



IF SMA

Annual Review 2013 – 2014





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IFSMA, supported by its National Member Associations and Individual Members, is the Serving Shipmasters' International Voice with Consultative Status at both, the International Maritime Organisation (IMO) and the International Labour Organisation (ILO).

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Contents

An Introduction to IFSMA	2
<hr/>	
IFSMA SECRETARIAT	
Tal i Sandefjord, Norway	3
<hr/>	
CAPTAIN CHRISTER LINDVALL	
Secretary General's Report 2013 - 2014	7
<hr/>	
CAPTAIN JOHN W. DICKIE	
Maritime Labour Convention (MLC 2006)	11
<hr/>	
CAPTAIN V. GEORGES HAVELKA	
Domestic Shipping – Realizing a Potential	14
<hr/>	
CAPTAIN S. V. SUBHEDAR	
Multinational Versus One Nationality Crew	17
<hr/>	
CAPTAIN DIMITAR DIMITROV	
Maritime Spatial Planning and Safe Distances	20
<hr/>	
CAPTAIN B.R.J. SCHERPENZEEL	
Cross Mentoring for Master Mariners	24
<hr/>	
STEFAN FALK, et al.	

An Introduction to IFSMA

IFSMA SECRETARIAT

IFSMA, the International Federation of Shipmasters' Associations, was formed in 1974 when eight Associations of Shipmasters decided to unite their members from across the world in a single professional co-ordinated body. This non-profit apolitical organisation dedicates itself solely to the interests of the serving shipmaster, more than 16,000 of whom make up this federation. They come from about 65 countries from all continents either through their National Associations or as individual members.

IFSMA exists to uphold international standards of professional competence for seafarers. The federation's policy is to ensure safe operational practices, to prevent human injury, protect the marine environment and safety of life and property at sea.

IFSMA maintains its headquarters in London, close to IMO, the International Maritime Organisation.

IFSMA gained Consultative Status as a non-governmental organisation at IMO in 1975, which enables it to represent the unfiltered views of its members and protect their interests in an unfettered way. A Secretary General and a team of active or former shipmasters represent IFSMA at IMO and help the federation to function effectively there. These agents of IFSMA attend the four main IMO committees, namely the Maritime Safety Committee, Maritime Environmental Protection Committee, the Legal Committee and the Facilitation Committee. This team is also active in the nine sub-committees of IMO, the organisation's working and drafting groups, council meetings and assemblies. ■



Tal i Sandefjord, Norway

OPENING ADDRESS BY CAPTAIN CHRISTER LINDVALL, IFSMA PRESIDENT, TO THE 40TH ANNUAL GENERAL ASSEMBLY

It gives me great pleasure, on behalf of IFSMA, to welcome you all to celebrate this 40th Anniversary here in Sandefjord and this welcome goes especially to our guests and to you who are participating at an AGA for the first time.

I also want to direct a special thanks to Norsk Sjøofficersförbund / Norwegian Maritime Officers' Association (NMOA), one of the founding IFSMA members, for inviting us to this very special Annual General Assembly (AGA), the 40th Anniversary of IFSMA, and for the second time here in Norway.

Special thanks also to the Company of Master Mariners of Australia for their hospitality and for hosting our 39th AGA in Melbourne last year. This was in connection with their 2nd Master Mariners' Biennial Congress. The Congress brought together very interesting national shipping representatives, master mariners, regulators and port authorities to address best practice in ports and the maritime community.

IFSMA 40 years old but still a vital lady

The International Federation of Shipmasters' Associations (IFSMA) was founded in 1974 by eight National Shipmasters' Associations to unite the world's serving Shipmasters into a single professional co-coordinated body.

IFSMA is today the only fully international professional organization that unites and represents the world's serving Shipmasters. IFSMA is a non-profit making, apolitical organization, dedicated solely to the interests of the serving Shipmaster.

IFSMA is a Federation established to uphold international standards of professional competence for seafarers commensurate with the need to ensure safe operational practices, preservation from human injury, protection of the marine environment and safety of life and

Table 1: IFSMA Founding Associations

Acronym	Name	Country
ACCOM	Association Nationale des Officiers et Marine du Commerce, Le Maillon	France
CNPC	Collegio Nazionale Patentati Capitani L.C.e.D.M	Italy
IIMM	Irish Institute of Master Mariners	Ireland
KBZ	Koninklijk Belgisch Zeemannscollege Vereniging voor Zeeofficieren	Belgium
NVKK	Nederlandse Vereniging van Kapiteins ter Koopvaardij	Netherlands
NSF	Norges Skipsforerforbund	Norway
SMMSA	Society of Master Mariners (South Africa),	South Africa
VDKS	Verband Deutscher Kapitäne und Schiffsoffiziere	Germany

property at sea. Our objectives as a Federation are to ensure safe operational practices, to prevent human injury, to protect the marine environment and to ensure the safety of life and property at sea.

The purpose of IFSMA is therefore to bring the Shipmasters' views on matters of marine safety, maritime security, workload and protection of the marine environment to the required level and, at the same time, to forge a more exclusive and professional status for Shipmasters, one based upon their professional responsibility towards both ship-owners, crews and society.

IFSMA is also concerned about both international standards of professional competence for seafarers and international standards on conditions of work. ►

Our primary concern however is to represent the interests of the serving Shipmaster in bodies such as the International Maritime Organization (IMO), the International Labour Organization (ILO) both United Nation Agencies, as well as the European Union and other relevant, international and national organizations.

IFSMA was granted consultative status at the International Maritime Organization (IMO) in 1975. This consultative status as a Non-Governmental Organization (NGO) enables IFSMA to represent the views and protect the interests of the serving Shipmaster, unfettered and unfiltered either by national governments or by shipping companies.

IFSMA was placed on the International Labour Organization's (ILO) special list of Non-Governmental International Organizations in 1993.

Today IFSMA represents thousands of Shipmasters from from all continents who are affiliated to IFSMA, either through their National Associations or as Individual Members.

Why?

I am often asked by our members the question WHY? should we as a Federation of Shipmasters deal with safety matters in such a wide context? Why can't we just leave it all to the authorities and to the ship-owners?

In my mind the answers are:

- To improve our health, working environment, safety and security for the crew as well as for passengers.
- To improve and support the competitiveness for us as officers, as well as for those serious and safety minded ship-owners.
- To improve our image as ships' officers and as proud representatives of serious flag states, ship-owners and competent colleagues, and the entire shipping industry in the eyes of the general public.



The photo above does not give a good image.

- We have to be where the international decisions are taken, before these decisions are agreed, as by then it's already too late to have any influence.

A short maritime history of Sandefjord



Sandefjord is a city and municipality in Vestfold county. The administrative centre of the municipality is the city of Sandefjord. The municipality of Sandefjord was established on 1 January 1838.

The city is known for its rich Viking history and the prosperous whaling industry, which made Sandefjord the richest city in Norway. Today it has the third-largest merchant fleet in Norway.



From 1850, a number of ships from Sandefjord were whaling and sealing in the Arctic Ocean and along the coast of Finnmark. The first whaling expedition from Sandefjord to the Antarctic Ocean was sent in 1905. Towards the end of the 1920s, Sandefjord had a fleet of 15 factory ships and more than 90 whalers. In 1954, more than 2,800 men from the district were hired as crew on the whalers, but from the mid-1950s whaling has gradually reduced. The number of southbound expeditions rapidly decreased during the 1960s, and the 1967/68 season became the last. The shipping industry was gradually readjusted from whaling to other types of ships during this period.

Today, the memories from this important period of the city's history are kept alive through the whaling museum (Hvalfangstmuseet). This museum is the only museum in Europe specializing in whales and the history of whaling. The history of the whalers can also be explored at the Museum's Wharf with a visit aboard the whale-catcher Southern Actor.

Sandefjord also has shipping traditions from tall sailing ships and steam ships. The full rigged sailing ship SS Chris- ▶

tian Radich was built here, well known from the movie Windjammer, the first presentation in CINEMIRACLE, the vessel holds the record for a training cruise from Oslo across the Atlantic, three-masted barquentine Endurance, whale catcher Jason and Viking ship replica Viking were some of the many ships built here in Sandefjord.



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Today the city of Sandefjord has a population of about 45,000 inhabitants.

So what has happened since we last met?

During September, in connection with our Executive Council (ExCo) meeting, we held a luncheon together with our Honorary Members, where three IMO Secretary Generals joined us; two retired (William O'Neill and Efthimios Mitropoulos) as well as the present Secretary General (Koji Sekimizu). This gave the ExCo a very good opportunity to discuss subjects very close to our hearts for two and a half hours. I also want to mention other Honorary Members who were present and participated in the full discussions – Captain Rodger MacDonald, Mr Michael Grey (former editor of the Lloyds List) and Mr. Julian Parker (founding Secretary of the Nautical Institute).



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IMO Matters

Starting from January 1st, IMO has reorganised and streamlined its Committees by reducing the number of Sub-Committees from nine to seven to make the work at IMO more effective. IMO will also scrutinize the participation and the contribution of the different non-governmental organizations (NGOs) in the future. ▶



Maritime Labour Convention

Another important thing that happened on August 20, last year was the entry into force of the 2006 Maritime Labour Convention, which certainly will have an impact on the tasks of the Shipmasters.

The work of IFSMA

We have been working on our policy booklet, which should be used as a guideline for members attending international or national meetings and representing IFSMA.

We have been contacted by many organizations that appreciate our work. We have arranged and participated in different working groups, conferences and seminars within the United Nations, IMO, EU and other relevant international meetings within the shipping industry.

Other important tasks on our agenda are:

- Stopping the occurrence of piracy and armed robbery against ships and their crews worldwide and also supporting assistance to victims and their families via the Maritime Piracy, Humanitarian Response Programme.
- The reduction of the administrative requirements and the burden on Shipmasters, not only by the administrations but also from the shipping industry.
- Improvements in the construction and operation of passenger ships.
- For fatigue issues we continue to tackle problems with manning, especially on ships with only one master and one mate. We have received the report from the Horizon project, which has been presented to IMO but there are no reactions so far from the regulators. Now there will be a continuation of this work through the Martha project where IFSMA is recognized as a stakeholder.
- The criminalization of seafarers is also very close to our hearts and here we are working very closely with Seafarers Rights International and others. In this connection we also work for better possibilities to ease the burdens arising from the ISPS-Code placed upon Seafarers.
- Other tasks on our minds are: the introduction of the Polar Code, construction with Asbestos, design of the engine/control room, the EU Mona Lisa Project, etc.

