

## **Secretary General's Monthly Report November 2012**

### **Introduction**

This month has been a busy month with a number of items being raised and attended to. There are reports on certain events that have taken place and new opportunities for IFSMA

The inclusion of work conducted by the Secretariat in support of the Secretary General is important to give a full picture of what is being done on behalf of IFSMA

### **IMO**

26 – 30 November 2012. Maritime Safety Committee (MSC) – 91st Session. This was attended by myself plus the President Christer Lindvall as well as Allan Graveson from Nautilus International and, when available, Willi Wittig.

There was a full agenda with much debate on matters that were important and others that seemed to be of a more political nature. The following is an outline of what went on and a few comments on the movement within the IMO for reducing the position of the Master while leaving him fully exposed should anything go wrong.

A lot of what has been laid out here can be found on the IMO Documents website. (IFSMA Members can request access) The agenda items follow:

1. Adoption of the agenda, report on credentials
2. Decisions of other IMO bodies
3. Consideration and adoption of amendments to mandatory instruments
4. Measures to enhance maritime security
5. Goal-based new ship construction standards
6. LRIT-related matters
7. Passenger Ship Safety
8. Making the Polar Code mandatory
9. Radiocommunications and search and rescue (report of the 16th session of the Sub-Committee)
10. Flag State implementation (report of the 20th session of the Sub-Committee)
11. Training and watchkeeping (report of the 43rd session of the Sub-Committee)
12. Safety of Navigation (report of the 58th session of the Sub-Committee)
13. Dangerous goods, solid cargoes and containers (report of the 17th session of the Sub-Committee)
14. Technical co-operation activities relating to maritime safety and security
15. Capacity-building for the implementation of new measures
16. Formal safety assessment
17. Piracy and armed robbery against ships
18. Implementation of instruments and related matters
19. Work programme
20. Election of Chairman and Vice-Chairman for 2013
21. Any other business

This allowed for over 100 papers to be included which was a lot of work to be covered.

For this 91st session of MSC the following were convened

- WG1 Working Group on Maritime Security / Piracy
- WG2 Working Group on Passenger Ship Safety
- WG3 Working Group on Goal-based Standards
- DG1 Drafting Group on Amendments to Mandatory instruments
- EG1 Capacity-building Needs Analysis Group (AGAG)

A number of presentations and events took place during MSC. These were:-

- China BeiDou Satellite navigation system
- IMO 2012 IMO Award for Exceptional Bravery at Sea
- Brazil Safe transportation of iron ore fines
- IMO International Maritime Prize
- Italy The Costa Concordia investigation (update and preliminary report)
- CLIA Safeguard research project
- ICSW International Seafarers' Welfare Awards
- IMO Report of TC Impact Assessment
- Germany Safety and efficiency of navigation sea areas with offshore wind farms through the appropriate lighting of their wind turbines

Included below is a copy of the draft submitted to IFSMA before the meeting to highlight certain points of interest. Once again a thank you to Allan Graveson of IFSMA Association Member Nautilus International for the time taken to prepare the document and continued support at the IMO.

Briefing: 50/2012

Date: 21 November 2012

Preview: Maritime Safety Committee (MSC), 91st session, 26 to 30 November 2012

Busy agenda for IMO's Maritime Safety Committee

IMO's Maritime Safety Committee (MSC) met at the Organization's London Headquarters for its 91st session from 26 to 30 November 2012.

The agenda included discussions on passenger ship safety; the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS); and consideration of matters related to piracy and armed robbery against ships and other items submitted by the IMO Sub-Committees.

### ***Passenger ship safety***

The MSC is expected to establish a working group on passenger ship safety to consider relevant issues, including the action plan drawn up at the last session following the Costa Concordia incident in January.

The MSC agreed at its last session on a number of operational measures to be implemented immediately, on a voluntary basis, prior to the adoption of any measures following the analysis of the official marine investigation report into the loss of the Costa Concordia.

The MSC is also expected to receive an update from the Government of Italy on the status of the Costa Concordia casualty investigation. IMO is represented, as an observer, on the body overseeing the casualty investigation.

