

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS



37TH ANNUAL GENERAL ASSEMBLY

HALIFAX, NOVA SCOTIA, CANADA, 9-10 JUNE 2011

MINUTES AND ANNEXES

Annex 1 AGA Statements & Resolutions

37th AGA Proceedings PART B

With the Compliments of
The Secretary General

202 Lambeth Road, London SE1 7JY

Tel.: +(44) 20 7261 0450

Fax.: +(44) 20 7928 9030

Email: hq@ifsma.org

Web Site: www.ifsma.org

MINUTES OF THE 37th ANNUAL GENERAL ASSEMBLY

Halifax, Nova Scotia, Canada

The 37th Annual General Assembly was held in the Westin Nova Scotian Hotel, Halifax, Nova Scotia, Canada, on Thursday 9th and Friday 10th June 2011.

LIST OF DELEGATES

EXECUTIVE COUNCIL

Christer Lindvall (Sweden)	President
Koichi Akatsuka (Japan)	Deputy President
Jerome Benyo (USA)	Vice President
Marcel van den Broek (Netherlands)	Vice President
Remi Boissel Dombreval (France)	Vice President
Willi Wittig (Germany)	Vice President

FROM MEMBERS OF ASSOCIATIONS

Kaleveld, Frank	CMMA	Australia
Cuyt, Jef	KBZ	Belgium
Augusto, Müller	SINDMAR	Brazil
Dimitrov, Dimitar	BSMA	Bulgaria
Denton, William	CMMC	Canada
Gallagher, Jack	CMMC	Canada
Gates, Patrick	CMMC	Canada
Knight, Alan	CMMC	Canada
McDonald, Angus	CMMS	Canada
Mugridge, David	CMMC	Canada
Soppitt, Alwyn	CMMC	Canada
Turner, Peter	CMMC	Canada
Gamper, Juan	Nautilus (Chile)	Chile
Boissel-Dombreval, Rémi	ACOMM / ExCo	France
Wittig, Willi	VDKS / ExCo	Germany
Akatsuka, Koichi	JCA / ExCo	Japan
Fujisawa, Masahiro	JCA	Japan
Van den Broek, Marcel	Nautilus NL / ExCo	Netherlands
Lindvall, Christer	SSOA / ExCo / President	Sweden
Benyo, Jerome	CAMM / ExCo	USA

INDIVIDUAL MEMBERS

Augusto, Müller	Brazil
Fage-Pedersen, Jens	Denmark (Ind Mem)
Subhedar, Sudhir	India (Ind Mem)
Akatsuka, Koichi	Japan

MacDonald, Rodger	UK (Ind Mem & Secretariat)
Owen, Paul	UK (Ind Mem & Secretariat)
Benyo, Jerome	USA (Ind Mem & CAMM & ExCo)

GUEST SPEAKERS

Aitken, Alan	Sperry Marine	Canada
Parsons, James	Marine Institute of Memorial University	Canada
Wardetzki, Bert	Zeller Associates	Germany
Shaw, Hugh	UK Government	UK
Wake, Philip	Nautical Institute	UK

SECRETARIAT

Captain Rodger MacDonald	Secretary General
Captain Paul Owen	Assistant Secretary General
Ms. Roberta Howlett	Administration Officer

A list of apologies received is held at the IFSMA Office. FILSCAPTS sent their apologies for being unable to attend and added that they looked forward to attending the next AGA.

AGENDA ITEM 1 – Welcome

Captain Peter Turner, on behalf of the President of the Company of Master Mariners of Canada, introduced the port of Halifax, welcoming all IFSMA Members, wishing all those attending a pleasant stay and a successful meeting.

Captain Lindvall, President of IFSMA, thanked Captain Turner for his warm welcome and gave his opening address (see page-4 in the IFSMA Annual Review) and then declared the 37th Annual General Assembly formally open.

AGENDA ITEM 2 – Adoption of Agenda

The President announced that an additional speaker, Ms. Sarah Kirby from Ritch Durnford Lawyers of Halifax, had been invited to speak to us on the subject of “Fair Treatment of Seafarers following Pollution Incident”. In addition we had a request from Murmansk Shipmasters Association to consider the situation regarding the Traffic Separation Scheme around the Norwegian Coast, time permitting it was agreed to include this item.

The President announced that the Lunch Break would be reduced from 2 hours to 1.5 hours commencing after lunch at 13:30 hours.

The President further announced there was also the need under AOB to decide on the location of the next AGA, he continued that we had received one invitation for 2012 from Denmark and another for 2013 from Melbourne, Australia.

It was necessary to delete Agenda Item 12 as Hans Sande, the author, was unable to attend at the last moment, however, the President added that his paper was available to the AGA.

The Agenda was adopted with these amendments.

AGENDA ITEM 3 – Adoption of the Minutes to the 36th AGA.

The Minutes of the 36th Annual General Assembly held in Manila, Philippines on 17-18 June 2010, were adopted without amendment.

AGENDA ITEM 4 – Establish Drafting Group.

The Drafting Group was established and comprised: Willi Wittig,

AGENDA ITEM 5 – Secretary General’s Report and Hon Auditor’s Report**SECRETARY GENERAL’S REPORT**

The Secretary General gave his report, which is reproduced in the IFSMA Annual Review 2010-2011, starting on page 8. He supplemented his written report with further updates and reports on various subjects the text of which is reproduced here.

