

Number 22, November 2018

# IFSMA

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## NEWSLETTER

The Shipmasters' International Voice



Model made from Lego  
Hamburg Maritime Museum, a visit recommended  
<https://www.imm-hamburg.de/international/en/>

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### From the Editor

One never ceases to be amazed at the breadth of expertise IMO imparts to the world maritime community. As we went to press it was reported that Libyan port and maritime security officers had been receiving training on IMO's ISPS Code, which sets out security measures to detect and deter threats to ships and ports.

Libyan participants are in charge of port security throughout the country, and their staff under training also included members of the national committee responsible for oversight of compliance in Libya. A special session was devoted to these responsibilities and the gathering focused on equipping officers with the necessary skills and knowledge to plan and conduct effective self-assessments of compliance. Here they studied the relevant IMO regulations and guidelines, particularly SOLAS Chapter XI-2 and the ISPS Code, as well as taking into account MSC.1/Circ.1192 on Guidance on Voluntary Self-Assessment by SOLAS Contracting Governments and by Port Facilities. A splendid example of IMO's priorities being delivered.

Until the next time I send good wishes, wherever you may be, for the year's end festivities and for a safe and secure 2019.

## Secretary General's Report

Without doubt the year is running away with us at great pace here at Headquarters. September and October were even busier than I had predicted particularly at the IMO which is our main effort on your behalf. September saw us participate in a fairly routine Carriage of Cargoes and Containers (CCC5), Implementation of IMO Instruments (III5), an Intersessional Working Group ISWG for the Marine Environment Protection Committee (MEPC) and the MEPC 5 itself. With all the media coverage on plastics in our beautiful oceans and seas you will not be surprised that a lot of work was done to put together an action plan which aims to enhance existing regulations and introduce new supporting measures to reduce marine plastic litter from ships. We were heavily involved in discussions, with huge support from the International Chamber of Shipping, INTERTANKO and others, arguing against the imposing of a speed cap on ships to help reduce Green House Gas Emissions and the removal of all definitions of Minimum Power for Ships from the Codes and Regulations. We were successful of both counts but it needed us to be very robust both in Committee and lobbying during the breaks. More detail can be found in my Report on MEPC 5 and our researcher, Paul Ridgway, has very kindly put together a short briefing on the highlights of this important subject which you will find in this Newsletter. See pages 26/27.



September also saw us hold the first ever IFSMA Special Meeting of the General Assembly to vote on the five Resolutions drawn up by the AGA in Buenos Aires in April this year. The Resolutions to increase the Vice Presidents from seven to ten, to employ a full-time Secretary General, to increase annual subscriptions, to increase voting rights and to introduce 30 days' notice for nomination for election to ExCo. The Meeting was well attended by 15 Member Associations and 2 Individual Members. All the Resolutions were voted in by a majority of over 90%. A full record of the meeting has been compiled and is available on the IFSMA website. The good news is that it was agreed that the Secretary General's post should be a full-time appoint-

ment in the future and the process to recruit a new Secretary General will commence in the Spring of 2019.

Finally, IFSMA has been informed of GPS interference and possible jamming reportedly occurring in the Eastern Mediterranean between Cyprus and Suez, with potentially dangerous consequences. Vessels reported a loss of GPS signal, incorrect locations or no location at all. Recently the US Maritime Administration issued several maritime alerts: 2018-004A and 004B, and more recently 2018-007. The reports were concentrated in the vicinity of Port Said, the Suez Canal and south of Cyprus. Reported interference altered GPS signals affecting bridge navigation and GPS timing and communication equipment. The alerts reaffirm the need for redundant navigation practices when experiencing disruption and also a platform to promote other disruption mitigation practices and procedures. Civil aviation authorities in the region also issued NOTAM\* 0356/18 that reported signal termination and incorrect location of aircraft between Cyprus and Syria.

Impact of this interference is still under investigation, however it is likely vessels will, and should, adopt reversionary modes such as radar, chart, and visual data to account for loss of GPS or inaccuracies encountered. While less effect in open waters, the impact may be felt more during confined navigational movement, or while entering port due to the increased workload on bridge teams. NATO MARCOM\*\* would appreciate it if companies/Masters can report all instances of GPS interference, reactions taken and the overall impact (if any) to the vessel's transit. A separate reporting signal is available on the NATO Shipping Centre (NSC) Website. ([www.shipping.nato.int](http://www.shipping.nato.int))

To remind you, there are still available tools to manage such a situation:

1. Visual and radar fixes input to ECDIS in DR/EP mode;
2. Radar overlay, particularly on ECDIS which allows the position of the ship on the chart to be adjusted by aligning the RIO with charted features; and
3. Soundings (these too can be plotted on ECDIS).

I will keep you informed if we get any further updates from NATO MARCOM and will try and produce a full article for the next Newsletter. Keep alert and keep safe.

With best wishes for the forthcoming Festive Season.

\*Notice to Airmen

\*\*Allied Maritime Command

## Ammonium nitrate-based fertilizer

### A hazardous 'non-hazardous' cargo?

By The Loss Prevention Department, The Britannia Steam Ship Insurance Association Limited London

Despite being categorised as 'non-hazardous' incidents involving the carriage of ammonium nitrate-based ferti-

lizer (non-hazardous) (ANBF(nh)) on board *Purple Beach* (2015) and *Cheshire* (2017) have highlighted the potential hazards of this cargo and the necessity of taking suitable precautions at all times if carrying ANBF(nh). The cargo is liable to decomposition which is where toxic gases containing ammonia and nitrogen are created. If carried in a combined space, such as a cargo hold, the heat and gases are not able to dissipate and the nitrogen oxide can combust or explode, even if there is no oxygen present.

In response to these incidents, the International Maritime Organization (IMO) issued circular CCC.1/Circ.4 in September 2017 which highlighted some of the key issues and the precautions to be taken when carrying such cargoes: <http://tinyurl.com/y9ee7utk>

The circular notes that even for ANBF(nh) cargoes classified as Group C (non-hazardous) the relevant precautions in appendix 1 of the International Maritime Solid Bulk Cargoes (IMSBC) Code should be applied carefully. It also sets out a number of specific actions that should be taken in the event of cargo decomposition; these include opening cargo hatches as soon as decomposition is found in order to prevent the build-up of pressure and to help cool the cargo, thereby stopping or slowing down the process of cargo decomposition.

