders. Crew wages amounted to USD 270.000/-. Instead of receiving their rightful wages out of sale proceeds of USD 350.000/-, as per law, Master and crew were taken into custody and kept in immigration detention for over six months.

No Master is above the law. He is responsible for gross negligence and for substandard operations involving danger to life and property including criminal liability for pollution emanating from his vessel and must be accountable. But law must be fair to support good practices, and impose penalties for infringements. Also Criminal liability for pollution emanating from vessels must be equally applied to shipowners, ship surveyors, classification societies, port State control inspectors and others alike depending upon who is at fault.

Also to hold any one criminally liable there has to be either criminal intent or criminal negligence and not just oversight or acts of Nature, such as sinking of a ship in bad weather through natural causes as has happened in the above cited cases. But most coastal states follow Law of the Jungle, ignoring International Law, Conventions and traditions when it suits them.

This has made life just about as difficult for Ship Masters as can be.

Best defence of seafarers is to ensure that all international regulations, directives and required procedures are properly complied with, implemented and monitored at all times inspite of what owners may ask. But Masters especially those serving on substandard ships of flags of convenience, need support of the International Maritime Industry to stand up to their owners and managers, and protect their legitimate rights against unacceptable commercial pressures which compromise their professionalism for maritime safety and environmental protection. It is imperative that the international maritime authorities discontinue the current practice of holding the shipmaster hostage whenever a maritime casualty occurs.

Seafarers deserve that their liberties are not infringed illegally. There is urgent need to design an equitable system to ensure that not only Masters but all seafarers can obtain adequate and competent legal advice and assistance throughout the world free of cost to them. This can be done through compulsory P & I insurance regardless of divergence of interests of owners vis a vis those of seafarers.

Pushing the Limits and Getting it Wrong!

Narrative

A 2,500gt general cargo vessel was preparing to sail from a river berth. The pilot was ordered for 2100, with latest departure time of 2147.

The pilot arrived on board at 2110. As he did so, he noticed that the vessel's cargo hatches were still open, and she had not yet refloated on the flood tide. Before the vessel could sail, it was also necessary to carry out a draught survey.

As soon as the vessel refloated, at 2130, the draught surveyor began his work, finishing 15 minutes later. On the master's insistence, the pilot agreed to sail at 2150, even though the cargo hatches were still open. This contravened the local navigation bylaws. The master assured the pilot the hatches would be closed immediately after letting go. They were not.

Owing to the lateness of sailing from the berth, the pilot found it necessary to proceed downriver at full speed so as to meet the required deadlines for adequate underkeel clearances in accordance with his passage plan.

As the vessel approached a turn in the river, about an hour after departure and, by then, on a strong ebb tide, the pilot ordered an alteration of course to negotiate the turn. Part way through the turn, he realised that not only had he started the turn too late, but also the tide was setting him on to the far bank of the river. He had no reserve engine power at his disposal to recover the situation. Shortly after, the vessel grounded.

As the tide continued to ebb, the vessel eventually settled on the bottom with a 20o list. Later, as the tide flooded, water entered an open emergency escape hatch to the engine room.

Fortunately, the vessel floated to an even keel before floodwater was able to reach the open cargo hatches.

Eventually, the vessel was towed to safety. Apart from superficial flood damage to her engine room, she was virtually unscathed.

The Lessons

1. Even though the departure deadline had passed, the pilot still elected to sail. The passage plan deadlines were introduced by the competent harbour authority, and served a purpose. They should not have been exceeded. Had

the pilot not found it necessary to proceed at full speed downriver, when making the turn, he would have had reserve engine power at his disposal. This might have prevented the vessel grounding.

2. The master had assured the pilot that the hatches would be closed immediately after letting go. They were not. This left his vessel dangerously exposed to floodwater entering. Never, ever sail with open hatches.

It is fortunate indeed that floodwater didn't reach the open cargo hatches. Had it done so, a very different outcome would have ensued.

3. You might think, at the time, that you are doing someone a favour by exceeding a deadline or by contravening a by-law. But, as demonstrated here, this has nasty habit of backfiring on you!

UK MAIB Safety Digest 2/2003

IMO Opens Regional Presence Office in Philippines

IMO today (9 September) inaugurated the first IMO Regional Presence Office in the Asian region.