IFSMA Headquarters

We have also refurbished and really modernized our London Office. In this connection we now also share the office and some staff with Comité International Radio-Maritime (CIRM), which of course will reduce our costs in the future.



Captain Christer Lindvall, IFSMA President

As this will be my last AGA opening speech I want to take this opportunity to thank you all for the support and confidence I have received from the IFSMA membership during my 24 years in the ExCo, and the last 16 years as your President. This includes all member associations, individual members, members of the ExCo, the staff at the London HQ, John, Paul and Roberta and all the others who have served us during all those years.

Special thanks also to the IFSMA representatives who have attend different meetings world wide for their support. I have felt, and I sincerely hope that, I have at least in some way fulfilled some of your expectations..

Some final words - I have been participating at IMO meetings since 1983, when IMO moved into Albert Embankment from Piccadilly Street and every time I returned home after a meeting I asked myself - what has been achieved this time for Seafarers – not very much!! But looking back all those 31 years I must say we have achieved a lot, especially in areas that are of vital importance to us – the overall operation of ships, for us as Shipmasters, but also to the benefit of all seafarers.

Also, I read and hear a lot of complaints about IMO, that they don't do or achieve anything, they are slow, everything takes too long, and the provisions are watered down.

Then we must all ask ourselves what is IMO? In my mind IMO is a Secretariat, which has to do what they are told by the Member States. So why don't we blame them instead. Some of them participate in the decisions and then they go home and start criticizing IMO for the decisions they have been a part of.

I hereby declare the 40th Annual General Assembly, here in Sandefjord, open. ■

Secretary General's Report 2013 - 2014

BY CAPTAIN JOHN W. DICKIE,
IFSMA SECRETARY GENERAL

Introduction

The final paper and information provided at the AGA on the 5th June 2014 will include updates from this date up to the time of presentation.

It is important to note that the work being conducted by IFSMA is increasing and that due to financial constraints certain actions were necessary that could not be envisaged at the previous AGA (39) at Melbourne, Australia in April 2013.

At this time IFSMA is in a secure financial position and the direction taken will be influenced by the elections at the AGA for the positions on the Executive Council.

The following report cannot cover everything that is conducted by IFSMA in the intervening time, but be assured that every effort is made to minimise costs and maximise the profile of IFSMA.

Finances

The following 3 budgets are being presented:

- 2013 Amended Budget
- 2014 Amended Budget
- 2015 Budget for Approval

The Amended Budgets for 2013 and 2014 have to be made due to the changes in circumstances that IFSMA found itself which were not known at the time of the original Budgets being made.

The Budget for Approval for 2015 has been constructed taking into account all of the known factors for IFSMA to operate in this year.

During the last two years a number of revisions have taken place so that the cost of operating IFSMA has been reduced. This is a continuous and ongoing task to always try to reduce costs while maintaining a high standard of service to our members.

At this time, IFSMA is in a sound financial footing and as long as all associations and individual members pay then it will be possible to maintain membership fees at their current level for 2014 and 2015.

Office Refurbishment

This matter has been presented now as it had a major impact on how the organization could operate.

In the summer of 2013, the Marine Society – Sea Cadets announced that they were going to review everyone's lease and come back with new contracts with a major rise in rent and service charges.

To avoid and increase in membership fees it was decided to look for another NGO to share the office. After testing the waters, it was soon apparent that the office would need to be refurbished to gain someone to share the costs of rent and charges.

To this end IFSMA has been very lucky in that not only do we have a good NGO but also they share the rent and charges and contributed 50% of the cost of refurbishment. The NGO in question is CIRM (Comite International Radio-Maritime); more information can be found about them at www.cirm.org ►



The extent of the refurbishment was extensive, but this was only considered after the ExCo had been appraised and the finances of IFSMA were able to bear the cost.

The results have been very good and the office is now a place for IFSMA members to visit and use during any stay in London, whether for the IMO or other reasons.

Every effort was made to minimize the cost and the new lease has been signed with a duration to March 2018 where the rent will remain static but the service charges will rise on a year by year basis.

At the time the final phase of change is being implemented and by the time of the AGA the final dates for completion of all works will be reported to everyone.

All work carried out has been completed within the time frame and under budget to ensure that there were no unforeseen costs. Before any spending took place, the ExCo were informed and their support given so that the work could be carried out.

Membership

■ Associations

The associations are in good standing. There are only 6 associations outstanding in the fees to be paid for 2014. At the end of 2013 all associations had paid their dues and were in good order.

The work of many associations is appreciated and their practical support on top of paying the annual fees enhances the work that IFSMA can achieve.

The only problem that exists is the declaration of the number of members for some of the associations. This has been an ongoing problem from long before I took up this post. I understand that times are hard and that many will question what does the subscription made do for them. That takes a lot of explaining.

But to look at this into its proper perspective, if all associations declared only 30 members then IFSMA would be no more. It could not exist. The finances would not allow it to operate in any shape or form.

In addition, I have been looking at the associations with lower numbers and these will be noted with the membership declared at 30 then only those members of that particular association that have been recorded and saved at HQ will be covered and entitled for support from IFSMA in the event of them being involved in an incident.

I do not want to take this stance but IFSMA must be protected and continue in its work.

■ Individual

This is problematic in that at this time there are 33 members who have outstanding fees. Some are for more than 1 year. This will be pursued and all effort made to find out whether these persons will continue or have retired or in certain cases have passed away.

To offset this there have been a number of new individual members who have joined.

■ Membership Fees

It has been agreed at Executive Council that the membership fees for association and individual members will remain at the same level of £12 per year per member of an association and £60 per year per individual.

This will remain in place for 2014 and 2015, but it is likely that in 2016 membership fees will rise due to rising costs that are beyond my control. This may be averted if there is a substantial increase in the number of members both from associations and individuals.

IMO

IFSMA is making a lot of progress at the IMO. This takes up a lot of time and the support of the member associations who supply personnel is greatly appreciated. Because of this there has been an increase in the work that IFSMA has accomplished.

There has been a review of NGOs at the IMO which looked at the attendance, papers presented, papers co-sponsored, interventions made, work concluded with the secretariat. IFSMA passes on every section, but this is not to say that this success can allow us to be complacent. More work needs to be done and this is more so in the writing of papers for presentation at plenary.

IFSMA has taken the stance of presenting interventions that count. The number of interventions made is limited but are telling in the observation made and the need for further discussion. None more so than that in respect of passenger ships and passenger ship safety.

Also at the IMO there has been a marked growth in the networking with flag states and other NGOs. This has made finding information easier than before.

There has also been work with the IMO Secretariat where IFSMA has been requested to take part in work for the organization. This has been happily taken on board and as a result gives us an improved standing at the IMO.

At the Honorary Members lunch held at the end of September 2013, the current and previous 2 Secretary Generals of the IMO attended. ►

Conferences

There is usually one request per week to either attend or speak at the event somewhere in the world. These are carefully screened before any action is taken. Where possible, efforts are made to find a local member who can attend on behalf of IFSMA.

When a conference is accepted, then all efforts are made to keep the costs as low as possible. In most cases when I attend on behalf of IFSMA there is no cost as I manage to work it in my own work or have been sponsored by the conference organizer.

What is required is that perhaps we should look into members who are willing to attend conferences in their country. This would give IFSMA a better perspective of what is taking place at a local level. Regrettably, it is not possible to pay members who attend such events.

NGO Group

This was set up as an open unofficial meeting of NGOs at the IMO and other interested bodies who would look at human element issues in shipping. It has been successful with more organizations requesting to join up and take part.

This unofficial grouping is coordinated by IFSMA and the meetings are held at HQ. There is no formal agenda or minutes taken of the meeting, but there is a lively exchange of views and also a lot has been revealed where NGOs are working separately but duplicating work.

Currently the membership includes, IFSMA, IMPA, ITF, IHMA, IALA, IMARest, Mission to Seafarers, ISWAN, SRI, ISU, among others. Not everyone can attend the meeting but always give support. It is difficult to make reports on what is being carried out as the meeting is informal, but hopefully in the future an IFSMA perspective can be given.

Criminalization of the Seafarer

The case load is increasing all the time. The numbers are still small but the cases are becoming more complex. There is a difficulty in working on these cases as IFSMA cannot financially support them but do conduct a lot of work in the background and assist wherever possible.

There have only been 2 known cases where the master involved in a case has been members of an IFSMA association which by the link that exists are automatically a member of IFSMA.

In many cases, those involved or their family are requesting support from IFSMA and for funding for a defence. We will support them but cannot release funds. The problem is that there are so many cases that are not known about except for a few people and organizations that take part in this work. ►



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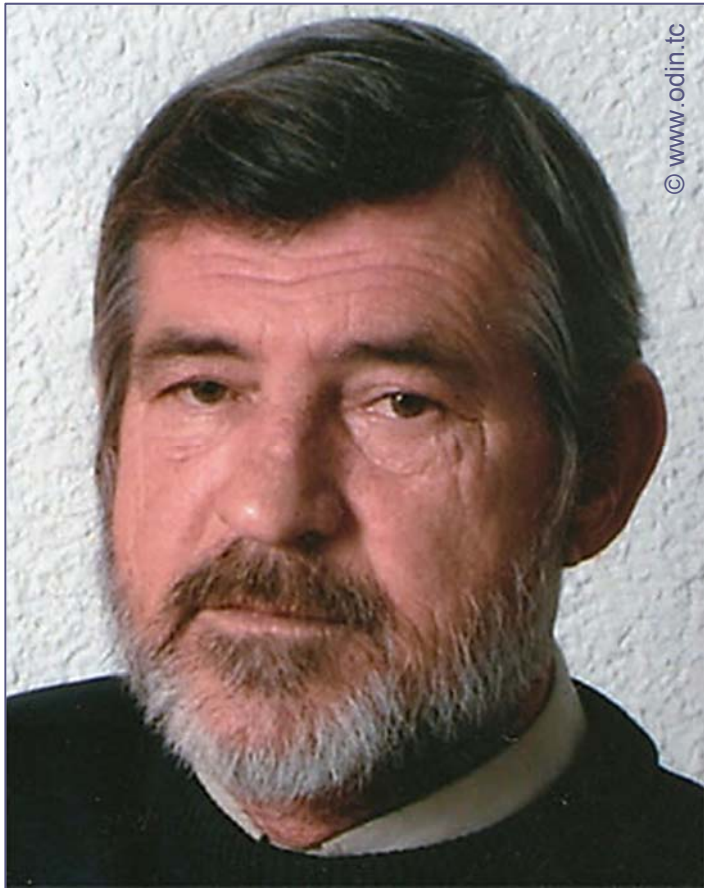
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IFSMA is working with SRI on a DVD on “Criminalization of the Seafarer”. This is coming along slowly, but during this time both organizations are gathering more and more information about different events that have taken place. There have only been a few success stories and even then IFSMA does not go about seeking publicity for the work. One such case was Captain Maslennikov, a Ukrainian national held in a Spanish jail.