The circular also draws attention to the helpful information available in the guidance document issued by Fertilizers Europe Guidance advising on the sea transport of ANBF: <http://tinyurl.com/yb5qnwqx>

At the time of writing, the German Federal Bureau of Maritime Casualty Investigation (BSU) Flag State casualty investigation into the *Purple Beach* accident is still ongoing and its conclusions have not been published. However, the final casualty investigation report into the *Cheshire* accident has been recently published by the Isle of Man Ship Registry: <http://tinyurl.com/ydeekoe8>

The report highlights a number of issues and gives advice on precautions to take when carrying ANBF(nh):

- Although the ANBF(nh) cargo on *Cheshire* was categorised as 'non-hazardous' and 'non-self-sustaining', the 'trough tests' carried out showed that the cargo still experienced a catastrophic thermal decomposition. This ultimately led to the ship being declared a constructive total loss despite various efforts to respond to the situation.
- The need for regular monitoring of ANBF(nh) cargoes, including the review of relevant trend data, is crucial throughout a voyage to detect possible signs of initial decomposition. This should include monitoring for:
  - any significant abnormal fluctuations in temperature
  - the presence of water, as ANBF(nh) cargoes normally contain very little moisture when manufactured (<0.5%)
  - reduced oxygen content by volume compared to other holds, as oxygen is displaced by the gases



generated during decomposition

- a foul smell (possible due to oxides of nitrogen and ammonia generated as part of the chemical reaction)
- Members' SMSs should provide readily available safety information for the carriage of ANBF(nh) cargoes, including:
  - Information on warning signs to look for (such as oxygen depletion, water accumulations, visible vapours, temperature increases and a smell of ammonia - discernible and detectable at low concentrations)
  - What steps should be taken to ensure an effective arrest of any decomposition process (including maximum ventilation, hotspot location identification and specifically directed cooling)
- It is essential to contact the cargo manufacturer as soon as there is any suspicion that a cargo decomposition in progress. The manufacturer should have full knowledge of the cargo's chemical composition and how it will be expected to behave and can therefore provide the best advice, based on feedback received on a situational basis.
- The decomposition process may lead to the emission of a toxic gas cloud. Human exposure to any affected areas during an incident should therefore be avoided. If crew are required to operate in such areas then Self-Contained Breathing Apparatus (SCBA) and appropriate protective clothing (PPE) must be worn during any periods of exposure.
- Any decomposition products drawn into the engine room ventilation system may lead to fouling of the turbocharger filters causing air starvation and exhaust temperature imbalance, which could ultimately lead to the engines tripping.
  - All efforts should be made to safely manoeuvre the

ship in order to minimise, as far as possible, the exposure to the toxic gases and decomposition products

- Additional countermeasures may be required to prevent the ingress of the toxic gases into accommodation spaces through gas tight openings
- Should the turbocharger filters become fouled, these will need to be cleaned manually or removed by crew wearing suitable PPE/SCBAs
- Although not a statutory requirement, operators of ships carrying ANBF(nh) cargoes may wish to consider the carriage of additional specialist equipment to assist with the detection and response to any decomposition event. Such equipment could include, inter alia:
  - thermal detection equipment, reflected infra-red thermometers, or infra-red camera/analysis equipment
  - high pressure water lances (commonly referred to as 'Victor Lances')
  - additional SCBA.

## Conclusion

As for all hazardous situations, prevention is the best cure. As noted in the IMO circular, awareness of the decomposition process to allow its identification at an early stage as possible is key.

Although by no means a simple process, a decomposition event can be brought under control if tackled quickly and appropriately. Regular monitoring of the cargo throughout the voyage is therefore crucial to detect the beginning of a possible decomposition and allow early action to be taken to prevent the situation deteriorating.

Image - *The work design consultants* ©

## Unintentional release of carbon dioxide from fixed fire-extinguishing systems

### Ro-Ro vessels *Eddystone* and *Red Eagle*

#### (UK)Marine Accident Investigation Branch (MAIB) report

On 12 September the MAIB issued investigation report 16-2018: *Eddystone* and *Red Eagle*.

The 47 page document is available here:

<http://tinyurl.com/y9tn9lgw>

### Summary

On 8 June 2016, ro-ro vessel *Eddystone* experienced an unintentional release of carbon dioxide ( $\text{CO}_2$ ) from its fixed fire-extinguishing system while in the Red Sea.

A similar incident took place on 17 July 2017 on board the ro-ro passenger ferry *Red Eagle* while on passage from the Isle of Wight to Southampton.

In both cases, gas leaked into the  $\text{CO}_2$  cylinder compartment, but was prevented from entering the engine room by the main distribution valve which remained closed. Fortunately, no one was harmed in either of these incidents. However, the unintended release of  $\text{CO}_2$  from fire-extinguishing systems has caused 72 deaths and 145 injuries, mainly in the marine industry, between 1975 and 2000.



### Safety lessons

[MAIB](#) ©

The MAIB report delivered two safety lessons:

- The maintenance of the fire-extinguishing systems was inadequate.
- The available guidance for the marine industry on the maintenance and inspection of  $\text{CO}_2$  fixed fire-extinguishing systems was insufficient.

### Recommendations

Recommendations have been made to:

- ❖ The Maritime and Coastguard Agency (2018/123 and

2018/124) to ensure that all safety devices fitted to  $\text{CO}_2$  fixed fire-extinguishing systems are maintained and surveyed appropriately; and, to seek clarification from the International Maritime Organization of the maximum permitted periodicity between hydrostatic testing of individual high pressure cylinders (MSC.1/Circ.1318)

- ❖ Det Norske Veritas – Germanischer Lloyd and Lloyd's Register (2018/125), to raise with the International Association of Classification Societies the issue of the quality of service provided by approved service suppliers in the maintenance of  $\text{CO}_2$  fixed fire-extinguishing systems
- ❖ The owners of *Red Eagle* (2018/126), to review the design of the  $\text{CO}_2$  fire-extinguishing systems fitted to their vessels where the leakage of a single cylinder valve causes the entire system to discharge

### Related publications

The (UK) Maritime & Coastguard Agency has issued *Safety Bulletin No. 12 - Accidental  $\text{CO}_2$  releases onboard 2 UK Merchant Vessels*. See here:

<http://tinyurl.com/ydc9od9r>

## LISW19

### International Trade in a Changing World

#### Growing; Innovating; and Partnering

In London on 12 September the 12-month countdown commenced to what promises to be the largest and most successful London International Shipping Week.

LISW19's overarching theme International Trade in a Changing World will be supported by a series of sub-themes: Growing; Innovating; and Partnering. These will provide the backdrop to the flagship LISW19 conference to be held at the Grosvenor House Hotel, Park Lane, London on 12 September next year. Themes may also be referred to by LISW19 Supporting Organisations and Sponsors wishing to hold their own events during the week.

Over 20,000 international shipping and maritime decision makers are expected to descend on London between 9 and 13 September, 2019 to attend the fourth London International Shipping Week (LISW).

An anticipated 200+ industry events will be held during the week in what will be a highly effective backdrop to top level discussion, networking and government-to-government as well as industry-to-industry meetings and bilaterals.

Speaking at an official London reception marking the launch of LISW19, Lord Mountevans, Chairman of the LISW19 Board of Advisors, said the advent of smart technology, a shift in global trade patterns as well as disruptive forces on the intermodal supply chain look set to challenge shipping's status quo as well as throw up countless opportunities for growth and innovation.

tunities for the years ahead.