The opening of the office for the East Asian sub-region follows the successful establishment of three regional presence offices in Africa: the IMO regional co-ordinators are located in Kenya, for Eastern and Southern Africa sub region; Ghana, for West and Central Africa (Anglophone) sub region; and Abidjan, for West and Central Africa (Francophone) sub-region.

The IMO regional co-ordinator for East Asian sub-region will be Ms. Brenda Pimentel, who was previously the overseas shipping director of the Maritime Industry Authority (Marina) in the Philippines.

Speaking in Manila to open the IMO office, IMO Assistant Secretary-General Mr. Efthimios Mitropoulos said that it was quite appropriate that IMO's regional presence should be located in what is both a major port and a major centre of seafarers' supply to the world's merchant fleet.

"The implementation of IMO instruments, including those related to maritime security, and the development of regional partnerships are among the principal aims of the IMO regional co-ordination programme and the Office we inaugurate today here in Manila will play a key role in assisting countries in the region to meet their implementation obligations," Mr. Mitropoulos said.

The opening of the Manila Office adds a new dimension to IMO's work on the human element as it provides an opportunity for the Organization to not only become more actively involved in providing assistance to the maritime administrations of the countries in the region, but to focus particularly on issues related to the lifeblood of the industry: the seafarers. IMO's regional presence in East Asia will provide a key link to a ready source of assistance and information to assist Member Governments in the region.

"I would like to extend the Secretary-General's, my colleagues in the Technical Co-operation Division and my personal sincere thanks and congratulations to all those in the Department of Foreign Affairs, the Department of Transport and Communications and the UNDP, who have been instrumental in helping IMO to establish its Regional Presence Office here in Manila and to PTC Inc. for the provision of the temporary office accommodation pending its relocation to the UNDP building," Mr. Mitropoulos said.

IMO regional co-ordination background

IMO began its regional co-ordination programme in 1999 with the appointment -

initially on a trial basis - of two regional co-ordinators who were based in Ghana and Kenya. In 2000, IMO appointed a third regional co-coordinator in Africa, based in Côte d'Ivoire.

During 2002, offers from the Governments of India and the Philippines to host the South Asian and East Asian offices were respectively accepted and it is anticipated that the Indian office will be opened in early 2004.

The regional presence programme is now moving into its second phase, involving the implementation of programmes through the regional presence offices and/or regional partners.

At the same time, the capacity of the regional presence offices is being strengthened by providing additional resources such as local recruitment, on a short-term basis, of programme assistants and/or consultants to assist in the implementation of IMO's Integrated Technical Co-operation programme (ITCP). This follows the decision of IMO's Technical Co-operation Committee to decentralize the implementation of the ITCP through the regional co-ordinator scheme and partnership arrangements with regional organizations and national governments and institutions.

The regional co-ordinators will be empowered to manage and execute programmes with full financial authority with the administrative assistance of United Nations Development Programme (UNDP) country offices.

Odds and Ends

If you ever think you'll look back one day and laugh about it, you might as well laugh about it now.

One nice thing about egotists: they don't talk about other people.

Australian Reefrep – Automatic Reporting

Operating Authority

REEFREP is operated under joint Federal and State arrangements between the Australian Maritime Safety Authority (AMSA) and the Queensland Department of Transport (Queensland Transport). The system is manned and operated on a 24-hour-a-day basis by Queensland Transport personnel operating from the Ship Reporting Centre, Radio Call Identity “REEFCENTRE” Radio Callsign “VZQ 641”, situated at Hay Point near Mackay.

Through a system of coastal VHF radio sites REEFREP interacts with shipping, enabling the provision of improved information on the presence, movements and patterns of shipping in the area. REEFREP requires ships to report their position and details to “REEFCENTRE” which, in return, provides ship traffic information and other navigational safety related details.

A data exchange interface has been implemented between REEFREP and the existing AUSREP system which is operated from AMSA’s rescue Co-ordination Centre in Canberra. This avoids the need for dual reporting by ships when participating in the AUSREP and REEFREP system.

Automated Position Reporting Via Inmarsat C

The use of Inmarsat C for Automated Position Reporting was recommended in the recent Review of Great Barrier Reef Ship Safety and Pollution Prevention Measures 2001 to improve ship safety and environment protection in the GBR region and the Torres Strait.