Captain Sergiy Maslennikov

IFSMA has also worked on coordinating organizations to come together on cases so that the mutual support can be given and raise awareness of the plight of seafarers. In the last year there has been a shift in criminalization in that not only the master but also members of the crew are being prosecuted. This changes the way in which matters have to be handled.

This problem is not going to go away and be in no doubt there will be more high profile incidents that will raise public awareness. But whether it is in support of the seafarers or to push for conviction will depend on how any incident is handled. This will be more so in the event of loss of life which no one wants to see.

Safety at Sea

This is one of the core ideals for IFSMA and wherever or whenever an issue is raised then IFSMA will make a

positive response and be involved, whether this is as part of group or forum.

The complexity of the legislation that is coming through is taking a legal stance but without any real understanding of how it will affect those on board and the companies that operate the ships. It is for IFSMA and the other NGOs to make sure that our voices are heard so that this is not forgotten.

Passenger ship and ro-ro safety is one of the cases that need to be explored. All too often it is not being looked at and going back to the fundamentals of these ships need to be reviewed. The usual answer for any incident to these ships is usually resolved by stating “crew negligence” or “lack of due diligence by the crew”. If this is correct then it is time to do a total overhaul of the training and qualifications needed by crew members of all ranks to sail on these ships.

After the Costa Concordia incident, it was IFSMA who spoke out as a lone voice, but this has changed and more and more people and organizations are questioning the safety of these ships.



There are many more issues in respect of safety which IFSMA has raised and spoken on and it is hoped that this will be supported and the actions needed moved forward.

Conclusion

IFSMA is changing and at this AGA there are elections and some members of the ExCo are stepping down and new members taking their place.

It will be the responsibility of these persons to guide the Secretariat on the way forward and to build on all of the great work that has been concluded in the past.

Unlike many associations, IFSMA is growing and becoming stronger both in the work it does and in the financial sense. It is for the membership to say how they see the way forward and changes that they would like to see.

Together we can build more and achieve even more. ■

Maritime Labour Convention (MLC 2006)

BY CAPTAIN V. GEORGE HAVELKA,
ASSOCIATION DES CAPITAINES ET OFFICIERS DE LA MARINE MARCHANDE (ACOMM), FRANCE

Introduction

This new ILO Convention is applicable since last August to all ships with the possibility of some exceptions for ships under 200 GT. ILO counts 185 Member States out of which 57 have it ratified so far. This represents a share of 80% in the world gross tonnage. As the minimum acceptance level specified in the same document is 30 ratifications and 33 % of the world gross tonnage, the Convention is enacted.

ILO as an organization, as any organization is not irrevocable and its Conventions are not faultless pieces of work.

We have seen in the 70'ties withdrawal of the USA from ILO for 3 years.

ILO, then, lost 25% of its budget. But this is beyond the scope of our exposé.

MLC 2006 is here to stay and we have to live with it and get used to it.

MLC is not applicable to ships direct, but through the authority of each Member State, which should include requirements of the MLC in its national regulations. So, each member is responsible for the application of MLC on ships that fly its flag.

There may be, then, some differences between Members' National regulations. For example, MLC does not fix any minimum wages and leaves this decision to Member States.

In our exposé we will limit ourselves to the following:

- Short overview of the Convention
- A few critical observations
- List of new documents to handle
- Inspections and retentions
- Master's points of view
- Conclusion

MLC 2006 – Overview

16 Articles (principles), 5 Titles pertaining mainly to 14 points

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

Titles are divided in Regulations (principles) and Standard A (provisions are **MANDATORY**), Guideline B (provisions are **NOT MANDATORY**)

As said above, there are not minimum wages specified in the Convention. It is up to every Member State to fix those minima for ships flying its flag. There is not obligation to apply ILO minimum wages found in other ILO Conventions, only a "due regard should be given to them".

List of New Documents

22 new documents

More documents to come, mainly as the procedures (item 14) will be developed.

Inspectors may require documents not mentioned above, e.g. Minimum Safe Manning Certificate (SOLAS), List of Recognized Organizations (A1.2.4.), etc. ►

Critical Observations

In essence, the financial burden of all improvements of seafarers' comfort, working conditions, wages, health etc (14 points) rests with the owner, including unemployment indemnity in case of loss of the ship. However, not all obligations prescribed by the MLC are realistic; e.g. shore based medical facilities are illusory in many ports.

The wording of the Convention is open to criticism by lack of precision. There is abundance of expressions such as:

Something or somebody "should", "as far as possible" "if practicable", a "decent" something, an inspector "fully trained", "adequate food", etc.

This leaves room to arbitrary Interpretation by the Inspector (Flag and Port State). There are some slight differences between MLC and STCW concerning hours of work and of rest, differences which could give rise to some problems with the Inspectors.

A 24 hours period starts at midnight or not? Some guidance is given by OCIMF (Recommendations Relating to the Application of Requirements Governing Seafarers' Hours of Work and Rest).

According to the Convention (A5.2.2), a seafarer may lodge a complaint ashore with the Port Authority. This will initiate an initial inspection and, eventually a more detailed investigation. What will happen if the ship is about to depart?

Seafarers' medical certificate, as defined in MLC may give rise to several problems. To begin with, it is issued usually in a far away country. When a seafarer comes on board, especially shortly before departure, or by helicopter, the master has no time and no means to check his medical certificate, and, eventually refuse him, send him home and replace him by somebody else. Still, he is made responsible for a faulty certificate. Under French regulation he will get a fine.

Let us mention the case of a pregnant female crew member applying for a job. Her med. certificate, must not mention this. She will be covered implicitly under provisions of A4.1 for all medical care and repatriation A2.1.c and A2.5.5.c.

There are, in the Convention, ample provisions for handling seafarers' complaints without anything equivalent for handling owner/master's complaints against a seafarer, not even a disciplinary book to mention seafarer's breaches of obligations. There are only 2 precisions, p.35 A2.5.3 (no repatriation if seafarer is faulty) and p.59 A4.2.5 (ship owner excluded from liability if injury or sickness incurred otherwise than in service of the ship, is due to misconduct

of the seafarer or was concealed when the engagement was entered into).

The term "International Law" is used widely in the Convention, without any precision of what Law. Is "no more favorable treatment" in accordance with that "Law"?

Inspections and Detentions

MLC 2006 is binding, in principle upon the countries that have ratified the Convention. But, as the other states must not receive a more favorable treatment, practically, it applies to all ships. Inspectors are empowered to board without notice any ship, Member State or not.

A ship is, then, subject to 3 types of Inspectors, Flag State, Port State (PSC) and, according to countries, Labour Administration. There could be, then, frictions between those Inspection Centers.

In May 2013 a symposium was held at the Merchant Navy Academy in Le Havre and a question was asked about this. The answer was that it is the Labour Administration which is the leader.

Above all, Inspectors will check ship's documents, and first of all, Maritime Labour Compliance and Maritime Labour Certificate. It seems that in our days of electronic communications, the Inspector could find it on the web before boarding the ship. The latter should be indeed "publicly accessible" (5.1.3.6.).

The master should be familiar with the requirements of the Convention (5.1.3.7.c). Does this mean he should know it by heart? Does not it suffice to have on board an edition of the MLC?

Contrary to PSC documents, MLC does not contain any procedure of appeal in case of a detention. A detention may be decided when there are serious breaches of the Requirements of the Convention. However, there is not a clear definition of what is a "serious breach".

It might be eventually a repetition of small breaches... There is a mention of "Judicial or Administrative Authority", but this does not help when a problem arises on a Saturday night. Some compensation for unreasonable detention is possible. A5.1.4.16 says:

"Compensation shall be payable in accordance with national laws and regulations for any loss or damage suffered as a result of the wrongful exercise of the inspectors powers. The burden of proof in each case shall be on the complainant".

As running costs of a ship are around 7,000 US\$/day, let us hope it will not happen often. MOU Paris reports 8 ships detained in a month. ►

Masters' Points of View

Problems encountered concern mainly:

- SEA (Seafarer's Employment Agreement).
- The issuing organization/agency may be not recognized.
- Medical certificate not formatted properly or not up to norms.
- Seafarer's certification is not in English.
- Several captains report that they do not want to have on board young people aged less than 18 because of their responsibilities, especially when they go ashore.
- It should be up to the owner/manning agent to control medical certificates and medical fitness before seafarers join the ship and be responsible for that in lieu of the master.
- There are often difficulties for seafarers to access medical care ashore because of ISPS Code, Local regulations and even the cost involved.
- The procedure for lodging a complaint on board creates too much extra paperwork for the master.
- Handling of all documents relating to the payments of seafarers, salary slips, allowances, and monthly remittances creates also an extra work for the master.

In general, masters in large well-organized companies do not expect many problems except some more extra work. Thanks to checklists available, deficiencies in the implementation of the Convention should be avoided.

Conclusion

Drowning in a sea of paper. MLC 2013 requires 22 new documents to handle (see above), which are to be added to about 50 documents required by STCW.

There are some safeguards concerning working conditions thanks to strict port inspections, but PSC was already active in this field. As it is to the Flag State to implement this Convention on ships that fly its flag, all breaches of its requirements will be reported to that Flag State. If it is a flag of convenience, what will change really? May be the detentions may solve some problems...

Professor CHAUMETTE, expert in maritime law, observes there is no definition of a tribunal competent to deal with problems arising from breaches of requirements of the Convention. The parties involved, the appellants, may be Flag State, whether ILO Member or not, another Member or non-Member State, a ship owner, a seafarer, his State of Origin or any other party. The tribunal must then, be empowered to deal with such problems, bearing in mind there may be occasional agreement between Flag State and complaining State as in the case of collision between Sokalique (French fishing boat) and Ocean Jasper (Flag Kiribati, Owner Turkish, Master Azerbaijani, complainant France). ■



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Domestic Shipping – Realizing a Potential

BY CAPTAIN S. V. SUBHEDAR,
INDIVIDUAL MEMBER, INDIA

In today's world devoid of measures for reducing CO2 emission and improving logistic costs for the ordinary citizen, the use of water transport is the key.