Since I wrote my report for the review the IMO has held its Maritime Safety Committee meetings in London. Currently the Navigation sub-committee is meeting in London and Rune Mortensen and Allan Graveson are IFSMA delegates at the meeting and copying in their interventions.

At the MSC89 held in May 2011 the key issue raised from IFSMA’s viewpoint was the ongoing saga of the on-load lifeboat hooks. I have represented IFSMA at the Industry Lifeboat Group since its inception.

Lifeboat Hooks: The Industry Lifeboat Group.

Since the very early days, the goal of ILG has been to require the design and installation of intrinsically safe hooks. That is, those hooks that will fail to the safe closed position in the event of a failure. These are commonly believed to be “load over centre”.

When a hook is designed to be intrinsically safe, there should be no need for a secondary safety system (SSD). If a hook is intrinsically safe, the introduction of a secondary safety system does several things:

It undermines the confidence of the seafarer in the equipment that has been designed and manufactured to be intrinsically safe by telling them that despite its design, there is no confidence in the equipment. It has therefore solved nothing in regards to this confidence matter.

A secondary system introduced into an intrinsically safe device introduces unnecessarily, further probability for mechanical malfunction or failure.

The additional step to address the function of the secondary safety system during the launching or recovery system introduces unnecessary possibility for human failure. This is the exact element that we have been trying to remove from the equation.

By training differently than the procedure used during an emergency, as many have suggested, using the secondary system for training and then not using the secondary system in an emergency leads to further possibility of human failure and introduces greater

possibility of accident. In our view, a basic tenet of training is that you train to do the exact same thing you do in an emergency – not something different.

Questions will arise as to the functional design of the secondary system and questions by both port state and flag state. This in turn will lead to further uncertainty on the part of the seafarer and the operator alike and may ultimately result in the matter being brought back to IMO so that the regulators can address the matter of the design of the secondary system.

One way out of this dilemma as we view it would be to require said secondary system on those systems that are not shown to be intrinsically safe.

There is a further issue on the need to operate any SSD from inside the boat on tankers and others have raised similar issues, most of them associated with tankers and similarly dangerous properties of the cargoes they carry.

An SSD operable inside the boat is desirable for **all** enclosed boats. It is one of the sticking points against fall preventer devices (FPDs) that operatives must place themselves in the path of dangerous heavy connecting links to disconnect them in any boat with a restricted hatch, which most are. The chances of getting one's head knocked off are rather greater than those of getting it blown off or being overwhelmed by toxic vapours.

One suggestion is that this idea could be applied across the board as one to be striven for. That way it should surely not be such a problem to the regulators and the manufacturers –i.e. having to separate out tankers etc.

Ironically, one hook that a member of the ILG has encountered during an accident investigation (three maimed) is one that has had a bad press and yet it is but a small step away from the concept alluded to above - much more so than any other design. All that was needed to do is to provide the pin and extend the cheeks to accommodate it. Had that been available to the crew of the boat concerned it is most probable that they would not have had the accident. The controlling cam, amazingly already has the hole in it ready to take the pin and yet the manufacturer did not provide any fixed point to locate it to! I can supply details if anybody wants them.

IFSMA finds the situation of unsafe on-load release hooks very frustrating. Industry as a whole wants to resolve the situation, and has proposed sound ideas but we cannot get the full support of administrations. Seafarers are being killed or seriously injured because of it.

Other key issues discussed at MSC were:

Piracy: Orchestrating the Response.

IFSMA fully participated in the working group to discuss these moves. One main intervention IFSMA made was that prior to the privately contracted armed security personnel (PCASP), the master and crew should be briefed on the High Risk Area, location and duration of the ship's passage, the role of the PCASP within the security plan and watch bill and the crew's action when under attack.

NOTE The changing situation offshore Somalia and the Indian Ocean since our last AGA would suggest that this AGA should revisit IFSMA policy on having armed personnel on board.

Endorsement of the Maritime Security Manual

The working group proposed the endorsement of the revised draft of this Manual.

Role of the human element

ITF with IFSMA's support raised concerns that the working group on the 'downgrading' the level of this important working group to STW sub committee where it occupies position 8 on the STW's revised terms of reference.

Criminalisation - Recent events.

Spain.

Captain Maslennikov Sergey was Master on the tug *Zudar Sexto* Feb, 2003 through a Ukraine crewing agency. The tug worked between West African ports under Spanish Flag. The ship was owned by Rambler Shipping Limited.

In October, 2003 Captain Maslennikov Sergey was transferred by the owners from *Zudar Sexto* to the MV *Boreas* sailing under the Cyprus flag. Both vessels were under the control of the same operator.

On October, 25, 2003 the tug *Zudar Sexto* was arrested in Cabo Verde, the crew were put in the local prison. A further five Ukrainian seamen were deported to Spain.

On November, 19, 2003 Captain Sergey was arrested in the port of Bilbao, Spain and until now remains in prison together with five members of the crew of tug *Zudar Sexto*. As the seamen had no funds, a free-of-charge lawyer was appointed to protect their interests.