### ***Adoption of SOLAS amendments***

The MSC will be invited to consider, for adoption:

- \* Draft amendments to SOLAS regulation III/17-1 to require ships to have plans and procedures to recover persons from the water, as well as related Guidelines for development of plans and procedures for recovery of persons from the water. Also, a related draft MSC resolution on Implementation of SOLAS regulation III/17-1 to ships other than those engaged in international voyages;
- \* A draft new SOLAS regulation II-1/3 12 to require new ships to be constructed to reduce on-board noise and to protect personnel from noise, in accordance with the draft revised Code on noise levels on board ships, also set to be adopted, which sets out mandatory noise level limits for machinery spaces, control rooms, workshops, accommodation and other spaces on board ships, updates and revises the previous version published in 1973 (resolution A.468(XII)); and
- \* Draft amendments to SOLAS regulation II-2/10 on fire fighting to require a minimum of duplicate two-way portable radiotelephone apparatus for fire fighters' communication to be carried; and draft amendments to regulation II-2/15 Instructions, on-board training and drills, to require an on-board means of recharging breathing apparatus cylinders used during drills, or a suitable number of spare cylinders.

SOLAS amendments to mandate enclosed-space entry and rescue drills to be approved

The MSC is expected to approve, for subsequent adoption, draft amendments to SOLAS to mandate enclosed-space entry and rescue drills, which would require crew members with enclosed-space entry or rescue responsibilities to participate in an enclosed-space entry and rescue drill at least once every two months.

The draft amendments are aimed at enhancing the protection of seafarers' lives by requiring drills be held to ensure that seafarers are familiar with the precautions they need to take prior to entering enclosed spaces and also with the most appropriate action they should take in the event of an accident.

### ***Piracy and armed robbery against ships***

Following a high-level policy debate on arms on board ships at the last session, the MSC will review the latest statistics on piracy and armed robbery against ships and discuss current initiatives to suppress piracy and armed robbery.

The number of attacks launched by Somali-based pirates is reported to have decreased. However, the number of reported attacks off West Africa has risen.

Following the high-level policy debate on arms on board ships at the last session and the work done by MSC 90 to develop guidelines for private maritime security companies using armed security personnel, MSC 91 will receive an update on the progress made by the International

Organization for Standardization (ISO) to develop international minimum standards for the deployment of such personnel, for use by flag States if or when appropriate.

### ***Goal-based standards implementation work to continue***

The MSC will further its work in relation to the implementation of goal-based standards. It is expected to consider the report of a Correspondence Group, established to develop draft guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments. A working group will be established to further consider matters related to the development of the safety level approach and guidelines for the approval of risk-based ship design.

### ***IMO audit scheme Code and amendments set to be approved***

The MSC is expected to approve the draft IMO Instruments Implementation Code (III Code), which sets the standard for the IMO audit scheme, and approve draft amendments to the following treaties to make the III Code and auditing mandatory: International Convention for the Safety of Life at Sea, (SOLAS), 1974, as amended; the International Convention on Load Lines, 1966 (LL 1966) and its 1988 Protocol; the International Convention on Standards of Training, Certification and Watchkeeping (STCW), 1978, as amended and the Seafarers' Training, Certification and Watchkeeping (STCW) Code; the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972).

The aim is to adopt the treaty amendments in 2014, once the III Code has been formally adopted by the IMO Assembly, in 2013.

### ***Code for Recognized Organizations (ROs) set to be approved***

The MSC is expected to approve the draft Code for Recognized Organizations (ROs) and related draft amendments to MARPOL (Annexes I and II) to make it mandatory, for adoption, concurrently with the MEPC, at a future session. The Code will provide a consolidated text containing criteria against which ROs (which may be authorized by flag States to carry out surveys and issue certificates on their behalf) are assessed and authorized/recognized, and give guidance for subsequent monitoring of ROs by Administrations.

### ***LRIT status to be updated***

The MSC will be updated on developments in relation to the establishment and testing of long-range identification and tracking (LRIT) Data Centres (DCs) and the operation of the LRIT system.