Unfortunately due to politics and lobbies at work for road and rail, shipping is not being given its due. However, with some additional pressure from end users and the result of public consultation in New Delhi recently, the following result was seen.

To enhance the coastal shipping and the relevant issues, the Shipping Ministry ordered a committee under the Chairmanship of the National Shipping Board with members from the Ministry and other stakeholders. This committee was given direction to recommend standards required for Coastal and Inland Vessels as these are different from Seagoing vessels, including a review of existing standards to fix inland vessel limits, make port-wise recommendations and to formulate an incentive scheme for the modal shift of cargo from rail/road to inland waterways and shipping. The Committee met six times between January and September 2013.

The committee noted that there was little or no interference from international treaties on shipping for domestic use. In fact UNCLOS gives States powers to do what is best for its own territorial waters and economic zones. However, the IMO requires that all ships should follow basic norms of ship safety and given common use of waters by domestic shipping and foreign going shipping.

To meet the objective of the terms of reference, KPMG, a noted consultant firm was engaged to compile a detailed report. On completion of this comprehensive study incentivizing modal shift of cargo to Indian Coast by Sea, KPMG, having examined all issues, conducted a presentation for consideration by the Committee in formulating the incentive scheme. The Committee was given to understand that the Government of India has allotted funds for

modal shift of cargo. I argued together with the KPMG report that based on 23 cargoes and 9 routes there was average median difference in freight of Rs. 500/ton/mile. This is irregular because water transport is the cheapest mode of transport. The explanation lay on the fact of lack of investment in the right places. The problem lay in the first and last mile connectivity and ports' infrastructure. While huge investment is made in the road rail medium, little is made for shipping.

Coastal and Inland Shipping, which should be the cheapest mode of transport, is actually more expensive, pushing up India's fuel bill, environment impact, land congestion and logistic costs. This contributes to underdevelopment of coastal regions and riverside communities and as a result India has one of the highest logistic costs in the world. The powers that be and the general public are unaware that without shipping half the world would go hungry and the other half would freeze; it has been possible for the said committee to take serious note of the findings given the commitment Indian Prime Minister has made to the world at the Climate Change forum in Copenhagen in 2012 that India will reduce its transport carbon foot print.

Foreign Direct Investment in India in shipping has been allowed for over 15 years unlike the financial sector, the retail sector and others. However, due to other enabling provisions or lack thereof not a single dollar has come into shipping by this route. Opportunities we can look at here and perhaps find solution to get FDI started include creating partnerships / 100% subsidiaries. Other measures that can be looked at is a second register, alternate tax regime, liberal laws for shipping to thrive as it is international business even for the domestic shipping arm. Investors could seek fiscal incentives and approach the government through proper channels such as IFSMA, ICCSA, ICS ►

and the IMO Technical cooperation arm. It is also possible for one or more of these organizations to seek government favour of policy for shipping given its potential to increase GDP, employment and environment benefits. Indian ships presently carry less than 10% of its EXIM trade and less than 2% of its domestic trade freight. This compares poorly to 30-40% in the developed world. Therefore the potential for investment is huge. India is a large country with 7500 km coast line and at least 5 big major navigable rivers - over 1400 km in length - waiting for exploitation. Success story of Indian IT and telecom can be sighted here for arguing good government policies do work for the benefit of people. Singapore for example by small changes has attracted back a lot of ships under its flag with due regard to international norms.



We can assist the government initiative to develop professionally the shipping finance, sale & purchase, marine insurance and mortgage market in keeping with what is available here in Norway. Classification of ships is another area that needs to be looked into to make Indian shipping attractive. All Recognized Organizations including DNV are well established in India but for lack of good policy there are difficulties here including the development of shipbuilding, marine equipment supplies, ship repair and dry-dock facilities. IFSMA consultants could play key role. There is scope and intervention also to reform India's commercial shipping and Admiralty laws especially with respect to arrest of ships, property, seaman, pirates etc.

This is essential for attracting investment and secured creditors. There is scope for cooperation and a win-win situation to be created right here in Oslo.

In the deliberations here there is exactly the kind of expertise that is required to take advantage of the committee outcome. We have to reduce transport carbon foot print, reduce logistic costs, increase shipping services overall. In the case of India it can be assumed that if the growth is three times over next 20 years, logistic costs if no changes are made will go over 20% from the present high of 9% accounting for 5% of GDP. As there is only so much land available to expand road rail infrastructure. Shipping on the coast has to be increased.

The Committee report concludes with issue of new River Sea Vessel Notification; issue of new Inland Vessel limits and an incentive scheme based on potential commodity movement by river / sea by suitable size of vessels over a wide range of distances taking into account first and last mile component; bunker fuel price differential between road rail and coastal shipping and interest subvention to acquire more coastal ships.

Recommended incentive to be given to Indian coastal ship owners is Rs. 1/t/km with a cap of Rs. 500 for all carried in vessels of 6,000 GRT for dry and 3,000 GRT for liquid to enable small parcels to start moving as economies of scale works in favour of larger ships. Containers are to incentivize for first 350 containers carried on any size vessel and incentive has been built in terms of per TEU over a distance of more than 500 miles, 1000 miles and more than 1500 miles. The Government of India (GOI) outlay for this incentive in the first year is Rs. 200 Cr. This could be increased based on actual improvement seen in modal shift, saving in GOI diesel subsidy, environment impact and land congestion.

Besides this, suitable modification has been achieved in coastal / RSV Rules; defining new IV Limits and finally the proposal for incentive scheme in this report is for approval of the Government. The committee acknowledges and appreciates the acceptance of the recommendations for the first two terms of reference and I also thank the Committee for the proactive steps of the Ministry of Shipping and the Directorate General of Shipping in implementing the recommendations before submission of the report. I urge the Maritime States of India to adopt and notify new model IV rules and help kick start coastal shipping movement as soon as possible. Also, there needs to be a budget for improving the first and last mile connectivity to strings of ports (small ports and terminals every 200 miles) so that multi modal transport becomes a reality in the plan period 2012-17 and beyond like it is in developed Maritime States. ►

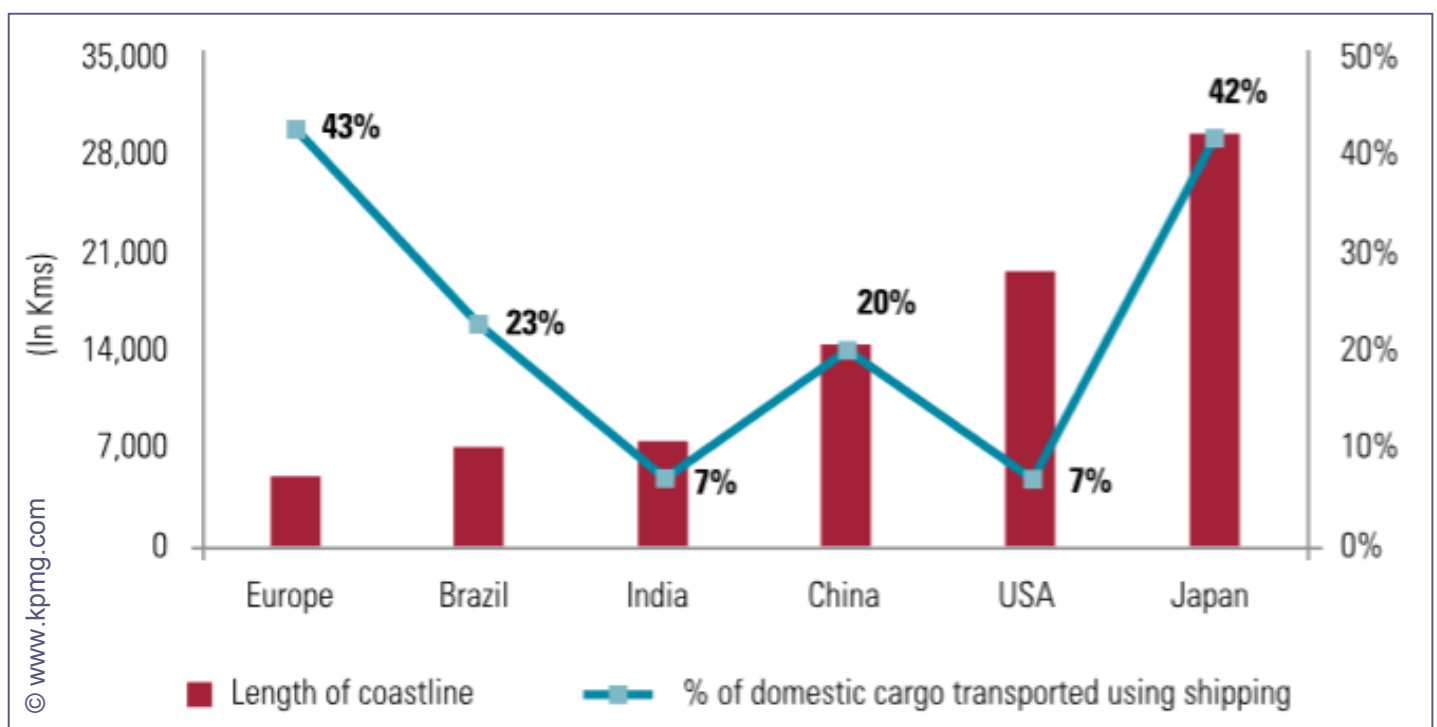
I am also happy to note DG's close interaction with coastal shipping. Very recently lot of respite has been given to reduce compliance costs. For example, General Trading License is now easy to obtain, Flag State Inspection is easy to accomplish, safe manning document requirements including for deploying IV crew is now much better, survey certification by all ROs of India has been facilitated. However, there is much more to be done including the repeal of old Maritime Acts and bringing into force a new Coastal Shipping Act to suit modern times. The said Act in preamble provides for enhancing Indian shipping and enables 100% FDI in terms of ship registration, sale purchase, insurance market, shipping finance, compliance costs, etc. This requires shipping to be seen as an attractive investment because shipping is essential for the world and national economy. There is no option but to reform shipping services.