Firstly the Master and crew were accused of the transportation of drugs, then of towing a boat loaded with drugs, then of belonging to a criminal organisation. All accusations are based on the fact that the *Zudar Sexto* was under repair in the same port and at the same time as the MV *South Sea* on which 7 tons of cocaine were found in Portugal later.

However until now no proof of their involvement has been submitted on any one of the specified accusations, but the seamen continue to stay in prison. This totally contravenes any reasonable interpretation of human rights the EU so proudly claims it supports. Of course the guidance on fair treatment for seafarers has again been ignored.

If after all this time proof of guilt regarding the Captain and members of his crew have not been found then it is probable they are innocent, and the seafarers should be freed.

Panama.

A Master was arrested in Panama because a large quantity of drugs was found on board his ship. The charge may be justified but bearing in mind the above and the Coral Sea incident, IFSMA has asked the Panamanian Embassy in London to advise IFSMA on the situation.

These incidents add yet more strength to the reason for IFSMA to organise the 'MasterMarinerProtect' Benefit Scheme. Unless competent criminal and maritime lawyers are immediately available to assist Shipmasters then the local authorities can lock them into a

situation that is difficult to get out of. A seafarer in a foreign port is vulnerable and an ideal scapegoat for unscrupulous politicians.

Piracy

Currently IFSMA is deeply involved in a number of working groups on Piracy. In particular the UN working groups one two and three and Oceans Beyond Piracy. Bjorn Haave is attending the Oceans Beyond Piracy workshop at Chatham House in London this week, representing IFSMA.

Noise Pollution IMO Correspondence group

The draft revised IMO Code on Noise Levels on Board Ships is now being discussed through a Correspondence Group following on from the working group at the DE 55 sub-committee meeting.

The Code is designed to provide standards to prevent the occurrence of potentially hazardous noise levels on board ships and to provide standards for an acceptable environment for seafarers.

Recommendations are made for:

- protecting the seafarer from the risk of noise-induced hearing loss under conditions where at present it is not feasible to limit the noise to a level which is not potentially harmful;
- measurement of noise levels and exposure;
- limits on acceptable maximum noise levels for all spaces to which seafarers normally have access.

Recent communications from our Associations for discussion of the AGA.

DMO (Denmark)

The Danish Maritime Officers have invited IFSMA to hold it 38th AGA in Copenhagen during 2012.

CMMA (Australia)

The Company of Master Mariners Australia have invited IFSMA to hold the 39th AGA on April 11th and 12th 2013 in Melbourne to coincide with their 75th Anniversary. They anticipate 90 delegates would attend.

GlobalMET

Captain Rod Short of GlobalMET has expressed the view that there is potential for a very good collaborative relationship that would strengthen both IFSMA and GlobalMET.

For IFSMA it would facilitate and strengthen input into MET from the shipmasters, which is much needed and be seen as a very positive initiative, For GlobalMET a close association with IFSMA would strengthen us in many respects, particularly as it would show that the

'academics' are listening to the shipmasters in assisting with the development of MET and we are associated with an organisation that is comprised mainly of highly experienced seafarers in management roles.

At this stage he suggests we explore the possibilities of moving closer together and thought that you might welcome a suggestion of a proposal with potential to enhance the shipmasters' role in shaping MET in the future, particularly given the technological revolution that is impacting on ship operations and on MET.

Your Secretary General believes this is a good idea and in San Pedro in 2006 we did talk about possible future collaboration with GlobalMET. We have jointly run some successful workshops on MET related subjects in Manila.

My Retirement

Finally I have to announce that I have advised the Executive Council that I wish to retire in 2012 so this will be my penultimate AGA report. Apart from personal reasons for this decision I also feel that with the new technology advancing into our industry IFSMA needs a younger and modern thinking Secretary General to advance our Federation into the challenging years ahead. We will be looking for my replacement during the coming months and hope to interview potential candidates at the November EXCO meeting. In the meantime I will be happy to carry on and fully support our work on behalf of the shipmasters along with my colleagues Paul and Roberta who continue to give total commitment.

The President then invited any questions.

Rick Gates asked why the Guidelines of Criminalisation are not included in an IMO Convention and if the EU had an alternative. **Rodger** replied that to do this would take an average of 15 years + if you are lucky. INTERTANKO took the case of the 'Prestige' to the European Court of Justice. Spain says they have their independent laws which makes it very difficult for non-Spanish seafarers arrested in Spain. He added that the key to success is to provide legal support early to avoid the possibility of going to jail. **Jef Cuyt** asked why we did not hear about this case earlier. **Rodger** replied that it was not reported in the media and no one told us about it. **Frank Kaleveld** raised the subject of the anti-whaling protestors on the actions of the vessel 'Sea Shepherd' in the Southern Ocean which is a clear breach of international laws. **Koichi Akatsuka** added that whaling is sensitive and political so he was not in a position to comment – however, all maritime organisations should adhere to international regulations such as SOLAS and COLREGS.

Dimitar Dimitrov raised the subject of the Bulgarian master arrested in Panama and the fact that the shipowner abandoned the master. The **President** remarked that IMO instruments have to be implemented by each individual IMO member State, otherwise they have no effect in law. He further commented that the IMO Human Element working group has been transferred from MSC/MEPC to the STCW Committee, and that it is now up to the Chairman to decide if he wants to use one of his three permitted Working Groups for the Human Element. He believed this is not a good decision.