He said: 'And this is before you consider the effect of geopolitics on the world stage. Brexit is but one example, as is the protectionist stance posed by some leading nations and the emergence of trade tariffs.'

Welcoming the launch, Maritime Minister Nusrat Ghani added: 'London International Shipping Week is one of the highlights of the maritime calendar and next year will be no different.'

'The event, with more than 20,000 industry leaders attending from around the world, proves the UK continues to be a global maritime power. Maritime has a vibrant and exciting future ahead and this week will help make that even greater.'



John Hulmes, Chairman of the LISW19 Steering Group, said LISW19 could not come at a better time as London and the UK enter a new trading era outside the European Union. '*LISW19 will provide a platform to demonstrate that post-Brexit London and the UK will remain the world's leading maritime centre and the significant trade advantages (both for the UK and its trade partners) arising from new global trade deals.*'

Over 60 international industry trade associations, UK Government departments and the Devolved Administrations have so far signed up as Supporting Organisations of London International Shipping Week 2019 (LISW19).

The move is significant so soon into the start of the campaign for the next LISW and is further proof that world shipping considers London International Shipping Week as the popular event in the global maritime calendar.

Further information about LISW19 can be found on the dedicated event website: <http://tinyurl.com/y8ugnpra>

## A revelatory study into cabotage

### SRI delivers exploratory survey

**Seafarers' Rights International (SRI), a world leading international centre researching maritime and seafarers' law, published on 25 September a new report exploring the nature and extent of cabotage laws around the world.**

The report, *Cabotage Laws of the World*, has identified for the first time 91 member states of the United Nations that have cabotage laws restricting foreign activity in their domestic coastal trades.

This masterful and well-presented report describes the

history of maritime cabotage and traces a number of early rudimentary legal principles. It sets out examples of the many different definitions of cabotage that exist today at national, regional and international levels as well as examples of the restrictions of foreign activity and their waivers in domestic coastal trades.

Evidence-based decision making is highly dependent on accurate facts and the lack of an up-to-date comprehensive study has been a major impediment to thoughtful policy-making on the subject, it is reported.

SRI was commissioned by the International Transport Workers' Federation to undertake the independent study.

Deirdre Fitzpatrick, Executive Director of SRI explained at the time of the paper's publication: '*For many people maritime cabotage, or coasting, coastwise or coastal trade as it is sometimes referred to, is understood, if at all, only vaguely. This is not surprising since so little is published on the subject.*

*'This was a complex project, given language and cultural barriers and difficulties in statutory interpretations. But the subject is important. It affects a very wide range of trades, services and activities around the world, and with significant social and economic consequences. Policy makers especially need to know more about the subject.'*



*Deirdre Fitzpatrick, Executive Director of SRI set up the organisation in September 2010, in response to the need for improved protection for seafarers in national and international laws.*

*Cabotage Laws of the World* at 100 pages is based on legislation and advice received from professional law firms in 140 member states of the United Nations, many of whom are part of SRI's independent network of lawyers worldwide.

Written by lawyers, but not for lawyers, technical jargon and heavy authoritative footnotes have been kept to a minimum in this valuable document which is available here: <http://ftp.elabor8.co.uk/sri/cabotage/flipbook/mobile/index.html>

**About SRI** Seafarers Rights International (SRI) is an independent pan-industry centre dedicated to advancing the rights of seafarers through research, education and training in issues concerning seafarers and the law

## CABOTAGE LAWS OF THE WORLD



### Deirdre Fitzpatrick

Deirdre Fitzpatrick, Executive Director of SRI, set up the organisation in September 2010, in response to the need for improved protection for seafarers in national and international laws.

A Solicitor of the Supreme Court of England and Wales she is also dual qualified in Ireland and joined the ITF in 1994 to head up its legal services department. She has considerable experience in the protection and enforcement of seafarers' legal rights and is co-editor of *Seafarers' Rights*, published by Oxford University Press (ISBN: 9780199277520).

### Maersk Dangerous Goods guidelines

After a thorough review of current safety practices and policies in the stowage of dangerous cargo, Maersk has now completed implementation of new guidelines to improve safety across its container vessel fleet.

Following the tragic fire aboard *Maersk Honam* in March this year, Maersk took measures and implemented additional preliminary guidelines for stowage of dangerous goods. The company evaluated over 3,000 United Nations numbers of hazardous materials in order to further understand and improve dangerous cargo stowage onboard container vessels and developed a new set of principles called Risk Based Dangerous Goods Stowage.

### Call for comprehensive study

Together with the American Bureau of Shipping (ABS),

Maersk called for a workshop with other industry stakeholders to conduct a comprehensive Hazard Identification study that validated these new guidelines which have now been implemented across Maersk Line's fleet of more than 750 vessels. The Risk Based Dangerous Goods Stowage principles have also been presented to the IMO as well as the Danish Maritime Authorities.

In the words of says Ole Graa Jakobsen, Head of Fleet Technology at Maersk: '*All cargo aboard Maersk Honam was accepted as per the requirements of the International Maritime Dangerous Goods Code and stowed onboard the vessel accordingly. Despite this, as the fire originated in a cargo hold in front of the accommodation which held several containers with dangerous goods, it had an unbearably tragic outcome.*

*'This clearly showed us that the international regulations and practices with regards to dangerous goods stowage needs to be reviewed in order to optimally protect crew, cargo, environment and vessels.'*

The Risk Based Dangerous Goods Stowage principles have been developed with the aim of minimising risk to crew, cargo, environment and vessel in case a fire develops. The different container vessel designs were reviewed from a risk mitigation perspective and ultimately six different risk zones defined.

Cargo covered under the International Maritime Dangerous Goods (IMDG) Code will no longer be stowed next to accommodation and main propulsion plant which is defined as the zone with the lowest risk tolerance. Similarly, risk tolerance will be low below deck and amidships, whereas the risk tolerance will be higher on deck fore and aft. Utilising statistics on container fires in the Cargo Incident Notification System (CINS), Maersk defined which UN numbers can be stored in each risk zone.

Maersk will continue to review its rules and policies for accepting dangerous goods and assess how to further improve them. Together with other members of the CINS, Maersk is seeking to channel these experiences into developing new industry best practices.



*Photo taken with thanks from [www.maersk.com](http://www.maersk.com) ©*

Jakobsen added: '*Container ship fires are a problem for our entire industry and we intend to share and discuss our*

learnings from this thorough review within relevant industry forums. We very much believe that discussions, views and insights among container carriers can further improve fire safety in our industry.

'We aim for long term improvements by reviewing our systems and then designing an end-to-end process that is safe for our seafarers and smooth for our customers.'

### Further review and presentation to IMO

In the coming months, a review aimed at creating best management practices for dangerous goods stowage will be undertaken with participation from ABS, Lloyd's Register, the International Group of P&I Clubs, National Cargo Bureau, the TT Club and Exis Technologies. Once the project is completed the best management practices will be published and presented to the IMO.