This presentation highlights the steps that can be taken for attracting foreign investment so that the desired outcome is realized and for example, Norway could assist in achieving this desired result of decongesting the road rail network, reduce fuel bills, environment impact and develop coastal communities. There is scope for Indian companies to adopt Corporate Social responsibility and bridge the median freight differential demonstrated by KPMG. This freight differential is due to compliance costs, Ship finance costs, fuel use disparity between road rail and shipping. Unlike Norway and other developed economies India carries very little domestic cargo by water making India as one of the most expensive in terms of logistic costs.

There is scope for adopting new designs suitable for river sea vessels. These could be of typically 1000 – 2000 tonnes with a draft of 2.5 to 3m to carry a train of barges at sea within 12 miles of the coast and into national waterways of Ganga, Brhmaputra, Kerala back waters. The Government of India is investing in creating two more national waterways. Here again assistance is required from say Netherlands with its dredging experience. India needs immediately some 20m cubic meters of dredging. GOI is expected to announce dredging policy to give effect to its plans for 2012-17 with investment potential of Rs. 500,000 cr. Besides shipping per se there is investment potential in dredging solutions for 20m cbm available from member countries attending this seminar? I will be glad to assist in facilitating this.

Modal shift of cargo for hazardous cargo, project cargo, bulk cargo is being mandated for shippers especially where it is government cargo. To give a real boost India will need to acquire at least 5000 suitable vessels including RO-ROs and car carriers during this period and may even progress to small gas tankers. This presentation describes typical vessels that aid coastal shipping practiced in other parts of the world. This presentation also demonstrates the impact of fuel and high finance cost without government support.

Domestic shipping – realizing potential is one way forward to contribute to the climate change program. Enabling rules to divert cargo will go a long way and I hope IFSMA deliberations will throw up some lively discussion. ■



Multinational Versus One Nationality Crew

BY CAPTAIN DIMITAR DIMITROV,
BULGARIAN SHIPMASTERS' ASSOCIATION (BUSMA), BULGARIA

The last few decades marked enormous changes in the shipping industry. The shipping industry is usually described as mature, cyclical and capital intensive. With the fast development of shipping technology and specialization of ships these basic characteristics of the shipping industry became more and more evident. Ship owners started squeezing expenses and all that led to changes in the basics of the industry.

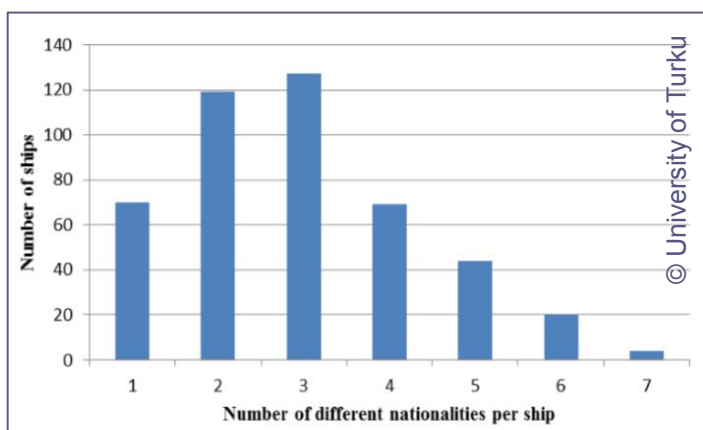
During the 20th century most of the time crews on board ships sailing in the merchant marine had consisted of one nationality or at least few nationalities close to one another. The main ship owners had been from the economically developed countries and the crews as well. The last quarter of the 20th century modern specialized ships appeared in the market, the number of ships and necessity of crew members increased, especially with the development of the oil and gas industry and containerization. The last decade of the 20th century was marked with the collapse of the Soviet system and the opening of former centrally planned economies to the international trade. The ship owners began to look for decreases in crewing expenses and that led to employment of multinational crews, and crews from developing countries. The process of loading and unloading became more and more intensified. If nor-

mal general cargo ships stayed in port a week for cargo operations, modern container ships stay in port few hours and in the oil industry we see ships loading and unloading miles from shore and going ashore during the contract is almost impossible. Some countries, mainly from Far East like Philippines and ex-Soviet bloc countries, turned into labour supplying countries. Big shipowners and ship operators began supporting education and training in such states.

The consequences of those changes are in several directions. Employing cheaper crews gave shipowners and ship operators economies as they reduced direct expenses. On the other side the maritime profession in developed countries became less attractive and so less qualified people started coming into the industry. This spiral continues and the entire effect to the maritime industry is less qualitative personnel on board ships. And then STCW came, which is a definition of minimum standards. And all the parties in the industry began to seek minimum standard to minimize expenses.

Enormous changes took place in maritime technology. Celestial navigation, visual navigation, and pure seamanship almost disappeared. Now we have GPS systems, electronic charts and all the modern equipment without which nowadays seaman cannot survive. Being a pilot, from my experience, I see that in some situations seamen are indeed surviving. Regardless of all the modern means of navigation and all the modern ships the intensity of work is becoming more and more. People on board ships have instructions for all the activities they should do onboard, when and how to wake up, when and how to eat, rest, etc. But most of the time they have no time to read the instructions.

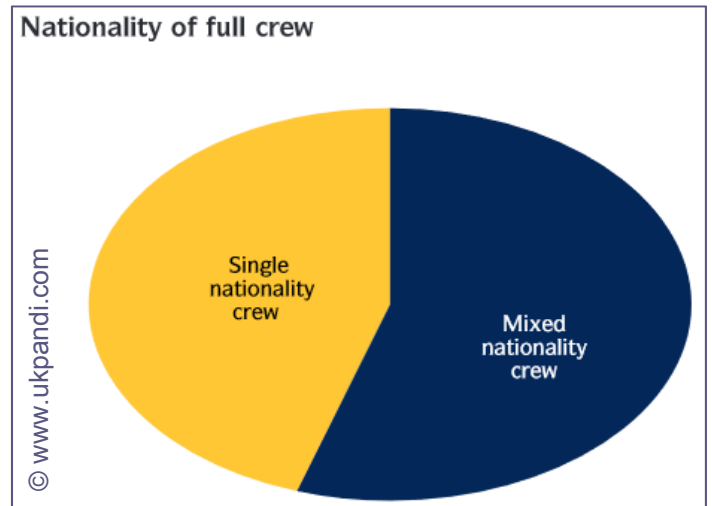
Of course, we could give a lot of more examples to the changes, but the above are enough to emphasize that the environment on board modern ships has changed. ►



Are crews ready to meet the challenges of the industry? Let's start with one nationality crew and most probably old times. The most important benefit on board one nationality crew is the absence of language problems. The probability of misunderstanding and even misinterpretation is almost zero. Normally, people understand each other, they have more or less similar behaviour. In the good old times when work on board was eight hours or less and there were no computers, video or DVD machines, there were cinema machines and other means of entertainment. Crew members lived more socially on board, they used to entertain together because there was no possibility for everyone to watch a film in their cabin. That created a more socially friendly environment on board ships. What is going on today? We have multinational crews on board most of the merchant marine ships. It is not unusual to have more than two, sometimes five or even six nationalities, different religions, and different cultures. Sometimes apparently incompatible crew members are on board one ship. The solution of the problems created was found in the ISM Code and the strict definition of duties of every crew member. From the shipowners' point of view the situation is acceptable as they have legal proof of the obligations of everybody on board and they do not care how each crewmember will fulfil his own duty. Everybody on board is used to withdrawing during their off duty time. During discussions with my colleagues still acting as masters, chief engineers and officers on board, they used to join the ships with a number of films and books and communicate with the other crew members only officially. During the reduced rest periods they shut their doors and watch films alone. Social elements in the relationships between crew members almost disappeared. If everything is normal it works. The problems come in contingency situations when everyone should improvise and do as much as possible. The "obligations culture", when everyone is doing only his own duties and does not care about the others and the entire situation, is reducing the efficiency of the system. And that is the negative side of the present organization. But the employment of multinational crews reduces the expenses of the shipowners and thus they could survive in the present economic situation.

To summarize we have from one side shipowners who try to reduce the cost of labour. There are shipowners employing national crew on at least management level. But the vast majority of ships are registered under flag of convenience or in the second national registries and the entire crew is mostly from labour supplying countries – Eastern Europeans and former Soviet System countries, Turkey, Philippines and other Far East countries. The management level crew is predominantly from developed countries and

the operational level crew is from the poorer and developing countries. If there are crew members from one nationality on board the ship there is still some possibility for social communication. Otherwise everyone is doing for himself. From the psychological point of view it is possible to work in that manner but the necessity of reducing contracts is evident because as human beings man needs social communication and if the limit is exceeded then man becomes less effective and sometimes dangerous, either in normal or especially in extraordinary situation.



What could be done to turn off the negative effect of the above mentioned problem? There should be stimulus for unofficial and out of obligation communication between the crew members. In that direction are the amendments of maritime labour legislation and adoption of MLC Convention. More social welfare will persuade crews to gather again in the messroom in their rest time, to watch films together, to play some games, etc. So the stress and workload on board could be reduced.

To summarize, we have several combinations of nationalities on board modern merchant ships. There are still some companies using one nationality crew but they are more exception than the common case. Turkey is one of the countries where there are some medium size shipowners using only national crews. They have apprenticeship programs and they employ youngsters and offer them life time careers. There are some companies using Syrian crews and very rarely some crews from Far East countries. There are some coasters in either developed or developing countries. But predominantly we have multinational crews. Of course, there are nuances as well. There are crews consisting of one or two nationality officers and one nationality ordinary crew. On the other side are ships with officers from several nationalities and ordinary crew as well. Some shipowners already carried out research on human behavior and national characteristics of the nationalities ►

they are employing. Such an example is the Japanese K-Line and their Bulgarian manning agent Stargate. They investigated the behavior of crew members from the nationalities they usually employ, how they interact in different situations between themselves and with the other nationalities. It is a useful tool especially for the management staff to know what to expect and how to manage the crew in normal and extraordinary situations.