### ***Other issues***

In connection with other issues arising from the reports of IMO Sub-Committees and other bodies, the MSC will be invited to:

- adopt amendments to update the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk

carriers (resolution MSC.215(82)) and the Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87));

- adopt amendments to annex B to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol), as amended related to Regulation 27(11) Initial condition of loading and Regulation 27(13) Condition of equilibrium;
- adopt amendments to update the International Code for Fire Safety Systems (FSS Code), as amended, including revised specifications for breathing apparatus and revised chapter 14 on fixed deck foam systems;
- adopt amendments to chapters 17, 18 and 19 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), which have been concurrently adopted by the Marine Environment Protection Committee (MEPC);
- approve a draft COMSAR circular on guidance on Smartphone and other computer devices, which points out the potential safety concerns in relation to the use of applications for "Smart Phones" and other computer devices that relate to Search and Rescue (SAR);
- adopt a number of new and amended ships' routing measures;
- consider the Secretary-General's report on a number of countries whose independent evaluations have been completed since the previous MSC meeting and to confirm if those Parties continue to give full and complete effect to the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended;
- approve revised Guidelines on the Medical Examination of Seafarers (STCW.7/Circ.19);
- approve a draft STCW.7 circular providing guidance on Electronic Chart Display and Information System (ECDIS) Training;
- approve guidance to STCW parties, including draft revised circulars on Procedures regarding the consideration of information communicated in accordance with article IV and regulation I/7 of the STCW Convention (MSC.1/Circ.796/Rev.2; Guidance on the preparation, reporting and review of independent evaluations and steps taken to implement mandatory amendments required by regulations I/7 and I/8 of the STCW Convention (MSC.1/Circ.997/Rev.1); and Guidance on arrangements between parties to allow for recognition of certificates under regulation I/10 of the STCW Convention (MSC.1/Circ.950/Rev.1);
- approve draft amendments to the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code), intended to improve its efficiency and user friendliness;
- approve a draft Assembly resolution on Revised Guidelines on implementation of the ISM Code by Administrations;
- approve a draft Assembly resolution on Revised Guidelines for the structure of an integrated system of Contingency planning for shipboard emergencies;
- approve draft amendments to the International Convention for Safe Containers (CSC), 1972, for subsequent adoption. The draft amendments incorporate amendments to the CSC Convention adopted in 1993 by resolution A.737(18), which have not yet entered into force;
- approve the draft MSC-MEPC circular on the Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process (Revised FSA Guidelines), and the draft MSC-MEPC circular on Guidelines for the application of Human Element Analysing Process (HEAP) to the IMO rule making process (HEAP Guidelines); and

- approve a draft revised MSC.1/Circ.1350 on Unified Interpretations of SOLAS regulation V/22.1.6 relating to navigation bridge visibility, to include a new paragraph covering the use of a remote camera system as means for achieving the view of the ship's side from the bridge wing.

The meeting lost time on the Monday morning by a paper presented by the UK delegation in respect of concerns of UK ships and crews attending Argentina and the refusal by Argentinian stevedores to handle cargoes. This resulted in Argentina and the South and Central American countries along with some Caribbean states responding. Of course behind this is the current on-going situation of the Falkland Islands. The rights or wrongs of this situation are open but it is my belief that this could have been handled at the UN and not at the IMO, but this is a personal opinion.

Because of budget cuts and reviews at the IMO, the Flag States were more prolific with their interventions and this led to a number of times that the NGOs were not able to speak on matters. I experienced this on three occasions. Much of the time there was not a lot said of substance but it did take a while for it to be said.

The main intervention made by IFSMA was in respect of the Stolt Valour case. The background can be found in MSC 91-21 – Stolt Valour Incident (ICS). The intervention was as follows:-

“Thank you Mr. Chairman,

IFSMA fully supports the contents of this paper and its sponsors plus the comments made by Liberia.