### Background to the *Maersk Honam* fire in the Indian Ocean

On 6 March 2018, the Maersk liner vessel *Maersk Honam* reported a serious fire. The crew managed to release the vessel's CO<sub>2</sub> system into the cargo hold. Unfortunately that did not extinguish the fire.

*Maersk Honam* was carrying dangerous goods in the cargo hold where the fire originated, however at this time, there is no evidence to suggest that dangerous goods caused the fire. All cargo was accepted as per the requirements of the International Maritime Dangerous Goods Code and stowed onboard the vessel accordingly.

Five crew members lost their lives in course of the incident.

It is understood that Maersk is still awaiting the investigation to establish the root cause of the fire in the cargo hold.

## Safe Handling of Solid Bulk Cargo – A Reality Check.

Kevin Cribbin Master Mariner FCIS G.IOSH  
Director, Vistrato Ltd

A review of accident investigation and media and other reports identified 81 accidents on ships carrying solid bulk cargoes that have resulted in the deaths of some 113 people over the period 1999 to Sept 2018. An estimated 94 of those died due to asphyxiation in cargo holds or adjacent spaces and 19 died in cargo related explosions. Many more were injured, with many suffering brain injury. Of those who died, 73 were seafarers and 40 were shore workers.

At least 33 people died in cargo related accidents aboard ships at sea, while some 64 people died on ships in port. An estimated 62 of those died doing unloading operations while 2 died during loading operations.

### Cargo Hold Access Ladders – the most dangerous place on a ship

Of the 94 who died due to oxygen deprivation, 78 died on hold access ladders or in hold access trunks. Another 16 people died in cargo holds and adjacent spaces. The cargoes involved were all covered by the International Maritime Solid Bulk Cargoes (IMSBC) Code, apart from 3 accidents involving oxygen depletion in holds containing grain cargoes.

### Explosions and Fires

Explosions in cargo holds (5) resulted in 15 fatalities while 4 people are reported to have died in explosions in adjacent forecastle (2) and mast house (1). There were 14 cargo fires identified, with no fatalities reported.

### Cargoes Involved

Of 75 accidents in which the cargo involved could be identified, the two biggest killers are Group B cargoes Coal and Wood Products (General). They are jointly responsible for over 50% of both accidents and fatalities. Other organic Group B cargoes involved in accidents include Wood Pellets, Wood Chips and Seed Cake. Non-organic materials include DRI (A,B,C) Zinc Skimmings, Petcoke, Steel Turnings, Copper Concentrate and Zinc Concentrate.

Group C cargoes involved in accidents include cargo described as "scrap metal" and A.N.Based Fertiliser. Cargoes not listed in the IMSBC Code involved in accidents include Palm Kernel Shells, Nut Shells and Incinerator Bottom Ash.

The three grain related accidents resulted in eight fatalities.

### Ships Involved

Of 67 ships identified, 25 accidents happened on general cargo / multi-purpose ships, 11 happened on Handysize bulk carriers and 16 on Handymaxes; 4 happened on handymax general cargo ships (forest product carriers), 7 on Panamaxes, 2 on Post-Panamaxes and 2 on Capesize bulk carriers.

The raw data indicates that small general cargo ships i.e. coastal bulkers, are more likely to be involved in solid bulk cargo related accidents than any other type of bulk carrier.

### Gasses Involved

Of the 11 cargoes involved in oxygen depletion accidents, 7 of them are organic materials listed in the individual schedules in the IMSBC Code as likely to emit carbon dioxide, an oxygen depleting and toxic gas. Carbon monoxide is also both oxygen depleting and toxic but is only listed as likely to occur with coal and wood pellets. The other four non-organic materials are described as subject to oxidation, self-heating, oxygen depletion and the emission of toxic fumes but there are no details provided as to which gasses are likely to be emitted.

Apart from the three DRI explosion accidents in cargo holds, the other four explosions about which information is available were initiated by crew activity in adjacent forecastle

stores, a mast house and on deck. All eight explosion accidents involved cargoes that emitted hydrogen gas. Coal emits both hydrogen and methane. Both gasses are lighter than air, colourless, odourless, flammable and explosive and will find their way through any connecting openings between cargo holds and adjacent spaces.

## Gas Detection

Ships typically carry the standard four gas detectors for testing for oxygen, flammable gasses (i.e. methane), carbon monoxide and hydrogen sulphide in compliance with IMO guidelines. These detectors cannot detect carbon dioxide and may not be capable of detecting hydrogen.

As the guidelines also state that additional appropriate instruments should be carried if other atmospheric hazards are likely to arise, and as CO<sub>2</sub> and hydrogen appear to be linked to many accidents, then CO<sub>2</sub> and hydrogen detectors should be considered when cargoes likely to emit these gases are proposed for carriage.



## Case Study

- Supramax Bulk Carrier
- Discharging grain cargo
- Hatch cover was open with unloading underway for 20-25 minutes
- Inspector entered hold, without authorisation, to take cargo samples.
- He appears to have collapsed almost immediately and died shortly afterwards
- It is probable that oxygen levels in the head space above the cargo in the aft end of the hold was depleted by CO<sub>2</sub> emitted by the cargo.

## Risk Assessment – The “4is”

The most fundamental and critical requirement when planning to load a solid bulk cargo is to carry out a risk assessment and to keep it updated during the course of

the voyage, before commencing unloading the cargo and before anyone attempts to enter a hold.

A risk assessment consists of four steps – (1) identify the hazards, (2) identify and assess the risks, (3) identify the controls and (4) inform all those at risk of the findings, specifically crew members, stevedores and cargo surveyors.

## Information

The quality of the risk assessment depends on the quality of the information on which it is based and on the systematic evaluation of that information. The required hazard information and other relevant guidance is provided in the individual schedule for the cargo in the IMSBC Code and in the Shipper's Form for Cargo Information. The Shipper's Form must be provided to the master in advance of loading and gives current, up-to-date information on the cargo to be loaded. Where the cargo is not listed in the Code, the information and guidance provided in the certificate issued by the port of loading should be used. Relevant information may also be available in the Safety Data Sheet for the material, if provided by the shipper. Due account must also be taken of the design and layout of the ship's cargo holds, hold ladders and adjacent spaces.

## Alarm Bells

If the initial assessment indicates that the cargo is Group B, then alarm bells should be ringing and action taken immediately to secure the hold access hatches and post warning labels to prevent unauthorized or accidental entry. However all cargo spaces containing solid bulk cargoes should be considered hazardous until confirmed safe for entry.