The **President** then noted that there is the question as to whether we should change IFSMA Policy to support the use of armed guards on board ship, and if so under what circumstances. There was no disagreement to changing the policy. **Rick Gates** said there were issues with certain countries, such as South Africa, India and Pakistan, where the carriage of arms

onboard ship under any circumstances is prohibited. The **President** replied that we are aware of this problem and that the UN Security Council and IMO are considering this. **Rodger** added that even if we change the IFSMA Policy it does not mean that every Member Association has to follow. **Willi Wittig** added even if we change policy we should be aware that another change may be necessary soon – he encouraged the AGA to consider that the arming of vessels may not be the ultimate solution. **Jef Cuyt** said that in principle they supported the change in policy on the condition that in no case should seafarers be armed and that the Master must have ultimate authority. **Koichi Akatsuka** said there was no objection to the change in policy but best practice as agreed by IMO should be followed. The President stated that our sister organisations have also changed their policy. He concluded there was general agreement to change IFSMA Policy subject to not arming the crew and the master remaining in charge.

HONORARY TREASURER'S REPORT

Rodger MacDonald (acting as Honorary Treasurer) reported that we experienced a substantial loss of £14,610 for the year. He reported on all the figures presented in the Profit and Loss Statement (included AGA Part A document) and in particular mentioned - Income was £4,000 below budget; he explained that this was in part due to one Association paying their subscription early during the previous year. The expenditure was significantly higher than that budgeted, the major difference being the cost of the production of the Annual Review where, due to the recession, it had been very difficult to obtain advertising to cover the costs. The Executive Council meeting costs were high due to the locations: these were held during the year (France and Japan) with associated travelling costs. Travel expenses to other meetings were higher than budgeted, again due to location of the meetings.

Rick Gates asked about the Capital Gains tax that IFSMA pays. **Rodger** replied that we only pay this tax on any income from investments, as a not for profit organisation we do not pay tax on any other income.

Rodger then explained the status of the IFSMA accounts for the first part of 2011. He mentioned that the cost of Lloyd's List was now unacceptable and we had been unable to obtain a reasonable discount to their advertised prices. He added that interest received on our bank accounts was exceptionally low at present.

The Secretary General's Report and Hon Treasurer's Report were both approved.

It was proposed to reappoint Bjorn Haave as the Hon Auditor for another year. **Jef Cuyt** pointed out that the Hon Auditor was a member of the Executive Council, this was acknowledged by the President. The appointment of Bjorn Haave was agreed.

AGENDA ITEM 6 – Voting on resolution to increase Annual Subscriptions

Rodger MacDonald explained the proposed budget for 2012 included an allowance for the replacement Secretary General, yet to be recruited. The total budgeted expenditure being £93,850 with budgeted operating costs of £92,810. To achieve this he proposed an increase in subscriptions to £12 for Association Members and £60 for Individual Members commencing in 2012. For the Associations this would be a return to the previous subscription level from a few years ago, he argued that due to the reduction in the value of the British pound this should not be too much of a hardship.

The President announced the results of the Proxy and Postal votes, for which there was one objection to the increase, he then asked for a show of hands for any objections, there were none, he then asked for a show of hands for those in agreement to the increase in subscriptions.

The increase in Subscriptions, to £12 for Association Members and £60 for Individual Members from 2012, was agreed unanimously.

Rodger MacDonald reminded everyone that an increase in Member Subscriptions was not the only way to increase IFSMA income and encouraged Members to recruit new Association Members.

The President then adjourned the Assembly for the lunch break until 13:30.

After the lunch break the President requested agreement to the application for Association membership by the Master Mariners Society of Pakistan, this was agreed by acclamation.

AGENDA ITEM EXTRA – Fair Treatment of Seafarers following Pollution Incident

By Invitation Sarah Kirby (Ritch Durnford Lawyers, Halifax) gave this presentation

Speakers slide show <http://compartevents.com/MasterMariners/PDF/Kirby%201.pdf>

Speakers notes <http://compartevents.com/MasterMariners/PDF/Kirby%202.pdf>

The President thanked Sarah Kirby for her very interesting and relevant presentations.

AGENDA ITEM 7 – Criminalisation and MasterMarinerProtect Benefit Scheme

Presented by Willi Wittig (VDKS) and Bert Wardetzki (Zeller Associates)

See - <http://www.master-benefits.com/> - for details.

Willi Wittig commenced the presentation by setting the scene as to why shipmasters needed the MasterMarinerProtect Benefit Scheme. Bert Wardetzki took over to cover the details of the Benefit Scheme including the procedures to join and what is covered by the Benefit Scheme.

The MasterMarinerProtect Benefit Scheme was now up and running and the first Members had signed up.

AGENDA ITEM 8 – The Role of the UK SOS REP

Presented by Hugh Shaw, UK Secretary of State's Representative

For a copy of paper see IFSMA Annual Review 2010-2011, page 34.

Hugh Shaw then answered any questions. He started by explaining how he obtained his present post. **Marcel van den Broek** asked, that if there was only one SOSREP what happened when he was away and if there were any other countries following the SOSREP system. **Hugh** replied that there was only one SOSREP, although he has a deputy, responsibility rests ultimately with him, if necessary he could fly back to UK immediately.