A recent evacuation of Automated Position Reporting demonstrated that the ‘near real time’ availability of ships’ positional information can significantly improve the

quality of Ship Traffic Information provided by REEFCENTRE,

Vessels transiting the REEFREP region are encouraged to participate in Automated Position Reporting (APR) via Inmarsat-C. Inmarsat-C APR costs will be borne by AMSA, and it is intended that reporting requirements at the mandatory VHF Reporting Points will be progressively scaled back or withdrawn.

REEFCENTRE may exempt participating APR vessels from some of the mandatory VHF Enroute Position Reports where they provide adequate vessel and transit details. Vessels exempted by REEFCENTRE from mandatory VHF Enroute Position Reports must still comply with the other VHF reporting requirements prescribed in Section 2.4 (Entering and Leaving the REEFREP SRS), Section 2.5. (Pilotage Reports) and Section 2.6 (Special Reports).

ReefCentre will generally carry out APR remotely without any intervention by ships’ crews. However, a small proportion of vessels are fitted with first generation Inmarsat-C terminals such as the Thrane & Thrane 3020A which do not support remote programming. Masters of ships fitted with these terminals will be required to program them onboard to send position reports automatically. Instructions relating to programming of these terminals can be obtained from ReefCentre.

How to Participate in Automated Position Reporting

Vessels can participate in Automated Position reporting at any time by authorising REEFCENTRE to download a Data Network Identifier (DNID) to the ship’s Inmarsat-C terminal. Once the DNID is downloaded, REEFCENTRE is able to program the ship’s Inmarsat-C terminal to transmit position reports automatically at regular intervals.

Masters can communicate authorizations for DNID download either by:

1. Inmarsat **

By forwarding an APR message via Inmarsat to REEFCENTRE the Master authorises download of a DNID into the Inmarsat-C terminal, and provides the following details for each Inmarsat-C installation:

- Vessel Name, Callsign, Inmarsat-C Mobile Number (IMN), Manufacturer, and Model. (Example at Table 1)

** APR messages sent to ReefCentre using Special Access Code (SAC) 861 via Perth LES using Inmarsat-C access code '222' will be reverse charged to AMSA.

While reporting to REEFREP, you should ensure that your INMARSAT equipment remains active in the "LOGIN" mode at all times.

2. REEFREP VHF Voice Communications Channels

For example at the first Reporting Point, the Master (or his representative) verbally authorises the DNID download and provides the following details for each Inmarsat-C installation.

- Inmarsat-C Mobile Number (IMN) manufacturer, and Model. eg: 450306909, JRC JUE75C

The information will only be used by the REEFREP system whilst the ship is in the REEFREP area. The DNID will remain downloaded until the master or company advises REEFCENTRE that the ship is no longer a regular visitor. It is important that this information is passed during the final visit to Australia, as the DNID has to be deleted whilst the Inmarsat-C terminal is logged into the particular satellite region.

A ship is deemed to be a regular visitor if it's operating on the Australian coastal

trade or revisiting Australia from overseas within eighteen months. Infrequent visitors will have the DNID deleted from their terminals after sending a Final Report.

Further Information on Automated Position Reporting

For further information on Inmarsat-C APR please contact REEFCENTRE: Phone: +61(07) 4956 3581, (24 hour) Fax: +61 (07) 4956 3367, Telex: +7146483. <http://www.amsa.gov.au/>

Inmarsat Sponsors Sports of the Seven Seas

Inmarsat, the Total Communications Network™, today announced that it will be the exclusive sponsor of the Sports of the Seven Seas series. The sponsorship is the company's latest initiative to raise awareness of crew welfare issues and raise awareness for its Universal Crew Calling solutions.

Organised by the International Sports Sub-committee (ISS) of the International Committee on Seafarers' Welfare (ICSW), the series aims to promote health and fitness for ships' crews by running leagues for four sports: football, basketball, volleyball and table tennis.

Games are played at various seafarers' welfare centres around the world, from Antwerp and Rotterdam to the Baltic, Africa, South America and Asia. Last year, hundreds of teams – both male and female – representing nearly 40 nations took part in the four tournaments, playing over 1,000 games.

Seafarers can check on their team's progress through the sports section of the ICSW website and also through the annual magazine, Sports of the Seven Seas.