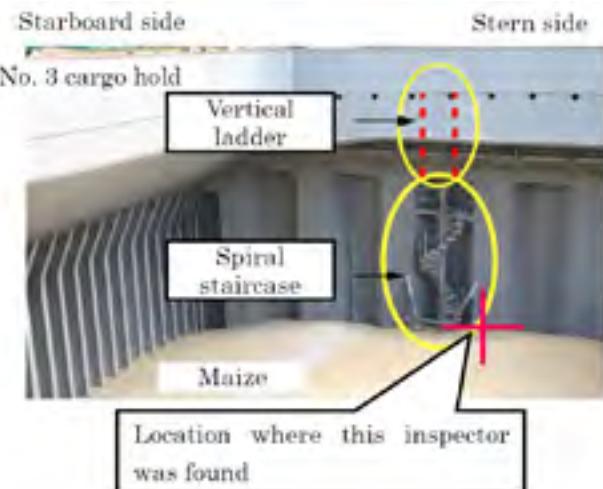
## Trends

With at least 12 asphyxiation fatalities and one explosion fatality reported to date this year, 2018 is going to be one of the worst years ever for solid bulk cargo related accidents. The trend is upward worldwide, with asphyxiation related fatalities involving ship and shore workers reported during the discharge of coal in ports in Sweden and India, timber cargoes in Germany and Brazil and palm kernel shells in Indonesia. One crew member is also reported to have been killed in an explosion in the hold of a ship carrying coal. There have also been reports of cargo fires (animal feed) on one ship at sea and on four ships in European ports (two coal and two scrap).

## Conclusions

It is imperative that a systematic risk assessment is carried out by the master or responsible officer every time a solid bulk cargo is due to be loaded, carried and unloaded on any ship. The master, as the person charged with responsibility for the safe operation of the ship and for the safety of all persons on board, must ensure that this is done thoroughly and carefully - and the guidance provided in the IMO's "Revised recommendations for entering enclosed spaces aboard ships" complied with, if this continuing needless loss of life on board ships carrying solid bulk cargoes is to be prevented.

This article is based on research carried out by the author and includes unverified information from various sources regarding accidents for which official accident investigation reports have yet to be published or could not be found.



## Recognition of seafarer certificates of competency if there's no Brexit deal

On 13 September the United Kingdom government published guidance on potential recognition of seafarer certificates of competency if there is no arrangement to ensure that the UK can leave the European Union. Departure in this way is widely known as no-deal Brexit.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely, it is reported, given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are said to be progressing well and both the UK and the EU continue to work hard to seek a positive deal. However, the UK Government sees it as its duty as a responsible government to prepare for all eventualities, including 'no deal', until it can be certain of the outcome of those negotiations.

### A significant programme

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from Day One in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as March 2019 draws near preparations for a no deal scenario would have to be accelerated. As reported on the UK Government's website: <http://tinyurl.com/yd9wjsac> such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring the UK's plans are in place in the unlikely scenario that they need to be relied upon.

A series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance below is taken from that series of technical notices.

There is an overarching framing notice (<http://tinyurl.com/yam36ye3>) explaining the government's approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

The UK government has indicated that it is working with the devolved administrations (of Scotland, Wales and Northern Ireland) on technical notices and will continue to do so as plans develop.

### Purpose

The notice provides information about the impact of the UK leaving the EU without a deal on the recognition of seafarer certificates. It also outlines the government's approach to providing continuity for EU trained seafarers working on board UK flagged vessels, and the action being taken by government to minimise risks for UK trained seafarers working on board EU flagged vessels.

### Before 29 March 2019

At present, the international standards of training, certification and watchkeeping convention (STCW) mandates that if you are a crew member carrying out certain duties, you must have a certificate of competency (COC). A COC must be renewed every five years.

If you are a seafarer who has trained outside the UK and are working on a UK flagged vessel, you must have a certificate of equivalent competency (CEC) issued by the Maritime and Coastguard Agency (MCA). The CEC allows seafarers holding COCs issued by recognised non-UK countries to work on board UK-registered merchant ships. The UK has recognised the certificates of nearly 50 countries.

EU legislation has harmonised the way that EU countries apply the STCW requirements. This has led to two different EU procedures for recognising seafarers' qualifications.

### Issued under EC Directive 2005/45/EC

Every EU country recognises the certificates issued to seafarers by the other EU countries. The certificates must be accompanied by an '*endorsement attesting such recognition*', issued by the country recognising the certificate. In the UK, the CEC provides this endorsement.

### Issued under EC Directive 2008/106/EC

This enables EU countries to endorse the certificates issued by recognised third (non-EU) countries. This directive enables third countries to secure recognition of their certificates by the EU.

### After March 2019 if there is no deal

If there is no deal, endorsements issued before withdrawal by EU countries to seafarers holding UK COCs would continue to be valid until they expire. So if you are a UK-trained seafarer with an endorsement issued by an EU

country, you would be able to continue working on board vessels flying the flag of that country until the endorsement expires.

After exit, the rights and obligations placed on the UK as a signatory to the STCW convention would remain, including those for recognising certificates issued by third countries.

Therefore, in the event of no deal the UK government's intention is to:

- Continue recognising all certificates that it currently recognises, including those issued by EU and EEA countries after exit.
- Seek third country recognition of UK certificates by the EU under the STCW convention.

EU countries that wish to continue accepting new UK COCs would need to write to the European Commission, in accordance with the procedure in EC Directive 2008/106. These EU countries would then be able to recognise such certificates. The European Commission, with the assistance of the European Maritime Safety Agency (EMSA), would assess the UK's training and certification systems under this procedure.

#### **What you would need to do**

Since the UK is already operating to international and EU standards and will continue to do so after exit, it expects EMSA's assessment of the UK's training and certification systems to be straightforward, but it may take some time.

Once this assessment is successfully completed, any EU country would be able to accept UK COCs and issue the necessary endorsements. This would mean that a UK trained seafarer would be able to work on board vessels flagged with those EU countries.

Under no deal if an EU country chose not to recognise UK COCs after exit, as a UK-trained seafarer he or she would only be able to work on board vessels flagged with that country until his or her certificate expires. However, as noted above this is not an outcome that is expected to occur.

#### **More information**

Further advice is available here with regard to:

- Maritime security if there is no Brexit deal see here: <http://tinyurl.com/y9gxjmc>
- Hiring crew for ships and yachts: certificates of competency see here: <http://tinyurl.com/ybo54mh8>

The UK government has stated that it will publish more information in the coming months. It aims to give businesses and individuals as much certainty as possible as soon as it can, and to ensure that any new requirements are not unduly burdensome.

The notice is meant for guidance only, it has been stated and seafarers are advised to consider whether they need separate professional advice before making specific preparations.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, the technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.

## **Red Ensign Group members study safety investigations of marine casualties**

Towards the end of September members of the Red Ensign Group (REG) have attended an intensive course aimed at working with them to ensure their safety investigations of marine casualties and incidents are carried out in line with international requirements.

While the REG delegates are already experienced in such investigations, the course run by the UK-based Marine Accident Investigation Branch combines the requirements of the IMO Casualty Investigation Code with its own experience and best practice.