He understands that Belgium is now following the UK system, and that others are moving towards the same system. The model works very well for the UK. **Jef Cuyt** commented that until recently 14 ministers had to have their say and that now one person has been appointed who reports to all those people. **Peter Turner** asked about the administration and who pays any bills arising from his decisions. **Hugh** replied that he has to keep the minister(s) fully briefed – it is important that the minister hears any relevant news from him and not from the press or other sources - he often receives requests from local politicians as to what is happening in their patch. He feeds requests for assistance and equipment via MCA, any costs are sent to the P&I, etc., or covered by arbitration afterwards. Government tugs can be used; they can also be released to bid for the contract. **Patrick Gates** asked if a vessel has sunk could you give insurers a direction to remove the wreck. **Hugh** replied that he could and gave the example of the Napoli, the insurers asked if they could leave the final 7,000 tons on the seabed as no longer a pollution threat, a decision was taken that the whole wreck must be removed on safety grounds.

AGENDA ITEM 9 – Cross Cultural Competency

Presented by Jim Parsons, Academic Director, School of Maritime Studies, Marine Institute, Memorial University, Newfoundland.

For a précis of paper presented see IFSMA Annual Review 2010-2011, page 14.

Christer Lindvall – Commented that this subject was close to his heart and that Maritime resource management also dealt with this subject and presentations about this had been made to IMO. **Jim** replied that he had a colleague from the Canadian side who would support the project for IMO submission. **Peter Turner** remarked that Jim had referred to three companies who were proud of their single nationality crews, there has been a drive particularly for gas carriers and tankers to have crews of a single nationality for developments of procedures and emergencies. **Jim** replied that it is a risk in the case of emergencies, that would be the driving force for the policy. The dynamics on board ship have changed. **Dimitar Dimitrov** remarked that the Varna Naval Academy has conducted a study to produce a psychological profile of Bulgarian seafarers, and that maybe IMO needs to gather all such similar profiles and consolidate to produce one profile. **Rodger MacDonald** added that in 1998 when he was principal of the National Sea Training Centre he had a request from the Finish Maritime College to spend a day lecturing their students on how they would manage with cross cultural crews, also the British Council were involved in this training as well. **Philip Wake** commented that you cannot have leadership training unless it takes into account cross cultural issues and stated that this is the route to choose when approaching IMO. GLOBALMet is working on model courses to which the Nautical Institute is contributing.

AGENDA ITEM 10 – ECDIS Revolution

Presented by Philip Wake, Chief Executive, The Nautical Institute.

See Annual Review 2008-2009, page 8, for the written paper.

Rodger MacDonald remarked that one issue that has come up is the lack of standardisation; it is essential that an officer is familiar with the equipment onboard. **Philip** replied that that is where Port State Control comes in to catch the people who have only attended a generic course. **Dimitar Dimitrov** asked if there was any differentiation between different ECDIS.

Philip replied that specific training will handle that, however, the Institute is promoting in E-Nav the use of S-Mode or a standard mode, that pilots and others could utilise when boarding a ship and being unfamiliar with the particular equipment installed. **Peter Turner** added that he was not sure if a standard design for ECDIS equipment had been achieved, and asked how the Port State Control officer would receive his training. **Philip** replied that the ECDIS training group is looking at this. **Koichi Akatsuka** asked who would approve ECDIS training. **Philip** replied that the Flag States will have to approve the training and that there was an IMO model course. **Hugh Shaw** commented that pressures are already on masters and crews, and suggested that competence should be checked of the ship. **Philip** agreed that competence should be checked at the training level. **Rémi Boissel-Dombreval** remarked that training and familiarisation was only required for the primary means of navigation and that if there was only one ECDIS on board and charts also used then the officers only needed to be competent with charts.

This completed the first day's programme. The President reminded everyone that the Annual Dinner would be held that evening and adjourned the meeting.

The President opened the second day by thanking CMMC for hosting the excellent Annual Dinner the previous evening. He then introduced the Secretariat members and Executive Council present.

AGENDA ITEM 11 – Piracy and Maritime Terrorism

Presented by David Mugridge, Independent Maritime Security Consultant, Research Fellow, Dalhousie University.

For a précis of paper presented see IFSMA Annual Review 2010-2011, page 18.

Peter Turner noted that there had been discussions by government authorities on the actual cause of the piracy from Somalia and control of the area by warlords or terrorist groups. He asked if there was any future in having a policing action against Somalia such as is happening in Afghanistan. **David** replied that he felt that we should learn the lessons from action in Iraq and Afghanistan, particularly where we have got it wrong. Where we try to impose a western solution over a population that was not western in origin we came up against huge problems. The problem in Somalia might be traced back to the illegal European fishing that robbed Somalia of about \$300m a year in fish that destroyed the socio economic basis in which the clans operated that have now morphed into warlord factions, which in turn has turned into piracy in which they have been able to succeed. The average Somalian pirate is able to earn \$68,000 a year, that's in a country where 95% of the population exists on \$1 a day. He argued that we need to be more irregular in our approach; the days of sending in 30 warships, at a cost of £150,000 a day, are over. **Sudhir Subhedar** not enough is being done to recognise piracy/terrorism. **David** agreed and added that the brunt of piracy is being borne by Asian seafarers. Had pirates not attacked the 'Maersk Alabama' the issue would not have such a high profile. It is ridiculous of western governments to capture pirates, feed them, remove their firearms, provision their skiffs and then release them. India is leading the way with prosecuting pirates. Intelligence is available to allow masters to make informed decisions to avoid the known areas of pirates. Having an armed team on board only works for pirates