"Ensuring the welfare of seafarers can cover many things – from fitness and fun

to safety and security,” said Andrew Elliott, Company Secretary of the ICSW. “The ICSW is committed to looking at all aspects of welfare for ships’ crews, and I know that Inmarsat has the same focus. I’m delighted that our two organisations have been able to work together on this exciting project,” he said.

“Inmarsat’s commitment to the ISS clearly demonstrates our commitment to seafarer’s welfare,” said Robert Johnson, Director of Maritime and Aeronautical Business at Inmarsat. “The ISS Sports of the Seven Seas series allows us to showcase our crew calling products and drive home our welfare message to ship owners and managers”.

As exclusive sponsors of the series, Inmarsat will provide the top prize for the winner of each of the four leagues: an Inmarsat mini-M satellite phone for use by the ship’s crew. Inmarsat will also provide the teams with kit, and award spot prizes for individual team achievement.

“The aim of the ISS programme is to promote the health and well-being of seafarers,” said Bjørn Lødøen, Chairman of the ISS. “The Sports of the Seven Seas series is both an effective and fun way to do that. We believe that a fit and healthy seafarer is a safe and happy seafarer.

“This is the first time we have had a sponsor for the Sports of the Seven Seas, and we’re pleased that Inmarsat is coming on board,” he said.

“And what better way to tell your friends and family about your sporting triumphs than on an Inmarsat crew phone,” concluded Robert.

Inmarsat’s Universal Crew Calling solution – a low rate calling charge and free crew phone – was launched in 2002. More information on the Inmarsat crew phone can be found at www.inmarsat.com/crewcalling.

Computer Skills for Seafarers: ECDL

Some 12 million homes throughout the UK now have a connection to the internet – that’s about half the total.

A basic knowledge of computers and the net as well as the software we use with them – word-processing, databases, and spreadsheets – has become a must-have tool of everyday living as well as a pre-requisite for most jobs.

So that seafarers do not find themselves left out of this digital revolution, The Marine Society has launched a distance learning course - designed expressly for them - which leads to the nationally recognized qualification in personal computer literacy: the **European Computer Driving License (ECDL)**.

The course, which requires no prior knowledge of computers, is designed for study at sea. Tuition is delivered by means of a CD-Rom, with support available by email and telephone.

To be awarded the qualification of ECDL you have to pass seven modular tests based on the different ways computers handle everyday office tasks. These will have to be taken during leave periods, with arrangements made for them to be taken at a centre near your home.

But The Marine Society believes that many seafarers will wish to just complete the course and not bother about doing the tests. So it has designed its course provision to cater for both eventualities – those who just want to do the course and acquire the knowledge, and those who want to do the course, the tests, and get the qualification.

The cost of the course, including software and support, is just £99. This is a special price and is available only to seafarers.

If/when you wish to take the first of the seven tests, you will need a logbook from

the British Computer Society (which accredits the ECDL qualification) and you will need to present yourself at a local testing centre.

If you wish The Marine Society to make all these arrangements for you then it will happily do so for a further payment of £170. This price covers the logbook, all seven tests, and all disbursements. It is a considerably cheaper and a less-hassle method of getting the qualification than if you were to make the arrangements yourself.

But as we say, you needn't take any of the tests at all if you don't want to: you can simply do the course and bring yourself up to speed with the basics in using a computer. And that costs a one-off inclusive fee of just £99.

"We believe this to be the first time the European Computer Driving Licence qualification has been offered as a one-stop package designed specially for seafarers" commented the Marine Society's Head of Education, Brian Thomas. "Given the desirability of the qualification and the extremely competitive pricing, this is bound to be popular with seafarers"

Can you afford to be left on the wrong side of the digital divide? To find out more about the ECDL and what it can mean for you, contact The Marine Society today, or enrol online at: www.marine-society.org/ecdl

REMINDER - Seafarers' Book Service

Taking advantage of its unrivalled 75 years of experience in providing hundreds of exchange libraries every year to ships and installations throughout the world, The Marine Society has recently relaunched its **Seafarers' Book Service**.

This is a direct book-selling service for seafarers that covers any and every book in print, from block-busting bestsellers to vocational software by Seamanship International and publications from IMO.