David Wheal, principal inspector of marine accidents at the MAIB is one of the team that created the course. He commented: '*This is not designed to replace the formal training we would expect investigators to have. This course serves as a platform for future refresher and enhanced training.*'

Captain Chris Locke, Marine Officer from the Falkland Islands who was one of those taking part added: '*It has been an intensive but very interesting two weeks. There has been lots to learn and think about.*'

Director of Shipping Raman Bala from the British Virgin Islands said: '*The expertise and experience from the MAIB put into this course has proved invaluable.*'

Richard Pellew, from the Maritime & Coastguard Agency, who is co-chair of the REG Technical Forum concluded by saying: '*The requirements on flag States from IMO's III Code and Casualty Investigation Code are very clear. The REG has an ongoing commitment to developing, upholding and maintaining the highest standards. Tapping into the world leading and unrivalled expertise offered from the MAIB will help us to do just that as we continue our work around enhancing compliance.*'

#### **About the Red Ensign Group**

Any vessel registered in the UK, a Crown Dependency or UK Overseas Territory, is a British ship and is entitled to fly the Red Ensign. The Red Ensign Group has the aim to uphold and enhance the reputation of the Red Ensign by collectively promoting a large and diverse fleet without compromising quality.

The Group's members are in two categories:

**Category 1** A register of ships of unlimited tonnage and type:

Bermuda, British Virgin Islands, Cayman Islands, Gibraltar, Isle of Man, United Kingdom.

**Category 2** A register of commercial ships and yachts of up to 150 gt (this limit can be extended to 400gt with an agreement in place with the UK); and vessels which are not operated commercially of up to 400 gt:

Anguilla, Falkland Islands, Guernsey, Jersey, Montserrat, St Helena, Turks & Caicos Islands.

The UK Maritime & Coastguard Agency acts as Secretariat for the Red Ensign Group and is responsible for liaison between the registers, organising the annual REG Conference and maintaining the REG Website to be found at: [www.redensigngroup.org](http://www.redensigngroup.org)



## The Red Ensign Fleet

At current fleet levels across the group, the combined British Red Ensign fleet represents a total of 50.1 million gt. This places the Red Ensign Group as the seventh largest Flag State in the world by gt.

## Grounding of the landing craft *Lauren Hansen*

### Off Northern Territory, Australia, 11 April 2018 ATSB report

On 5 October the Australian Transport Safety Bureau released its investigation report into the grounding of the landing craft *Lauren Hansen*, off Melville Island, in the Northern Territory, on 11 April 2018.

In a summary to its report ATSB stated that on 10 April 2018, as the ship left Darwin, the ship's master found that the autopilot malfunctioned repeatedly by applying port rudder regardless of the set heading. The ship's master proceeded with the passage plan, which passed close to land off Melville Island.

Between 0213 and 0218, the next morning, the ship made another unexpected turn to port, turning closer to land. Main engine power was reduced but the manual or emergency steering mode was not engaged. The ship grounded on a shoal about 170m off Cape Keith, Melville Island.

It is likely the turn to port was due to an intermittent fault with the autopilot or compass top sensor unit.

The incident demonstrates that any known problem with a ship's control system, such as the autopilot, needs to be carefully assessed before committing the ship to sea. It also demonstrates the need to consider measures, such as changes to the passage plan, to reduce the risk involved in sailing with a potentially unreliable control system.

## Findings

The report's findings and ATSB's Safety Message appear here\*:

These findings should not be read as apportioning blame or liability to any particular organisation or individual, ATSB advises:

- The decision to execute the planned route, which passed close to land, rather than a route in more open waters similar to the chart's recommended track through the Van Diemen Gulf, increased the risk of a grounding particularly when the unreliability of the autopilot was a known factor.
- *Lauren Hansen* experienced an unexpected turn to port while on passage in autopilot steering mode. The ship's manual or emergency steering modes were not engaged or utilised and the ship subsequently grounded.
- The unexpected turn to port was most likely the result of an intermittent fault in the ship's autopilot unit or in the compass top sensor unit that fed heading information to the autopilot unit.
- There was no compass deviation book maintained on board *Lauren Hansen* as required by Australian Maritime Safety Authority regulations.

## The ATSB Safety Message

The steering gear and associated control systems including the autopilot, compass and sensor units are, along with the ship's propulsion system, the primary means of controlling the conduct of the ship. Any malfunction or suspected unreliability in these systems should be an immediate cause for concern.

This incident showed the implications of a failure or malfunction of any aspect of the ship's steering systems and that these should be carefully assessed before committing a vessel to sea. If necessary, the situation should be rectified or measures implemented to reduce risk before the vessel embarks on a voyage. In this case, with prior knowledge of the autopilot's unreliability, the passage plan or master's orders could have mandated that manual steering be assumed when navigating in confined waters or in proximity to land. This would have prevented undue reliance being placed on the autopilot, especially in areas where there was limited time or options for action in the

event of a malfunction. Alternatively, laying the planned track in more open waters, similar to the recommended track on the navigational charts in use, would have allowed more sea room in the event of a steering malfunction.

This investigation also provides an opportunity to highlight the necessity for magnetic compasses to be maintained, monitored and adjusted as required by the regulations. The need to monitor the performance of a magnetic compass is especially important when it is used as the primary source of heading information for the ship's steering systems. While, in this case, the magnetic compass appears to have been performing satisfactorily, a record of regular compass deviation checks allows the performance of a compass to be monitored and therefore, adjusted when necessary.

**Further guidance on the maintenance and adjustment of magnetic compasses can be found in Marine Notice 19/2016 – Maintenance and Adjustment of Magnetic Compasses published by the Australian Maritime Safety Authority to be found here: <http://tinyurl.com/nktwqku>**

For the full ATSB report, with photos and chart extracts, readers are invited to see here:

<http://tinyurl.com/y8uxrnpa>

\*Source: Australian Transport Safety Bureau.

## **Loss of mv Sanchi**

### **14 January 2018 Hong Kong MARDEP inquiry report published**

On 6 January this year the Panamanian-flagged, Iranian-owned tanker *Sanchi*, carrying a cargo of 136,000 tonnes of natural-gas condensate from Iran to the Republic of Korea, collided with the Hong Kong-flagged cargo ship *CF Crystal* 160 nautical miles off Shanghai.

*Sanchi* caught fire and after burning and drifting sank on 14 January. None of her crew of 32 survived. The 21 crew of *CF Crystal* were rescued and landed at a Chinese port.

Within two days of the collision IMO's Secretary General Kitack Lim posted a message of sympathy and prayers for the lost seafarers and commended the rescue and fire-fighting efforts. During the IMO Ship Design & Construction Sub-Committee later in the month (January 2018) a shrine (*illustrated*) was created by the Iranian IMO Delegation in memory of the crew of *Sanchi*. We carried a short report in *NL* 019 of March this year.

This was seen as another deadly accident that could have been avoided.

After the collision on the basis of equal consultations, the Maritime Safety Administration (MSA) of China, the mari-

time authorities of Islamic Republic of Iran, Panama, and Hong Kong (China) reached a Cooperation Agreement on Safety Investigation into the collision.