Nostalgia for the olden times will not help us. We live in our modern world. Shipping is becoming more international and the future lies in the use of multinational crew members. The shipping companies together with international organizations, non-governmental organizations and all the other participants in the process of carriage of goods by sea should join their efforts to mitigate the negative effect of alienation and demotivation. A step in that direction is required by IMO mandatory training courses in Bridge/Engine Team Management and Bridge/Engine Resource Management. But in the package of all the trainings required a lot of seamen just attend the courses and do not pay attention afterwards. And the training is, in the most part, purely psychological and if one wants to benefit from it they should be convinced of the usefulness of the training. In our modern world there are still very religious people on board ships and they need their time and respect for their religion. I remember two MAERSK container ships with Myanmar crew. They had the symbols of their Buddha religion on the bridge and they used to put every morning some meal and some Coca Cola near the statue of Buddha. When I asked how often they are doing that the captain confirmed every morning the same procedure is done. Practically the resource is not so big and if it motivates the crew there is nothing wrong with it. At the same time that action could be entirely strange for other crew members having a different religion or atheists. The tolerance of the last will well help with improving the atmosphere on board.

It seems that the role of religion is decreasing in developed countries while it is still quite influential in the develo-

ping countries. With the decrease in the role of religion the traditional human values gradually disappear as well and if nothing comes in their place then the people become more and more closed to themselves. Additionally the financially oriented culture is dominating our modern society. Each action is connected with the possibility to gain more money. Money making is a good stimulus but it is not always motivating stimulus. Let's consider the case of an emergency. Sometimes one should leave behind your own interests in favour of the common interest of all the crew and even in favour of the interests of all the parties in the surrounding environment. In our Bulgarian history we have a very positive case. Bulgarian steam ship "Kniagina Maria Luisa", ex French steam ship Felix Fressinier, 5075 tons, 2400 horse power engine, built 1919 in Port de Bouc, France was alongside in the Port of Piraeus, Greece on May 30th, 1941 loaded with aviation bombs and barrels full of gasoline. A fire broke out during unloading and spread quickly. Bulgarian shipmaster Ivan Kostov Tomov, born 1897 and graduated maritime school in Bulgaria and naval academy in Germany together with 9 of the crew decided to take the vessel out of the port. Shortly after leaving the berth the bombs on board exploded and the ship sank. The captain died together with five more crew saving the Port of Piraeus. He did not make beforehand any extra insurance and he did not think about his remuneration. He simply did what was right, taking the risk for few crew members, thus saving many more citizens ashore. How many shipmasters today would do the same? The question is open. We should keep our good experience and we should advise youngsters from all the nationalities about traditional values on board the ship. On board modern iron ships they are even more necessary in certain situations than on board good old wooden ships. ■



Maritime Spatial Planning And Safe Distance

BY CAPTAIN B. R. J. SCHERPENZEEL,
NEDERLANDSE VERENIGING VAN KAPITEINS TER KOOPVAARDIJ (NVKK), NETHERLANDS

Introduction

This is a summary of the most important international regulations that are decisive for the minimum distance from the border of a route to an area with multiple objects, e.g. wind turbines, which can be navigated by vessels.

This document is not applicable to areas with multiple objects in shallow waters, where traffic inside such area is not possible.

It is regarded as a minimum distance as it is the minimum space needed by vessels to comply with collision regulations, and is as follows:

- Starboard side of any route: 0.3 nM + 6 ship lengths + 500 meter
- Portside of any route: 6 ship lengths + 500 meter

The reasons for these minimum distances and other arguments are discussed in the document.

This document has been provided by the Shipping Advisory Board Northsea. Comments are welcome.

Contact person: brj.scherpenzeel@portofrotterdam.com

Points of attention when reading this document:

- 1) One should consider that 80% of all disasters at sea are caused by human error. It is therefore realistic to keep certain margins when considering a safe distance.
- 2) When these provisions and regulations were designed, multiple structures such as wind farms did not exist yet. However, also the existing provisions and regulations provide sufficient guidance to argue a safe distance to such objects. Such a paragraph with guidelines related to multiple objects should be added to the General Provisions on Ships' Routeing in the near future.

The following Regulations and Guidelines have been established internationally:

1. General Provisions on Ships' Routeing of International Maritime Organization (GPSR)

2. United Nations Convention on the Law of the Sea (UNCLOS)
3. International Regulations for Preventing Collisions at Sea, 1972, as amended: (COLREG)

The relevant Regulations and Guidelines will be discussed, and the relation with the minimum distance to areas with multiple objects explained.



GPSR 1.1

The purpose of ships' routeing is to improve the safety of navigation in converging areas and in areas where the density of traffic is great or where freedom of movement of shipping is inhibited by restricted sea room, the existence of obstructions to navigation, limited depths or unfavourable meteorological conditions. ►

To demonstrate that the routeing measure improves safety, a Formal Safety Assessment (FSA) is recommended. This FSA can provide arguments for selecting a certain route and is based on a probabilistic risk assessment.

The Captain will make his own risk assessment when passing structures along this route, and will keep a certain distance, depending on the size of the vessel, status of the main engine, weather conditions, traffic, so he/she can act according to the COLREGS. This risk assessment is deterministic, as he/she wants 0 incidents. If all Captains feel that the routeing measure takes the vessel too close to multiple structures, they will all shift to one side of the routeing measure, causing the density of shipping to increase at one side – which is not in line with the starting point of GPSR: to improve safety of navigation.

Therefore demonstrating that a new routeing measure improves safety of navigation can be done by means of FSA. However, determining the safe distance to structures along that route should be done via a deterministic approach, using the rules and regulations which a Captain should follow.

GPSR 6.4

Course alterations along a route should be as few as possible and should be avoided in the approaches to convergence areas and route junctions or where crossing traffic may be expected to be heavy.

Keeping in mind that a Captain keeps a safe distance to certain structures, again the structures should not be positioned in such a way that certain vessels will change course in order to reach this safe distance.

GPSR 6.8

Traffic separation schemes shall be designed so as to enable ships using them to fully comply at all times with the International Regulations for Preventing Collisions at Sea, 1972, as amended.

The safe distances to structures should be determined in such a way that a vessel can act according to the COLREGS At ALL TIMES – also when sailing on the border of a routeing measure.

GPSR 6.10

Traffic lanes should be designed to make optimum use of available depths of water and the safe navigable areas, taking into account the maximum depth of water attainable along the length of the route. The width of lanes should take account of the traffic density, the general usage of the area and the sea-room available.

It is not easy to determine a safe width of a routeing measure. A guideline that has proved to be accurate,

based on AIS study by Maritime Institute Netherlands (MARIN):

- Number of vessels: based on AIS study, keeping in mind the future development during the lifespan of the structures
- Maximum size of vessels: same
- Number of vessels taking over:
 - Y < 4400 vessels per year: 2 vessels side to side
 - Y > 4400 vessels and < 18000 vessels: 3 vessels side to side
 - Y > 18000 vessels: 4 vessels side to side
- Room per vessel: 2 ship lengths

Example: A traffic lane which accommodates 18000 vessels per year with a maximum size of 400 meters should be at least 3200 meter wide. This matches with most of the present traffic lanes (e.g. approach Rotterdam, TSS Maas West)

UNCLOS Article 60

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
 - a) collision and to any special circumstartificial islands;
 - b) installations and structures for the purposes provided for in article 56 and other economic purposes;
 - c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.
4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.
5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 meters around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.
6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.
7. Artificial islands, installations and structures and the safety zones around them may not be established ►

where interference may be caused to the use of recognized sea lanes essential to international navigation

Paragraph 6: The 500 meter zone is for protection of the structure and is not meant as a safe distance for safe manoeuvring according to the COLREGS.

Paragraph 7: Interference means e.g. limited ability to comply with the COLREGS, The required room is not mentioned in the COLREGS, however with the help of guidelines for shipbuilding regarding maximum room for full round turns there are arguments for a minimum distance.

COLREG 2a) and b)

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with these Rules or the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case

In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from the Rules necessary to avoid immediate danger.

The Captain is held responsible for having mitigating measures in place for unforeseen conditions such as a Not Under Command situation. So sailing very close to islands or multiple structures is not according to ordinary practice of seamen.

A study regarding Not Under Command situations shows that 90% of the vessels drift for one hour (AIS tracks in combination with Dutch Coast guard reports) – resulting in a drifting distance of 1.7 nautical Mile. This distance is a result of local conditions, and per area this distance should be evaluated.

COLREG 7c)

Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

Because targets of vessels within an area with multiple structures tend to swap to the structures, a CPA is hard to get. Only when the vessel departs this area, can the CPA be determined. The time needed to identify and plot the vessel has been determined to be 6 minutes. If a service vessel exits the wind farm with a speed of e.g. 10 knots, crossing the course line of a passing vessel, the minimum distance needed to get a reliable CPA is 1.0 nautical Mile.

AIS information is available, but a CPA based on AIS information should not be used to determine the risk for

collision as the speed input is based on GPS and not on water track.

Next to the effect of swapping targets, wind farms cause radar interference. The safe distance to avoid interference has been determined by deep sea pilots to be 0.8 nautical miles.

COLREG 15

When two power driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

COLREG 8d)

Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

If the stand on vessel does not act according to the COLREGS, the give way vessel's last resort is a full round turn over starboard.

The required room is:

- 1) Start of the round turn. A round turn is not started right away. Normally one first deviates course, while observing the other vessel. This requires time. In the meantime one deviates from the original track. The distance is minimum 0.3 nM
- 2) The round turn itself is determined as follows:
 - Para. 5.3.1: Turning ability: The advance should not exceed 4.5 ship lengths (L) and the tactical diameter should not exceed 5 ship lengths in the turning circle manoeuvre.
 - Para. 1.2.3.5: Turning ability: Turning ability is the measure of the ability to turn the ship using hard-over rudder.' (Resolution MSC.137 (76) and MSC/Circ.1053).

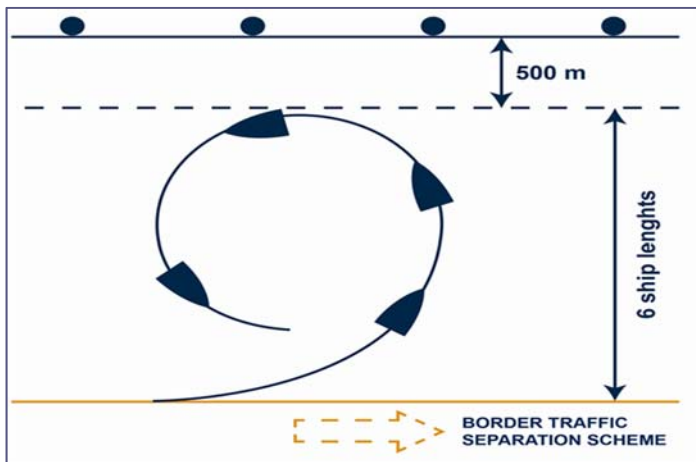
The before mentioned requirement is under controlled conditions during sea trials. It is reasonable to take an extra ship's length to compensate for the fact that the Officer On Duty is not fully prepared for this manoeuvre. Therefore the diameter of the round turn has been determined to be 6 ship's lengths.