The Seafarers' Book Service has been accorded authorized distributor/reseller sta-

tus with, amongst others, the International Maritime Organization; Lloyds Register-Fairplay; the Nautical Institute; Informa Publishing; and Seamanship International.

Decades of experience in sourcing books and close collaboration with the heavyweights in maritime publishing means the title you want can be provided quickly and efficiently and – even better – your purchase will usually qualify for a healthy price discount.

The Seafarers' Book Service uses its Seafarers Libraries distribution infrastructure and its bulk buying power to source books at favourable rates. And true to its mission as the world's oldest charity dedicated to enhancing the well being of seafarers, it shares that discount with seafarers.

To launch the service there is a minimum 10% discount offered on all titles from most publishers. And any remaining profit from sales will help boost The Marine Society's charitable resources to support seafarers.

That means with every purchase you make you save yourself money and generate much needed funds to support your fellow seafarers!

The Seafarers' Book Service is headed up by Brian Thomas, who said: "Our objective is to provide a seafarer-friendly book and software selling service where advice and guidance is freely available and the pursuit of profit is not the bottom line. I think this initiative will be much used by seafarers and we look forward to being of service to all who serve or have served at sea."

You can order online at www.marine-society.org or you can telephone 020 7261 9535. Credit card facilities are available. Contact Brian Thomas direct on Brian@marine-society.org or write to The Marine Society, 202 Lambeth Road, London SE1 7JW

Developing New and Existing Ports for the Prosperity & Security of Pakistan

A speech by Captain K. Raffat Zaheer, FNI, FCILT, MIMTA, Individual Member, given on 16th August 2003..

I shall confine my comments to the economic aspects of new port development and to the cost effective/efficient management of existing ports, because there are several experts present here, who will no doubt inform us about the security concerns of Pakistan.

Pakistan is blessed with over 700 kilometres of coastline and adjacent continental shelf rich in resources.

About 97 percent of the total world trade and over 90 percent of Pakistan's international trade is transported by sea.

Landlocked countries of Central Asia and the western region of PRC require an efficient access to the sea. For them the shortest distance to the sea is through Pakistan.

The establishment and maintenance of an efficient and cost-effective ports infrastructure and supporting inland road, railway and warehousing infrastructure is of paramount importance, if Pakistan is to exploit its geographical location. Indeed the economic prosperity of the people of Pakistan depends very much upon the building and efficient management of our ports.

The cost of providing logistics services for Pakistan's international trade is estimated by experts to be about 30 percent of the total cost of trade. A significant portion of this cost is expenditure incurred within the ports.

Port management today, must take a much wider view of its responsibilities than their predecessors. With competition on all sides at home and overseas, it is vital that a successful port has an organization, which is as efficient as possible, at every level, and is aware and alert to each other's duties and responsibilities. The managers and workers alike must be highly motivated, inspired and result oriented.

The modern perception of progressive port management requires a high degree of professionalism at all levels. Professional standards have to be raised at every level of managerial activity. Key Departmental managers must be put through intensive refresher courses at recognized national/international institutions, in order to improve their professional skills and acquire modern management techniques. Recruitment of new and replacement staff must be solely on merit giving utmost importance to professional aptitude.

Rigorous professional training programmes must be implemented for workers and staff alike to ensure that everyone involved in port operation is professionally oriented and regularly updates his professional skills. Without such an emphasis on professionalism, port management can never hope to achieve the desired efficiency and cost effectiveness required by the trade.

The planners and decision-makers in Pakistan have unfortunately never grasped the tremendous economic potential of Pakistan's coastline. It took us over 20 years of debate before the construction of the port of Gwadar finally commenced in March 2002. Had our economists, planners and decision-makers been more effective, Gwadar would have been built in the eighties and perhaps would have eliminated the requirement for building other regional mega-ports like Jebel Ali, Fujairah/Khor Forkaan and Salalah. With its ideal geographical location, Gwadar

would have been the choice of deep-sea liner operators to serve as a hub-port for transshipment cargo.

The scope for progress in port development in Pakistan is tremendous but much depends upon the ability of Pakistanis to harness our energies for working together in harmony, to pursue our common objective – which is the development and operations of efficient ports. However, real progress and cost effective development of ports can only be achieved when a greater degree of professional competence is introduced into the management of our ports.