within 400 metres, the numbers of pirates (one mother ship is known to have 60 pirates and 15 skiffs on board) can easily overwhelm a small armed team onboard. **Sudhir Subhedar** asked that IFSMA broadcast to seafarers what is being done to protect them. India has deployed some 17 vessels to counteract the pirate threat. Seafarers should join their ships only through authorised agencies. **Christer Lindvall** commented that IFSMA is participating in the Working Group dealing with this problem, the UN Security Council has set up four working groups: 1. Address activities related to military operations, information sharing and then establishment of regional coordination centres (UK); 2. To address aspects of piracy (Denmark); 3. Strengthening of shipping self awareness (USA/IMO); 4. Improving diplomatic and public information on all aspects of piracy. Then there are IMO Guidelines for the use of armed guards onboard ship. He acknowledged that this is all on paper and it is different from the onboard perspective. This illustrates what IFSMA is doing to address the piracy problem. **Rodger MacDonald** highlighted one of the problems we face, when the UN Sec Gen visited IMO there was a huge audience and some media, however, not one UK TV channel made any reference to the event.

AGENDA ITEM 12 – Cancelled

AGENDA ITEM 13 – Piracy and Armed Robbery Against Ships, Time for Policy Review

Presented by Marcel van den Broek, Nautilus International (NL)

For a copy of this paper see the Annual Review 2010-2011, page 16. To supplement his paper Marcel provided information learned from a meeting with a private security company invited to speak to his Association in Netherlands. He described the escalation process involved with protecting a vessel from approaching pirates. What happens when crews are used as hostages/human shields. Many vessels do not apply good management practices to protect themselves.

Dave Mugridge commented that armed guards must be under the command of the Master. With standard 4 person teams a 5th would be helpful to act as an advisor to the Master. **Peter Turner** remarked that regarding armed personnel on board and IFSMA policy, the whole process needs to be reviewed, people such as Blackwater will appear and want jobs. The review (security checks) of the team members needs careful consideration. The Master will need to have a much better idea of armed actions. **Jerome Benyo** if the pirates ever board a passenger ship, the consequences will be significant. **Marcel** replied that passenger ships still pass through the area. The Swiss Code of Conduct for Security, in Norway they have their own code. **Jef Cuyt** if a big passenger ship was boarded by pirates this would wake up the world. The Belgian navy is frustrated by the restraints they are under. **Patrick Gates** asked that with a four man security team plus a liaison man, when pirates have been killed, where does that put the Master when he arrives at his next port. **Marcel** replied that on Dutch vessels it is illegal to have arms on board, and also illegal to have armed teams on board. If someone is shot then there will be serious consequences for the Master. **Willi Wittig** commented that in Dave's paper, a close relationship between Somalian pirates and terrorists, it might provide a different mandate to name pirates as maritime terrorists. Some security companies will see dollars and it will be difficult to differentiate between the good and bad – there should not only be guidelines but also a certification system for armed guards. It is not the ship's crew who should solve the piracy problem. The UN should provide safe waters for world trade. The provision of armed guards should be the last resort. Vessels that have armed

guards are not being attacked, but will this still be true when we have armed guards on all vessels.

Rodger Macdonald reminded the General Assembly that the paper on page 29 of the Annual Review “**Real-time underkeel clearance systems**” is well worth reading and explained the advantages of this system.

The General Assembly then considered Bjorn Haave’s paper, (**What about the human suffering caused by pirates?**) available on page 22 of the Annual Review.

Rodger MacDonald commented on the paper and asked what can we do to assist to put the spotlight on piracy and hostage taking. How do we protect the seafarers and their families in the aftermath of a hostage-taking situation. Can we do anything but talk? **Willi Wittig** said that he appreciated the subject covered by Bjorn’s paper. He suggested a Resolution on the subject and that we take the initiative to explain to shipmasters what Post Traumatic Stress (PTS) is all about. **Rodger MacDonald** replied that this was an excellent idea which he does not believe is being covered elsewhere and suggested to include this work in the drafting group. **Jack Gallagher** agreed we are on the right track – he argued that owners being able to insure hull, machinery and cargo was the worst move for seafarers – should also insure the crew. **Dimitar Dimitrov** added that last October there was a piracy conference in Bulgaria. There had been a research project on Bulgarian seamen, 48 studied, none had suffered from psychological problems. **Rodger MacDonald** commented that the families at home need help as well, and there are a lot of seafarers who do not have support. **Jef Cuyt** added that the same applies to criminalisation, he had met Capt Laptalo, and for the last two years he has not been able to find any employment. **Rodger MacDonald** suggested that perhaps MasterMarinerProtect could also consider this. **Angus McDonald** commented that Prof. Edgar Gould on a cruise ship out of the Gulf was escorted by French warships and she had no trouble. He mentioned A NO GO ZONE (blockade) just outside Somalia’s 12 mile limit which could be policed by the navies in the area to prevent the pirates from getting outside that zone. Christer Lindvall replied that he believed it was too late – the mother ships are already outside this zone with hostages held onboard. He added that the Somali coastline is 4,000 km in length.