- 3) The round turn should not bring the vessel closer than the 500 meter distance safety zone.

A round turn will also be made over port side, in case e.g. the starboard aft quarter is blocked due to an overtaking vessel. However, then the vessel will not first deviate to port, but start a round turn right away: ►

Points of attention:

- 1) It happens quite often that after making a round turn a Not Under Command situation occurs, due to mechanical problems (e.g. low level alarm on oil levels etc.)
- 2) On many vessels the Officer On Duty will hesitate to use hard rudder at once. Especially on passenger ships and container vessels one will be very cautious before starting such a turn as it can result in a lot of damage to passengers, crew and cargo.
- 3) Round turns are also made in case of a Man Over Board situation.



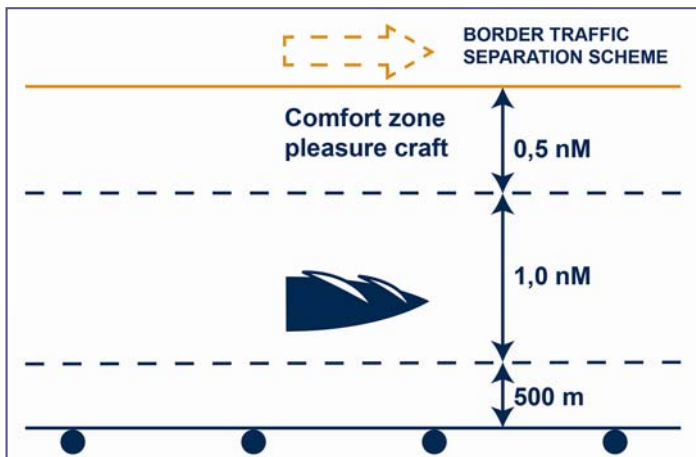
COLREG 10 h), 10 i), 10, j)

A vessel not using a Traffic Separation Scheme shall avoid it by as wide a margin as is practicable.

A vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane.

A vessel of less than 20 meters in length or a sailing vessel shall not impede the safe passage of a power-driven vessel following a traffic lane.

Fishing vessels and pleasure craft normally use the area next to the traffic lane. However, the picture below shows that there is little room left for e.g. sailing vessels that need to beat up against the wind.



Anchor areas.

There are no regulations that relate to anchorages.

Safe anchorages should provide sufficient room for:

- a) Manoeuvres when the anchor is dragging
- b) Manoeuvre to approach the anchorage

The space to allow a vessel to start her engines and manoeuvre when an anchor is dragging has been found to be 1.7 nautical Mile to the safety zone of multiple structures. This is the result of a safety study for an off shore platform.

The same distance has been found to be sufficient to approach an anchorage for all vessels making use of that particular area. Of course this study is related to a specific area – for other anchor areas one might need to do a separate study. At least it provides an indication of the required distances. ■



Cross Mentoring for Master Mariners

BY STEFAN FALK¹⁾, MARIO STADELMANN²⁾, CAPTAIN ASSOC. PROF. WILLI WITTIG¹⁾

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The delegates of the 38th IFSMA Annual General Assembly held in Copenhagen in June 2012 noted with great interest the successful introduction of Cross Mentoring as a tool for developing the potential of young executives. They discussed the possibilities how to import and implement this successful approach to the human resource development of young shipmasters and requested that the IFSMA Executive Council with the assistance of subject matter experts explores the framework needed for a successful introduction of Cross Mentoring into the shipping industry.

Introduction

Companies are demanding a lot from young executives. In addition to the technical knowledge it is usually required that they also have acquired conceptual and social skills such as flexibility, adaptability and resilience. In dealing with employees, team skills and assertiveness is called for as well as the ability and willingness to take courageous and sustainable decisions in short time. Young graduates are leaving the universities and colleges well trained and with solid theoretical knowledge. But often they do not have the opportunity to gain sufficient professional experience as aspiring leaders to meet the complex requirements of human resource management. Social skills, the basis of good leadership, are not build on theoretical knowledge, but primarily on practical experience.

Fast promotions and short educational paths bear the risk that central questions regarding the professional role remain unanswered. Many shore based companies already offer selected young managers the benefit of mentoring programs. By this means of knowledge transfer the mentee can access the experience and knowledge of a mentor. In addition the experienced benefit too. They gain insight into recent findings and the current curricula of schools and colleges.

For young watch keeping officers it is helpful to be able to address any questions concerning ship operation, to older, more experienced sailors. Up to the rank of chief officer such knowledge transfer takes place quite naturally. An officer seeking advice finds a professional with an open mind for his/her questions and problems in superior officers or last but not least in the captain. He is the advisor during the orientation in the professional role. But one question remains unanswered: Who could act as an advisor to a young captain?

Two problems arise in this context: On the one hand the captain's duties are today due to rapid handling of cargo and the operation with multinational crews, more than ever in the areas of management and leadership. Undoubtedly the nautical studies prepare in theory for these task areas. However, theoretical training may not be sufficient to introduce young students to their future role as captain. Secondly, compared with other industries and professions it takes nowadays in seafaring only a very short time to reach the highest leadership position. Therefore one finds comparatively young sailors in the highest rank - in an age where it is scarcely possible to have sufficient work experience to master the soft skills required for proper personnel management. So the question remains who can act as advisor to a young leader on board ship? As the supreme authority, it is not easy to approach other crew members. Also, the contact with the shipping company or agency can lead to doubts about the integrity of the first man on board.

The Nautical Institute, London summarizes: „*Many factors have led to a reduction in the opportunities for on-the-job experience, including changes in technology, faster promotions and reduced sea-time requirements between certificates of competency. There are also many barriers to the easy transfer of experiential knowledge, including language and culture, and there is the ever present problem of pressure of work and lack of time.*“ ►

Beside nautical knowledge and skills in ship handling a captain needs empathy and assertiveness to not only lead his/her ship, but also the crew. The master shall be regarded as an example, so that the crew follows him/her. It needs proper skills and sensitivity to deal with employees. Trust as the basis of good cooperation, must be developed first and will not be awarded on its own merits. Captain André L Le Goubin, author of the book *“Mentoring at Sea”* expresses this problem as follows: *“Fast promotions and reduced sea-time requirements between certificates of competency are sources of concern as they leave very little time to gain enough experiential skills and knowledge. ... In addition, young captains be entrusted with the leadership of experienced sailors who have already spent more time at sea. It is not uncommon that the captains is younger than one of his deputies.”*

Officers can help each other and mutually consult each other without problems. For the captain, representing the top authority on board, it is difficult to contact and to discuss issues and problems with others on board. Sources for advice are limited to the chief engineer and the first officer.

What can be done?

With the concept of cross mentoring a solution is presented, which will enable the master to benefit from a mentors advice. In search of potential advisors for a mentoring process that particularly targets the captain as mentee, a look at other areas of the economy is needed. In 1998 a pilot project was established among the companies Volkswagen, Lufthansa, Commerzbank and Deutsche Bank. The purpose of this was to establish the transfer of knowledge between managers. The network of these companies provided mentors and mentees, who consulted each other across industries, supra-regional, regardless of gender and unpaid - the cross mentoring. With this concept it will be possible to provide the master with contacts that are neither part of the crew nor the shipping company. Captains will be able to benefit from support from outside their own hierarchical system. The focus is on the development of operational and strategic skills. The two main objectives of cross mentoring are the targeted transfer of specialized know-how to young executives i.e. working experience that can only be acquired informally and not from textbooks and the introduction to professional networks. By this mentoring is also a tool for promoting young talents in leadership positions.


The two core elements of the mentoring model are:

1. **Basic Reflection:** The mentee must be given the chance to reflect its role as a leader within a team with long term availability. Questions related to human resource

management are just as important as problem situations that arise personally for the captain beyond the role as leader, e.g. related to the work-life-balance.

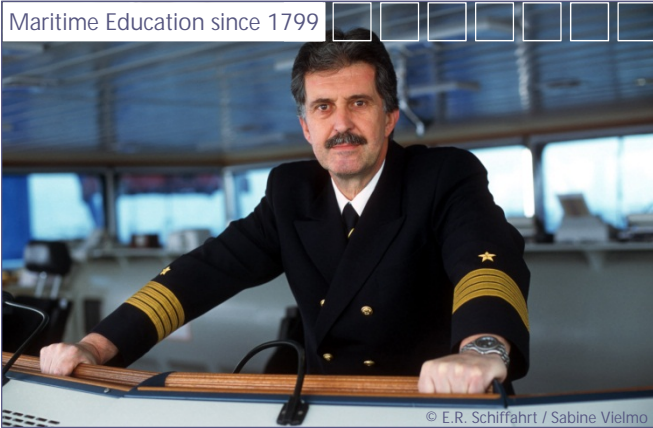
2. **Situational Response:** The mentee must also have the possibility to obtain direct advice from the mentor when sudden and unexpected problems/situations arise.

The target group of a maritime variation of the cross-mentoring model are seafarers who have up to 12 month experience as Captain. These masters will have had first ▶




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Command experience but still have not had sufficient time and/or did not encounter those challenging situations necessary to build up experiences and confidence.

After a while when a number of difficult and challenging situations have been mastered and therefore experience and routine have been built up the need for further participation in a mentoring program will naturally decrease. But even experienced shipmasters can still benefit from participation in a cross mentoring network. They should constantly reflect on their own leadership style and are always welcomed to join the program.

Why cross mentoring?

The relationships within a cross mentoring network are not hampered by any company internal constraints or conflicts. They are administratively independent and not hierarchical. While a young shipmaster may have nowadays doubts to approach the ship owner or any of his officers on board to discuss a problem this could be changed radically by arranging for him/her to a direct and independent contact with a mentor who is not only situated outside the shipping company but who has actually not any links with the shipping company or any members of the ships crew. By this industry-independent nature new perspectives and approaches to the management of ships crew can be discussed, tested and eventually established by the shipmaster. Participation leads to constructive discussions around issues related to leadership and management. This will potentially help the shipping industry to establish a new approach to human resource management on board.