Shipmasters' Series of Books

An interview with Captain Petr Osichansky

The series books "Shipmasters" came into world just 5 years ago. However, very soon this series book became famous and got its own place in the cultural life of Primorye. Nine books have already been published within these series and publishing each of them is a great event. Now we'll ask the President of FESMA Petr Osichansky about the beginning of the series book "Shipmasters", about books already published and those materials, which are getting ready for issuing.

- *Petr, how did the idea of creating the above series arise, what was the beginning?*

Actually, we didn't expect the series book to be a project. I even can tell that everything happened by chance. Kuyantsev Pal Palych, the famous Far Eastern Captain and the artist I had known for ages and remained a friend invited me to visit shortly before his death and handed his notes, reminiscences, and sketches to me. "You're free to do with it everything You'd like to. If you find it necessary to publish then do it" he told me. This case was

on my table for a long time and none of the writers or journalists I knew agreed to work over the materials for further publishing as a book. When Pal Palych died I made up my mind to put the matter to an end. I contacted the editor Vladimir Veschunov, who took the liberty of working over the composition of the book. When all the materials were set up as "Capt. Kuyantsev's notes" then the idea came to include in the book a separate part devoted to Capt. Kuyantsev. It consisted of almost all the materials about him available for that time. I wish we could have included more publications about him but used only those we had at our disposal. When the book was ready for publishing the idea came to issue it under the rubric. No doubt that it should be the Captains' rubric. So the serial book "Shipmasters" came into the world. It was autumn 1998. Thus Capt. Kuyantsev became a God-Father of our series though he didn't know about it.

- *And later on there were your books to follow.*

The matter is that after publishing the Kuyantsev's book we're supposed to justify the name of Shipmasters' series and go on publishing. Vladimir Veschunov offered to take part in the series as an author. I told him that I had only clippings as Pal Palych had and, probably, they're out of date. He asked me to bring them so he could have a look and started to get them ready for further publishing. Thus my first book "Personality is needed" came into the world. Essays and Interviews with Masters were published in this book, where they tell about their profession, about current problems of seafaring, share their experiences and tell interesting and edifying stories from maritime life. A famous Primorsky writer Lev Knyazev wrote a preface and it became a kind of blessing for our

series of books “Shipmasters” with me as an author. So we had to justify the hopes of the respectable writer and work with his good words said in advance for our Shipmasters’ series. I also became the author of the ninth book “Russians on FOC vessels” published at the end of 2002. It consists of two parts. The first one is a kind of guideline for seafarers based on the true stories from my practice. Not only usual problems of crews on FOC vessels are highlighted in this part but also those specific features characteristic of Russians. Chapter ten is translated into English to give an idea of the book for English-speaking readers. I guess that it would let them understand better the Russian mentality and thus, would be helpful in working with Russian crews having problems all over the world.

The second story is biographical. There I described my work as the Master aboard the m/v “Ocean Sky” owned by the Greek Company “Adriatic Shipping Tankers”.

- *Have you defined any thematic criteria and professional literature level of Shipmasters’ series?*

No doubt. At the very beginning the Geographical Society offered for publishing within our series a book about skipper Geck. They stressed that a skipper was a Master so it allegedly answered the series’ requirements. When I looked through the material I understood that publishing geographical, historical and biography materials within the Master’s series would exceed its limits having misrepresented the main concept. Books published within the series are supposed to be about Captains, even written by Captains and highlighting problems of seafarers and Captains to be exact. I had to discuss with Vladimir Veschunov the requirements the Master’s series was supposed to meet and

finally they’re worked out. Of course these are not strict criteria and we had to be flexible in certain cases. I guess we were flexible when considering the manuscript of the book “Odyssey without Itaka” presented by Russian writers-immigrants and “Marine Customs, traditions and solemn ceremonies of Russian Imperial Fleet” written by Y. Gordenev. Now we even have the editorial board authorized to solve if this or that book can be published within the Shipmasters’ series or not. The professional literature level is also taken into account as a criterion.