AGENDA ITEM 14 – Safety at Sea and in Ports in times of Radiation Crisis

Presented by Masahiro Fujisawa, Japan Captains’ Association.

See IFSMA Website for links to useful websites and a copy of the visual presentation.

Juan Gamper asked if there were any recommendations for the future in case of earthquake, tsunami or nuclear incident. **Fujisawa** replied that he could provide a clear answer, however, recommended a clear area of 20km around the Fukushima, Dai Ichi power plant be maintained. **Juan Gamper** added that in Chile they had a serious earthquake and tsunami but the area was away from big cities. Onboard during an earthquake, you feel the quake, but in Chile, they heaved up anchor and sailed for deep water. At oil terminals they disconnected and watched for the wave. In San Antonio most of the vessels cut their lines and left port – there were no incidents on ships. **Koichi Akatsuka** commented that many ships were

damaged in Japan, especially fishing vessels. At the ports around NE Japan some big ships went aground, others were able to leave port.

AGENDA ITEM 15 – Performance Based Navigation – Fuel Navigator

Presented by Alan Aitkin, Director Sperry Marine/Northrop Gruman, Canada

See IFSMA website for a copy of the visual presentation.

Juan Gamper commented that if the system is designed to the owners' requirements what happens if the charterers' requirements differ. **Alan** replied that this would be up to the owner and charterer to agree. **Peter Turner** asked about the chart suppliers, who will these be and are there layers that can be placed on the ECDIS. **Alan** replied we work with all chart suppliers; charts are updated with human access using dynamic licensing. The system is designed to work with all suppliers. Regarding the layering – you are not forced to see everything at once, it is user controlled and can be set to what you are comfortable with. He can save his configuration on a memory stick. Address the multi function display – system is designed so that the control panel is the same across all operational modes. **Rodger MacDonald** commented that there is a mandatory requirement for ECDIS training and asked how they provided this familiarisation training. **Alan** replied that everything from onboard to shore based, uses customer location training, in Canada the big user is the Canadian Coast Guard. He added that Kongsberg have the ability to display our formats on their simulators.

AGENDA ITEM 16 – Saving Fuel using Ocean Currents

Presented by Remi Boissel Dombreval, ACOMM, France

For a copy of this paper see the Annual Review 2010-2011, page 32.

Marcel van den Broek – Remarked that two shipmasters reported adverse weather conditions and asked if the system described took into account other weather conditions. **Remi** replied that it does not take account of weather conditions, the plan is made using weather predictions and then a current allowance is applied. First you plan your route using weather forecasts and then you optimise the route using this system. **Frank Kaleveld** asked what about danger areas such as the 200m contour off South Africa. **Remi** replied that the master sends them the voyage plan, with any constraints such as areas to avoid.

AGENDA ITEM 17 – Drafting Group Report

The drafting group reported on the draft Resolutions they had produced. These were discussed and amendments discussed and made as required and agreed.

AGENDA ITEM 18 – Approval of Resolutions

Five AGA Resolutions were approved – see Annex 1.

The Drafting Committee were thanked for their excellent work and given a round of applause.

AGENDA ITEM 19 – Any Other Business

1. Invitation from DMO for 2012 AGA – received for Copenhagen, likely to be in June and will be planned to avoid any overlap with IMO MSC meeting – agreed.
2. Invitation from CMMA for 2013 AGA – 11/12 April in Melbourne Australia, in connection with the 75th Anniversary of the Company of Master Mariners Australia – agreed.
3. Rodger MacDonald reported that the Murmansk Shipmasters' Association had raised a problem they are experiencing with the TSS off the coast of Norway. Under favourable weather conditions there is no problem, however, during weather from the SE, S or SW vessels experience excessive rolling and much water on deck which can cause damage. He added that unfortunately there were no Norwegian members present at this AGA.

Close of General Assembly

The President thanked The Company of Master Mariners of Canada for inviting us to Halifax for this Annual General Assembly. He also thanked the organisation committee and the London Secretariat, who together with the Executive Council had worked hard to make this AGA a success, and to all the sponsors who had made this possible.

He thanked all the speakers for their interesting presentations, which had led to good debates.

Finally he wished all present a safe journey home.

ANNEX 1

General Assembly Resolutions

IFSMA RES 1/2011 (AGA 37): Criminalisation

On the occasion of the 37th AGA, the delegates of IFSMA assembled in Halifax, Nova Scotia, Canada noted with great concern the imprisonment of Captain Maslenniko Sergey, the Ukrainian Master of the tug Zudar Sexto, in Spain and of Captain Svetlozar Lyubomirov Sobadzhiev, the Bulgarian Master of the M/V Maas Trader in Panama.

IFSMA is very concerned that the criminalisation of shipmasters is still an issue and that IMO Member States still do not act according to the Joint IMO/ILO Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident.

IFSMA calls upon all IMO Member States to take action in developing on the basis of the present Guidelines on Fair Treatment a Code on Fair Treatment of Seafarers in the Event of any Maritime Incident.