This Agreement has made it clear that China MSA, the lead investigating state, would be responsible for the submission of the final version of the marine safety investigation report to the IMO and make it available to the public.

**The full Hong Kong Marine Department report is to be found here: <http://tinyurl.com/ybn5gtbs>**

Based on the investigations and facts provided the Joint Safety Investigation Team made a series of nine recommendations of which it is considered that Nos 5 and 8 will be of benefit to our Members:

5. Effectiveness of training, drills and exercises be verified through reviewing the ISM system for further enhancement in particular of the areas of Bridge watch handover procedures. The safety management system shall include the clear instructions regarding the operation of bridge equipment and especially establish rules when the visual and/or audio alarm can be switched off.
8. Crew, watchkeeping officers and ratings be required not to rely on only one source of navigation information, and to use all the navigational aids available on board.



IMO Secretary-General Kitack Lim visited the Islamic Republic of Iran to participate in the country's national celebration of World Maritime Day (8 September). The Secretary-General met the Minister of Foreign Affairs, Dr Mohammad Javad Zarif, and participated in a ceremony to commemorate seafarers who lost their lives aboard the Iranian-owned oil tanker *Sanchi* earlier this year.

## Garbage Management Plans

### ICS publishes new edition of industry guidance on Garbage Management Plans

The International Chamber of Shipping (ICS) has recently published a new edition of its *Guidance for the Preparation and Implementation of Garbage Management Plans as Required by MARPOL Annex V*. This second edition is intended to help shipping companies comply with the latest requirements of the IMO regulation regarding treatment and disposal of garbage from ships.

ICS Deputy Secretary General, Simon Bennett commented: '*Following the entry into force of some important amendments to MARPOL Annex V in 2017 and 2018 respectively, it is essential to provide updated advice to shipping companies on the latest requirements for ships to prepare and implement Garbage Management Plans.*'

He added: '*While the vast majority of garbage found at sea originates from land, it is no longer acceptable, with very limited exceptions, for any merchant ship to dispose of garbage at sea because of the seriously damaging effects on the marine environment.*'



Garbage dumped at sea can be as harmful as oil or chemicals. Plastics in particular can take years to degrade, and fish and other marine life can easily confuse plastics with food.

Bennett explained: '*As well as doing great harm to marine life and threatening biodiversity, dangerous toxins can enter the food chain, ultimately being consumed by humans.*'

Some of the latest changes to the global regulation include amendments to make the environment-related provisions of the IMO Polar Code, which are applicable to Annex V, mandatory. A definition for the new 'E-waste' garbage category is also included, along with a new criteria to establish whether or not 'cargo residues' are harmful to the marine environment, and a new format of the Garbage Re-

cord Book which has been divided into two parts.

For further information about this ICS Guidance, or to order your copy, readers are invited to visit the ICS website here: <http://tinyurl.com/y7dyqwtf>

Alternatively, it is suggested you may wish to contact your maritime bookseller.

ICS recommends that a copy is carried on board every ship.

### Seafarers' mental health is focus of new training programme

On 17 October KVH Videotel reported that it had introduced a new training package: *Seafarers' Mental Health and Wellbeing* during the 5<sup>th</sup> Annual International Shipowning & Shipmanagement Summit in London, and further announced that the package will be available free of charge throughout the industry due to the critical importance of the topic.

This programme was produced in association with the International Seafarers' Welfare and Assistance Network (ISWAN) and comprises a short video, facilitator notes, and information booklets from ISWAN on mental health issues at sea.

To obtain *Seafarers' Mental Health and Wellbeing* readers are invited to go to the link here: [www.videotel.com/seafarerwellbeing](http://www.videotel.com/seafarerwellbeing)

In the words of Mark Woodhead, KVH senior vice president for EMEA: '*Seafarers face unique working conditions which can put them under tremendous stress, with fewer opportunities for relief than they would be likely to find on land. This programme not only presents information from industry experts but also lets seafarers themselves tell their own story in interviews and short statements, describing the path to achieving happiness.*'

If left unaddressed, seafarers' stress can result in danger to oneself by way of lowered morale, increased human error, lifestyle illnesses, decreased productivity, burnout, and mental health issues. *Seafarers' Mental Health and Wellbeing* focuses on what seafarers can do to cope with the challenges but also to take advantage of the many opportunities onboard. It underlines the importance of rest, diet, team activities, and maintaining good relationships. Talking to a trusted person onboard ship may help, and there is also help available outside the ship such as the 24/7 multilingual helpline and chat service at <https://SeafarerHelp.org> as well as the work of port-based organisations such as Mission to Seafarers.

ISWAN's brochures are being distributed as part of this training package, available as downloads from the dedicated KVH Videotel website. In addition, KVH Videotel is providing brief facilitator notes to assist those who will use this programme to run training sessions on vessels.

*Seafarers' Mental Health and Wellbeing* was produced with overwhelming support from within the industry. Steering group members include: Anglo-Eastern Ship Management Ltd; Associated British Ports; International Maritime Employers' Council; IMO; "K" Line LNG Shipping (UK) Limited; The Mission to Seafarers; Nautilus International; Sailors' Society; Shell International Ltd; The Shipowners' Club; Swire Pacific Offshore; John H Whitaker (Tankers) Ltd.



Seafarers UK and other organisations are assisting with distribution and promotion of the training package.

The link to the Seafarers' Mental Health and Wellbeing site is to be found here:

[www.videotel.com/seafarerwellbeing](http://www.videotel.com/seafarerwellbeing)

## A new book on seafaring:

### *Recollections of an Unsuccessful Seaman*

By Leonard Noake

Edited by David Creamer

Published by Whittles Publishing

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

190 pages; price £18.99

ISBN 978 1 84995 393 1

Born in 1887, George Leonard Noake joined the nautical training establishment, HMS Conway, in 1903. He then served an apprenticeship at sea until 1908 when his detailed memoirs commence, sailing as a second officer in the Europe-West Africa trade in ss*Mango*. After going ashore to work on a farm between 1913 and 1915, he returned to the British Mercantile Marine in 1915 to sail in a number of ships carrying horses, grain and coal from the US and Canada for the war effort at a time of high freight rates. He was torpedoed in the English Channel and made 112 voyages between England and the Continent carrying war materials including tanks and Pullman hospital cars. His ship was convoyed to the Mediterranean: Gibraltar, Malta, Port Said, onwards to the Red Sea and Karachi, the latter to load wheat for Aden.