- *What other book has come into the world within the Masters’ series and what plans do you have for the near future?*

We’ve published a book-essay written by Lev Knyazev. It has high-quality prose and doesn’t need to be advertised. A Far-Eastern Captain, a poet, an artist and just versatile person, Mikhail Sobolevsky, wrote a book of poems “Hope is still alive”. It was published in 2000. The book of the Captain-polar explorer Phillip Polunin “On ice and by sea-water” was devoted to heavy and dangerous work in the Arctic and Antarctic regions. There were cases when the editor asked an author to work over his manuscript and to bring his work to an end. If the author refused then the book wasn’t allowed for publishing within the Shipmasters’ series. We’re planning to issue a book devoted to Lady-Captain Anna Schetinina for a long time. To my regret we do not have much printed materials but have lots of pictures. So, probably, we’ll have to change the book’s format and publish it in the form of photo album. There are some other ideas. I’m not sure that it’s worthy talking about. We’ll just put it into practice.

Guidelines on Places of Refuge for Ships in Need of Assistance

Extract from IMO Document A 23/17/Add.1, 17 July 2003 – final submission for approval by the IMO Assembly. To view the complete document, with Annexes, please visit the IFSMA Website.

1 General

Introduction - Objectives of providing a place of refuge

1.1 Where the safety of life is involved, the provisions of the SAR Convention should be followed. Where a ship is in need of assistance but safety of life is not involved, these guidelines should be followed.

1.2 The issue of “places of refuge” is not a purely theoretical or doctrinal debate but the solution to a practical problem: What to do when a ship finds itself in serious difficulty or in need of assistance without, however, presenting a risk to the safety of life of persons involved. Should the ship be brought into shelter near the coast or into a port or, conversely, should it be taken out to sea?

1.3 When a ship has suffered an incident, the best way of preventing damage or pollution from its progressive deterioration would be to lighten its cargo and bunkers; and to repair the damage. Such an operation is best carried out in a place of refuge.

1.4 However, to bring such a ship into a place of refuge near a coast may endanger the coastal State, both economically and from the environmental point of view, and local authorities and populations may strongly object to the operation.

1.5 While coastal States may be reluctant to accept damaged or disabled ships into their area of responsibility due primarily to the potential for environmental damage, in fact it is rarely possible to deal satisfactorily and effectively with a marine casualty in open sea conditions.

1.6 In some circumstances, the longer a damaged ship is forced to remain at the mercy of the elements in the open sea, the greater the risk of the vessel’s condition deteriorating or the sea, weather or environmental situation changing and thereby becoming a greater potential hazard.

1.7 Therefore, granting access to a place of refuge could involve a political decision which can only be taken on a case-by-case basis with due consideration given to the balance between the advantage for the affected ship and the environment resulting from bringing the ship into a place of refuge and the risk to the environment resulting from that ship being near the coast.

Background

1.8 There are circumstances under which it may be desirable to carry out a cargo transfer operation or other operations to prevent or minimize damage or pollution. For this purpose, it will usually be advantageous to take the ship to a place of refuge.

1.9 Taking such a ship to a place of refuge would also have the advantage of limiting the extent of coastline threatened by damage or pollution, but the specific area chosen may be more severely threatened. Consideration must also be given to the possibility of taking the affected ship to a port or terminal where the transfer or repair work could be done relatively easily. For this reason the decision on the choice and use of a place of refuge will have to be carefully considered.

1.10 The use of places of refuge could encounter local opposition and involve political decisions. The coastal States should recognize that a properly argued technical case, based on a clear description of the state of the casualty, would be of great value in any negotiations which may take place.

1.11 At the international level, the Conventions listed in Appendix 1 constitute, *inter alia*, the legal context within which

coastal States and ships act in the envisaged circumstances.

Purpose of the Guidelines

1.12 The purpose of these Guidelines is to provide Member Governments, shipmasters, companies (as defined in the ISM Code), (particularly in connection with the ISM Code and procedures arising therefrom), and salvors with a framework enabling them to respond effectively and in such a way that, in any given situation, the efforts of the shipmaster and shipping company concerned and the efforts of the government authorities involved are complementary. In particular, an attempt has been made to arrive at a common framework for assessing the situation of ships in need of assistance.

1.13 **These Guidelines do not address the issue of operations for the rescue of persons at sea**, inasmuch as the practical difficulties that have given rise to the examination of the issue of places of refuge relate to problems other than those of rescue. Two situations can arise:

- the ship, according to the master's assessment, is in need of assistance but not in a distress situation (about to sink, fire developing, etc.) that requires the evacuation of those on board; or
- those on board have already been rescued, with the possible exception of those who have stayed on board or have been placed on board in an attempt to deal with the situation of the ship.