The delegates of the 37th IFSMA AGA welcomed the recent initiative taken by IFSMA in providing *MasterMarinerProtect*, a Defence and Legal Cost Benefit Scheme, to the members, ensuring that Masters facing potential criminalisation have proper legal advice immediately at hand.

IFSMA RES 2/2011 (AGA 37): Piracy

On the occasion of the 37th AGA, the delegates of IFSMA assembled in Halifax, Nova Scotia, Canada noted with great concern the continuous trend of seafarers being exposed to attacks involving piracy and armed robbery.

IFSMA urges all stakeholders to promulgate to seafarers measures taken by administrations, industry and world bodies (such as the UN, IMO) to protect seafarers while sailing through Somalia waters and other areas where piracy may occur, and to reassure them that the interests of seafarers safety is uppermost in their minds and they are striving hard to continue making seagoing an attractive career.

IFSMA further urges those concerned to advise all seafarers to join ships through authorized channels especially Masters with a proper briefing on their role when sailing through Somalia waters including a clear statement on their overriding authority.

IFSMA RES 3/2011 (AGA 37): Piracy and Armed Guards

On the occasion of the 37th AGA, the delegates of IFSMA assembled in Halifax, Nova Scotia, Canada noted with great concern the continuous trend of seafarers being exposed to attacks involving piracy and armed robbery.

The delegates also noted with concern that since the last revision of the IFSMA policy in 2010 the piracy and armed robbery issue has further evolved, especially in the waters infested by Somali pirates. The new strategy of the pirates is principally based on moving their activities further out to sea thus expanding their work field to such an extent that protection by naval forces becomes insufficient. Moreover, the pirates use captured merchant and fishing vessels as so-called mother-ships to successfully extend their range.

The delegates further noted with great concern that the Somali pirates have started to treat the captured crews far more cruelly than in the recent past. There's more and more evidence that crews are being tortured both physically and mentally and an increasing number are being killed. Moreover, the increasing willingness of naval forces to storm hijacked vessels, is on the rise and with that the chance that hijacked crew members will get killed in exchanges of fire between the pirates and naval forces or in retaliation by the pirates.

Moreover, the delegates noted that under the present conditions naval forces are not able to successfully protect all merchant vessels and their crews from the serious threats of piracy and armed robbery.

The delegates agreed that serious consideration should be given to the option of privately contracted armed security personnel as a means to protect the merchant vessels and their crews.

The delegates further agreed that while accepting the option of using privately contracted armed security personnel IFSMA should not stop exploring other options for protecting merchant vessels and their crews.

The delegates agreed that possible agreements that allow the use of private or Flag State security forces onboard, should be subject to a Code of Conduct to be developed and agreed by all relevant stakeholders including IFSMA. This Code of Conduct should amongst others clarify the authority and responsibilities of the shipmaster and give him clear and sufficient insight of all legal aspects of the employment of armed security forces.

A clear statement of protection of the Master from criminal charges that may arise from the use of force by privately contracted armed security personnel to protect the vessel has to be established under an appropriate Code.

Furthermore the delegates agreed that a Quality Assurance System has to be introduced in accordance with the IMO Guidelines to be developed and all private armed security forces should be subject to screening, vetting and certification by Flag States.

IFSMA RES 4/2011 (AGA 37): Human Suffering caused by Pirates

On the occasion of the 37th AGA, the delegates of IFSMA assembled in Halifax, Nova Scotia, Canada noted with great concern the effects on seafarers and their families as a result of attempted attacks, boarding and/or hijacking of vessels or even taking crew as hostage in Somali and other waters.

IFSMA strongly recommends ship operators to ensure that the financial situation of families is secured and that proper post-situation medical care and counselling is provided for both families and crew.

The delegates agreed that there is an urgent need to develop guidelines for shipmasters as well as for ship operators giving insight knowledge on the causes and effects arising from traumatic events, exemplifying the important role that the shipmaster can play immediately after traumatic events.

Furthermore the delegates strongly agreed that IFSMA should take the lead in setting up a network of trauma specialists and provide necessary information to shipmasters enabling them to give proper advice to their fellow crew members if needed.

IFSMA urges IMO Member States to provide for compulsory traumatic stress debriefing training as part of the STCW Management Level education.

IFSMA RES 5/2011 (AGA 37): Nuclear Disaster in Japan

On the occasion of the 37th AGA, the delegates of IFSMA assembled in Halifax, Nova Scotia, Canada expressed their deepest condolences to the colleagues from the Japanese Captains' Association (JCA) reflecting the tremendous consequences of the recent earthquake, tsunami and subsequent nuclear disaster in the north-eastern coast of Japan.

IFSMA is grateful to the colleagues from JCA for providing recent information on the safety at sea and in ports in times of the Japanese radiation crisis.

IFSMA welcomes the initiatives taken by the Japanese Department of Transport in monitoring and providing facts on the on-going nuclear radiation from the damaged Fukushima nuclear power station as well as on the drift of the debris resulting from the tsunami on March 11, 2011.

IFSMA urges all maritime industry stakeholders to make good use of the situational information provided by the Japanese government website (www.mlit.go.jp/en/index.html) and the IMO webpage (www.imo.org) in order to ensure that shipmasters and ships' crew receive proper and regularly updated information both on the nuclear radiation in the vicinity of Japan and the drift of debris.