Once again it is seen that the criminalization of seafarers, in particular the shipmaster, where there is a presumption of guilt until proven innocent exists, contrary to common law and fair treatment expected. This results in the Master and C/E being advised not to return to the place of the incident.”

This incident highlighted the problem of a stricken ship being able to seek and be permitted to a Port of Refuge. The result is that the situation deteriorates and the ship becomes a greater threat to safety and the environment as time progresses.

Much of what was written in the briefing report was completed and approved during the meeting. The President of IFSMA, Christer Lindvall attended all of the WG on Passenger Ship Safety.

Sometimes there is a lot of debate over matters which seems to delay the meeting, but it is assured that all speaking do have improvement in ship safety along with improving the lives of seafarers in mind.

The IMO Bravery Awards puts us all to shame, as it is about ordinary people doing extraordinary things. The people mentioned from different countries put themselves in great danger to rescue others. It is humbling to read what these people have achieved. It should be noted that only the winners of the awards are presented. There is a long list of nominees and I think they are all winners and seafarers from all over the world owe them a debt of gratitude regarding the work that they do.

## **IMO – Legal Committee – Preservation of Evidence**

*The original paper was titled “Draft guidelines on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims” [LEG 99/INF.2]*

The reaction to this paper has been completed and submitted by Charles Boyle of IFSMA member Nautilus International to the IMO on behalf of IFSMA. A paper has also been tabled by the RMT. It has many of the items of concern raised by IFSMA but comes more from a trade union point of view and a UK perspective.

The response to this paper will be interesting as IFSMA has taken the lead and challenged the paper and also the exposure of the Master in respect of this matter.

## **Strategy Meeting - Executive Council - London 19 – 20 December 2012**

At the ExCo Meeting in September it was decided that a strategy meeting should be held to identify the way ahead.

The Secretariat will provide a list of bullet points that they believe are required to be addressed. This will complement the papers received from ExCo Members. The list of bullet points will be circulated in the first week of December to all ExCo members

At this meeting, on the 20th the IMO Secretary General Mr. Koji Sekimizu will attend a buffet lunch at which he will receive his Honorary Membership of IFSMA.

## **IFSMA Workshop in Manila Nov 2012**

The FOCUS DAY was judged to have been successful although of the numbers that had paid to attend there was a reduced number in attendance.

Several logistical issues have been resolved and these should result in the proceedings being completed. There was a feedback session in respect of the FOCUS DAY at the main conference which was given by Natalie Shaw and was well received.

President Christer Lindvall, did not manage to have meetings with AMUSOP and FILCAPTS during his stay in Manila, therefore the issues needing to be discussed were not covered or resolved. These are being carried forward to the Strategy meeting.

## **Maritime Transport and Future Policies (Scotland)**

This was a meeting held at the Scottish Parliament in Edinburgh on 21st November 2012. The main thrust was the “Perspectives from the North Sea Region”. The event was hosted by Mike Mackenzie MSP. Professor Alf Baird of Napier University was directing the meeting. There were a lot of issues being opened up for discussion. This included a maritime Policy and Strategy for Scotland. IFSMA had been invited and had accepted to be part of the correspondence group on this and other matters, and will be attending meetings that will be held at regular intervals.

At this meeting representatives from Hamburg and Rotterdam ports were present, along with speakers from the Norwegian Maritime Universities as well as industry representatives.

#### **4th Maritime Piracy & Security Summit in London January 2013**

IFSMA has been invited and accepted the invitation to speak at this conference. This is the second year of participation, but the first year for IFSMA. Once again this is an important Summit which ensures that IFSMA is known and the work that it carried out.

Discussions are being held to identify the theme of the paper, but it is moving onto other security issues and not just piracy. One of the topics will be the preservation of evidence on board ship and the burden placed on the Master. IFSMA is already involved in this issue with Charles Boyle – Director of Legal Affairs Nautilus International and myself attending the IMO on the work being progressed.

Reports and updates will be made as this matter progresses.

#### **New IMO Training Project**

This took place on 3rd September at the IMO and a full report was attached to the September report.