1.14 If, however, in an evolving situation, the persons on board find themselves in distress, the rules applicable to rescue operations under the SAR Convention, the IAMSAR Manual and documents arising therefrom have priority over the present Guidelines (and procedures arising herefrom).

1.15 In any case the competent MRCC should be informed about any situation which may develop into a SAR incident.

1.16 Even though a rescue operation, as defined in the International Convention

on Maritime Search and Rescue (SAR) is not the case, the safety of persons must nevertheless be constantly borne in mind in the application of these Guidelines, particularly in two respects:

- if the ship poses a risk (explosion, serious pollution, etc.) to the life of persons in the vicinity (crews of salvage vessels, port workers, inhabitants of the coastal area, etc.);
- if persons voluntarily stay (master, etc.) or go (fire-fighters and other experts, personnel of marine salvage or towage companies, etc.) on board to attempt to overcome the difficulties experienced by the ship.

1.17 These Guidelines do not address the issue of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge.

Definitions

1.18 **Ship in need of assistance** means a ship in a situation, apart from one requiring rescue of persons on board, that could give rise to loss of the vessel or an environmental or navigational hazard.

1.19 **Place of refuge** means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation, and to protect human life and the environment.

1.20 **MAS** means a maritime assistance service, as defined in resolution [A(23)], responsible for receiving reports in the event of incidents and serving as the point of contact between the shipmaster and the authorities of the coastal State in the event of an incident.² Guidelines For Action Required Of Masters And/Or Salvors Of Ships In Need Of A Place Of Refuge

Appraisal of the situation

2.1 The master should, where necessary with the assistance of the company and/or the salvor, identify the reasons for his/her ship's need of assistance. (Refer to paragraph 1 of Appendix 2.)

Identification of hazards and assessment of associated risks

2.2 Having made the appraisal referred to in paragraph 2.1 above, the master, where necessary with the assistance of the company and/or the salvor, should estimate the consequences of the potential casualty, in the following hypothetical situations, taking into account both the casualty assessment factors in their possession and also the cargo and bunkers on board:

- if the ship remains in the same position;
- if the ship continues on its voyage;
- if the ship reaches a place of refuge; or
- if the ship is taken out to sea.

Identification of the required actions

2.3 The master and/or the salvor should identify the assistance they require from the coastal State in order to overcome the inherent danger of the situation. (Refer to paragraph 3 of Appendix 2.)

Contacting the authority of the coastal State

2.4 The master and/or the salvor should make contact with the coastal State in order to transmit to it the particulars referred to in paragraphs 2.1 to 2.3 above. They must in any case transmit to the coastal State the particulars required under the international conventions in force.

Such contact should be made through the coastal State's Maritime Assistance Service (MAS), as referred to in resolution [A(23)].

Establishment of responsibilities and communications with all parties involved

2.5 The master and/or the salvor should notify the MAS of the actions that are intended to be taken and within what period of time.

2.6 The MAS should notify the master and/or the salvor of the facilities that it can make available with a view to assistance

or admittance of the ship to a place of refuge, if required.

Response actions

2.7 Subject, where necessary, to the coastal State's prior consent, the shipmaster and the shipping company concerned should take any necessary response actions, such as signing a salvage or towage agreement or the provision of any other service for the purpose of dealing with the ship's situation.

2.8 The master, the company and, where applicable, the salvor of the ship should comply with the practical requirements resulting from the coastal State's decision-making process referred to in paragraphs 3.12 to 3.14.

Reporting procedures

2.9 The reporting procedures should be in accordance with the procedures laid down in the safety management system of the ship concerned under the ISM Code or resolution A.852(21) on Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies, as appropriate.

Tailenders

Low Self Esteem Support Group will meet Thursday at 7pm. Please use the back door..

"I don't know half of you half as well as I should like; and I like less than half of you half as well as you deserve."

Bilbo Baggins in "The Lord of the Rings: The Fellowship of the Ring"

I am careful not to confuse excellence with perfection. Excellence, I can reach for; perfection is God's business.

Michael J. Fox