Cross mentoring has already been for quite some while an accepted successful instrument for the further development of the leadership skills of young executives. The success of numerous cross mentoring tandems within the "Crossmentoring German"-Project by Mario Stadelmann are the evidence of the resulting benefits. It is a tool that guarantees sustainable cooperation and will support mentors and mentees in the process of lifelong learning.

Mentoring is always a win-win-situation, where the mentee and mentor will benefit alike and experienced managers from any industry ashore can learn from shipmasters. While being a tandem, automatically both the mentee and the mentor will continuously and critically reflect on their work and on their social skills. In this context Le Goubin says: "*reflection is such a fabulous tool and so seriously underrated in these days (...).*"

The improvements are achieved first of all by means of the mentors external and the mentees internal assessment of a situation but also through a confidential exchange of

thoughts between all participants of an international professional cross mentoring network. As a result ideas related to successful and sustainable leadership will be circulated amongst all members of the network giving everybody the benefit to apply these ideas to his/her personal management style and report back after careful observation on his/her success or failure.

A mentor knows the unwritten laws of leadership that are not to be found in a textbook, but can only be gained through experience and 'trial and error' or might be spread amongst experienced executives.

In addition to the participating shipmasters also ship-owners may benefit from the mentoring network. Participation in a cross mentoring project may help to shorten the phase of inexperience and therefore the phase of the ship owners "reduced confidence" in the young and newly appointed shipmaster.

The participation of newly appointed shipmasters in a cross mentoring network will eventually lead to a widespread use of a modern leadership style and thus to a much better "use" of the human resources on board ship. Furthermore participation in a cross mentoring project bears the potential for improving the dialogue between all employees of a shipping company whether employed ashore or at sea. The shipping company may even consider not only to offer inexperienced masters to join a cross mentoring network as mentee but to suggest some of their very experienced masters to take over the role of a mentor for younger colleagues from other shipping companies.

Le Goubin summarizes the advantages for companies: „(...) *there are substantial potential benefits for those ashore. (...)* :

- *prevention of accidents or incidents*
- *reduction in cargo claims*
- *staff retention*
- *increase of meaningful dialogue between ship and shore as trust and confidence builds"*

And finally it is obvious that shipmasters can not only be fruitful mentors for young leaders at sea. In a cross mentoring program they are also able to pass on their expertise to young leaders. This is since any experienced and well respected shipmaster will have developed his/her own successful approach to leadership. Here the social talent plays a major role, for example, when communicating with colleagues and subordinates. Furthermore, there are skills of leadership behavior, such as clear decision making, forward planning and professional organization which might be most appreciated by mentees with a shore based employment. ►

How does it work?

One remaining question is, who could actually act in a cross mentoring network as mentor for young shipmasters? First of all there the group of former shipmasters, who are now employed as a harbor masters, pilots or superintendent. Furthermore we find ex shipmasters who are now working in education or training, in the legal business or in marine salvage and claims. But theoretically speaking everybody employed in a senior management position with experience in managing human resources can be considered as mentors. A plus for anybody to be a shipmasters' mentor is an understanding of the far-reaching effects of any critical maritime incident. They should be able to put themselves in the situation of a shipmaster with his/her ultimate responsibility.

Since it is one important constraint of the maritime transport industry that problems will arise suddenly and that solutions on how to tackle these problems are needed within a very limited period of time, it is essential that potential mentors are aware of the normal circumstances of working and living on board ship. Since a shipmaster has to be available 24 hours a day, he or she might expect the same from his/her mentor who should be able, if necessary, to respond directly to the concerns of his/her mentee as rapid decision-making and direct action might be necessary. This may turn out difficult, as the mentor and the mentee will find themselves in different time zones and thus the mentor must be willing to contact the mentee outside of regular working hours. That is why the methodology of e-mentoring is to be regarded as an indispensable tool for a successful transfer of the original cross mentoring program to the maritime industry. However, the lack of access to the internet continues to be a problem on many seagoing ships.

But this will hopefully change in the near future. Ships which are usually located at sea for several months (e.g. large tankers) are already equipped with internet access. On cruise ships, there are already reliable connection to the World Wide Web available. Le Goubin also mentioned this development: „*With access to the internet now available on many ships. it is possible to share far more information than ever before.*“

E-Mentoring

One advantage of e-mentoring lies in the temporal flexibility of the communication and the immense time savings compared to offline programs. The use of computer-mediated communication allows participants to exchange ideas and thoughts, without being in the same time at the same place. The exchange may, if necessary, take place quickly and directly. Mentors may in urgent

cases react during work breaks, respond from home or while traveling on any requests from their mentees.

Moreover it was noted by experts that with the use of E-mentoring it will be much easier to find a suitable mentor, especially for mentees which already have a very high level of competence.

Another great advantage of mentoring through digital media is that cultural, demographic and sexist prejudices can more easily avoided. In e-mentoring the distance can help e.g. to match female mentors with male shipmasters and to find male mentors for female captains. Common interests, experiences and knowledge play a greater role than gender, age or race.

Furthermore the course of communication can easily be recorded through e-mentoring. The partners in a mentoring relationship and the control group may re-read all messages for future reference. This might help to build on existing knowledge and to avoid repetition. At the same time self-control of the tandem and supervision by the control group are facilitated. Thus, the successes and failures of the tandem can be analyzed.

Another advantage of digital communication is the long term availability of information this gives not only time for answering but also for carefully putting the current questions and concerns. In complicated situations there is also the possibility to seek professional advice from additional experts. Le Goubin summarizes the benefits of e-mentoring as follows: „*Junior officers could set down their questions, comments and areas of bewilderment at the actions taken in an electronic format which could then either be passed on to the senior officers on board or to specific mentors elsewhere.*“

This aspect again is transferable to inexperienced shipmasters.

Referring to the usual duration of one year in cross mentoring programs ashore, it is obvious that in an adopted program for shipmasters 12 months in a row will bring relatively little benefit bearing in mind the particular rhythm of work at sea and shore leave. In an adopted program the mentor will be needed mainly during the mentees time at sea and during the first few weeks of his/her vacation. Basic reflection as well as situational reaction can reach its greatest efficiency in these phases.

Finally it can be stated that the transfer of the existing cross mentoring program to a new target group, the shipmasters, is reasonable and possible. In order to review the terms of participation in form and scope more precisely, the entire new target group is divided into three interest groups - which represent the fields of employment of shipmasters in the following three main areas: ►

1. Shipmasters in liner service - continental
2. Shipmasters in liner service - intercontinental
3. Shipmasters in international tramp shipping

Although it can be concluded based on the findings of the conducted research that it will be useful and also feasible to establish a functioning cross mentoring network for shipmasters it became also apparent that such a network will not be helpful to all shipmasters to the same extent. If one considers the aforementioned three interest groups, it becomes obvious that the introduction of a cross mentoring network for shipmasters in the continental liner service is relatively easy to achieve.

With the second group, the shipmasters in intercontinental liner service, the implementation seems still to be possible, but much more complicated. Shipmasters in international tramp shipping can benefit only under still to be developed special conditions of a cross mentoring program.

Conclusion

While researching the potential of the cross mentoring concept in the shipping industry, one shipping company responded with great interest to the presentation of the project. They expressed the opinion, that for newly appointed shipmasters such special care is absolutely desirable and that a cross mentoring network could help to convey

and keep experience. This is since the present time increasingly requires a particularly careful preparation and support of newly promoted shipmasters. Furthermore they see the potential that a working cross mentoring network might help the shipping company to raise its reputation towards third parties, for example insurance companies. This idea is also engaged by Le Goubin: „*Increase in meaningful dialogue in between ship and shore as trust and confidence builds.*“

It can be considered that a “maritime” cross mentoring program will help to build up leadership skills and that the mentee will approach his/her duties in managing human resources with greater self-confidence and sovereignty. It can be considered that even before a mentee directly contacts his/her mentor for advice in a potential problem situation, he/she is already benefiting from the mere possibility of consulting somebody. Therefore a cross mentoring network may already have a function even while no financial resource or time has been spend.

And finally as Le Goubin already noted: „*Mentoring can begin with just one act which, if it goes well, will lead to another. Gradually people will become comfortable with the concept and mentoring can take place spontaneously as a recognized action rather than something out of the ordinary.*“

Why shouldn't this be the same with cross mentoring? ■



Notes

Notes



Application Form for Association Membership

(Please type or complete in black ink, using BLOCK LETTERS)

Name of Association/Organisation: _____

Date Founded: _____

Permanent Address: _____

Phone: _____

Fax: _____

Email: _____

Name of President: _____

Name of Vice President: _____

Name of General Secretary: _____

Membership open to: _____
(i.e. Master Mariners only: Masters, Mates, Pilots)

Number of active serving Shipmasters (Afloat): _____

Number of active Shipmasters (Ashore): _____
(i.e. Marine Superintendents; Harbour Masters; Pilots; etc.)

Number of retired Shipmasters: _____
(i.e. not in any form of gainful employment)

Number of other Members: _____
(not Shipmasters)

Signature: _____
(President)

(General Secretary)

Date: _____

(Please note: This form must be posted to IFSMA as your original signature is required !)

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Application Form for Individual Membership

(Please type or complete in black ink, using BLOCK LETTERS)

Family Name: _____

First Name(s): _____

Nationality: _____

Date & Place of Birth: _____

Permanent Address: _____

Phone: _____

Fax: _____

Email: _____

Master Mariner's Certificate/Licence No.: _____

Date & Place of Issue: _____

Issuing Authority/Government: _____

Other Qualifications: _____

Number of years in command of sea-going ships: _____

Are you a member of your national association? _____

National association name & address / website: _____

Brief details of career stating current trade: _____

Brief details of general education: _____

Details of nautical education: _____

Signature: _____ Date: _____

(Please note: This form must be posted to IFSMA as your original signature is required !)

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the 1990s, the number of people in the UK who are employed in the public sector has increased from 10.5 million to 12.5 million (12.5% of the population).

There are a number of reasons for this increase. One is that the public sector has become a more important part of the economy. Another is that the public sector has become more efficient. A third is that the public sector has become more attractive to workers. A fourth is that the public sector has become more diverse.

The public sector has become a more important part of the economy because it provides a range of services that are essential for the well-being of the population. These services include health care, education, and social care. The public sector has also become more efficient because of the introduction of new technologies and the restructuring of public services.

The public sector has become more attractive to workers because it offers a range of benefits that are not available in the private sector. These benefits include job security, pension schemes, and flexible working arrangements. The public sector has also become more diverse because it now employs a wide range of people from different backgrounds and cultures.

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