A letter of thanks for attendance and input was received from the IMO. There has been no further communication on this matter

#### **ECDIS Technical Group**

The meeting was held on 9th of October 2012 at the OCIMF HQ. There is an attached paper regarding the discussions.

The main point in question was that the Nautical Institute wanted to produce a book to support the checklist for the type specific / familiarization of ECDIS on board ship. This was on top of the IMO Model Course 1.27.

The Nautical Institute wished to only coordinate the book and each chapter of approximately 3000 words was to be written by an organization or individual who was a member of said technical group. It was not clear what the benefits were from taking part and if IFSMA would receive any royalties from such as a venture.

This matter was circulated to the President and all other ExCo members.

Now we understand that this new publication will not be taking place. A number of members of the TG declined to be part of the scheme and withdrew their support. Matters elsewhere are taking precedence over this group and discussions at the IMO at MSC will give a new direction.

#### **Willi Wittig Visit to London – November 2012**

HQ Secretariat was involved in assisting Will Wittig (ExCo Member and Vice President) and a number of his students (13 and Asst. Lecturer) during their stay in London. This included Paul Owen giving a talk on IFSMA and its function. A senior member of the IMO Secretariat gave a talk at the IMO to the students before they observed a session of the MSC in plenary.



Willi stayed on for a second week after his students returned to Germany and by all accounts this was a successful visit which the students found most useful. Willi will forward a full account for the website in due course.

It is hoped that other associations will take note of this and perhaps use the facilities, if available, to foster future events. IFSMA is able to organize the meeting rooms and equipment free of charge at HQ, and can also provide buffet lunches at a very good price. There are no administrative charges for any work undertaken by IFSMA in supporting such events and there are a number of hotels close by which can be used.

### **Sidelights Article**

No article for November, but when required an article will be written to reflect current issues of concern to ship masters and will be posted on the IFSMA website after appearing in Sidelights.

### **DVD on Fair Treatment of Seafarers**

IFSMA has been approached by Seafarers' Rights International (SRI) to be part of the Steering Committee regarding a forthcoming DVD to be produced by VIDEOTEL. This has been agreed and it is hoped that the work will be completed by April 2013.

The first meeting of the Steering Committee took place at the Videotel offices on 6th November 2012 at 0930 hours. However, there were a number of issues to be resolved which should be sorted out by December, by which time it is expected that a revised schedule for this project can be reported upon.

### **Initiative on NGO Work Group**

This is an initiative for NGOs and other organizations involved in the rights of seafarers to work together to enhance the working life of seafarers. It is not another working group that has a rigid formula but more of a loose association where certain organizations can come together to support each other and progress important issues.

The position of IFSMA is to host the initial meeting to explore whether this can work or not and how it would be structured.

No date has been set, but depending upon the schedule for 2013 it should take place in either late January or early February. At this stage it seems that the majority of organizations invited will be involved and give support to this group.

### **Irish Institute of Master Mariners**

During the month of November it has not been possible to progress matters with IIMM. But it is hoped that this can move ahead in the coming months.

There is also an opportunity for IFSMA through IIMM to forge links with Maritime Ireland and look towards planning a Seminar/Conference in Cork at a future date.

### **Branch Membership**

Following a successful meeting between Paul Owen, Assistant Secretary General, and the Turkish Ocean-Going Masters' Association about joining IFSMA, they have recently come back to us, and it does seem possible that we can expect them to join in the New Year.

Invoices for the 2013 fees are being sent out now. With regard to 2012 subscriptions, a full list of the financial implications to IFSMA due to unpaid dues will be reported at the forthcoming Strategy meeting in December.

With each Association it is a matter of identifying others which can be approached. The long term goal must be to have Member Associations in as many countries as possible to truly represent the ship Masters of the world.

### **HQ Renovation**

As a result of the Executive Council meeting in September and the Strategy meeting in December it has been decided to suspend all renovation work until such time as final decisions are reached and the way ahead can be clearly marked out.

Further reports will expand on the items listed above and new projects as they are formed. It is hoped that in the near future more feedback will be received so that new projects and other matters can be discussed and hopefully progressed.