Subsequently joining one of the world's then largest tankers carrying fuel valued at around £1,000,000 and in which

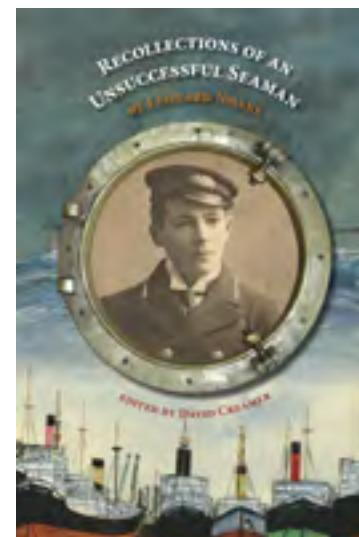
trade he was paid £6.00 a week. He endured a hazardous passage without a naval escort through the Channel and north to Rosyth in Scotland to deliver safely a precious oil cargo before hostilities ended in 1918. Narrative of his wartime experiences is both harrowing and humorous.

The tanker continued to cross-trade in peacetime between Mexico and elsewhere in South America before eventually returning to Hull, where he signed-off.

After the First World War he sailed to the East as a passenger from Marseilles with 2000 Chinese labour being repatriated then followed adventures in Java and Sumatra to join a war prize of the Hamburg America Line as second officer bound for Europe, with more travails en route.

Back home severe unemployment hit seafaring badly with the Depression and he had no hope for further seagoing employment so with borrowed money from a relative in 1921, went farming before becoming a haulage contractor. More adventures follow recorded in a seaman-like style.

On the verge of bankruptcy in 1923, he escaped his credi-



tors by joining a modern diesel-powered ship of 10,000 tons (Bibby's *Dorsetshire*) bound for Australia as quartermaster at £9.00 a month when the stevedores there were earning more than a pound a day. Luck was on his side and on his return home he became master of a Glasgow (or Clyde) Puffer, a small busy steamship on coastal trades at 7.5 knots, 105nrt, and converted to carry oil.

He went on to command coastal tankers before accepting work as a chief officer in a ship trading in the Mediterranean. His seagoing career ended in 1927 when he was diagnosed with tuberculosis and commenced writing. Sadly he died aged 42 in 1929.

Readers of this poignant portrayal of life in the first quarter of the 20<sup>th</sup> century, not only at sea but also ashore, will be thoroughly entertained and moved by the author's experiences and humour.

Leonard Noake was undoubtedly a true character, one who enjoyed more than a tipple or two, a strong supporter of the unions (the Merchant Service Guild is mentioned) and an unrelenting critic of shipping magnates and their

shareholders.

Here is an amazing collections of a seafarer's tales. Leonard Noake's wife outlived him by 40 years and handed down to their daughter this valuable document containing not only text but the author's sketches, watercolours and photographs. All are supported by extensive chapter notes over 12 pages. In all *Recollections of an Unsuccessful Seaman* is a valuable contribution to the literature of the British Mercantile Marine.

This book is obtainable from Whittles Publishing, Dunbeath, Caithness, Scotland, UK. KW6 6EG; e-mail: [info@whittlespublishing.com](mailto:info@whittlespublishing.com)

## Separating fact from fiction

### ICS releases new study on seafarers and digitalisation

The International Chamber of Shipping (ICS) has released a new study conducted by the Hamburg School of Business Administration (HSBA) on behalf of ICS, regarding the potential effects of autonomous ships on the role of seafarers and the global shipping industry. This was reported by ICS on 17 October.

In light of growing media interest and the diversity of expert opinions on the subject, the study seeks to separate fact from fiction. Commenting on its release, ICS Secretary General, Guy Platten said: '*The two-year IMO regulatory scoping exercise for Maritime Autonomous Surface Ships is now well underway to determine how existing IMO instruments can be leveraged to ensure that autonomous ships are safe, secure, and environmentally sound.*'

He added: '*This a complex task, expected to impact several areas under IMO's purview, and while it is recognised that clear opportunities might arise for the shipping industry which may not exist today, much more work must be done, particularly on the regulatory side and to address concerns about the impact of MASS on seafarers employed worldwide.*'

With over 1.6 million seafarers currently estimated to serve in merchant ships trading internationally, the impact of MASS on seafarers requires thorough consideration going forward.

Platten concluded by saying: '*Encouragingly, the study indicates that there will be no shortage of jobs for seafarers, especially officers, in the next two decades. While the size of crews may evolve in response to technological changes on board, there may also be considerable additional jobs ashore which require seafaring experience.*'

This study, commissioned by ICS, includes an in-depth assessment of risk and opportunities of digitalisation in global logistics chains, as well as on digitalisation and automation in ship operations.

Findings of the study suggest that the role of personnel on board and ashore will need to be redefined both op-

erationally and legally. Reviewing and understanding how these roles may evolve is also identified in the study as an important aspect to assess and address the impact of autonomous ships on the role of seafarers.

Relationship between seafarers and digitalisation is antici-



pated to be one of the main topics for discussion during an International Labour Organization sectoral meeting on Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers, to be held in Geneva in February 2019.

For access to the full ICS study, readers are invited to visit the ICS website here: <http://tinyurl.com/ybdhg9pw>

## Heavy contact made by container vessel CMA CGM Centaurus with quay and shore cranes, Jebel Ali, UAE

MAIB Report: <http://tinyurl.com/yd2quuca>

### Summary

At 1137 on 4 May 2017, the UK registered container ship CMA CGM Centaurus made heavy contact with the quay and two shore cranes while under pilotage during its arrival at Jebel Ali, United Arab Emirates.

The accident resulted in the collapse of a shore crane and ten injuries, including one serious injury, to shore personnel.

The accident occurred because the ship was unable to attain a sufficiently high rate of turn into a basin in preparation for berthing. The pilot was unaware of the ship's speed, and the ship's bridge team were uncertain of the maximum speed required to complete the turn safely.

There was no agreed plan for the intended manoeuvre, and therefore no shared mental model between the bridge team and the pilot. Consequently, the pilot was operating in isolation without the support of the bridge team, allowing the pilot's decision-making to become a single system point of failure.

The pilot's performance was focused on efficiency, which influenced his decision to turn the ship into the basin without ensuring that the manoeuvre was conducted at a sufficiently slow speed to enable its safe completion.

## Safety lessons

The master/pilot exchange carried out on *CMA CGM Centaurus* lacked structure and detail. There was little further detail as the approach proceeded.

By not actively engaging with the bridge team, the pilot effectively signalled that he did not need their assistance. The bridge team and the pilot did not have a shared mental model for the intended manoeuvre.

By not requiring its newly recruited pilots to undertake BRM-P training\*, Jebel Ali port authority missed the opportunity to both emphasise its commitment to the effective integration of its pilots with bridge teams, and ensure its pilots were trained/refreshed in the principles of BRM\*\*. Despite extensive industry guidance, there continues to be a reluctance by masters and pilots to work together in accordance with the principles of BRM.

Many of the factors in this accident can be attributed to a focus on completing acts of pilotage as quickly as possible. The priorities set at senior management level have a significant impact on the safety culture of a port, and there is a need to recognise that time-pressure, in the quest for terminal efficiency or financial reward, can have a negative effect.



MAIB/Gov/UK Crown Copyright 2018 ©

## Recommendations

DP World UAE region (2018/127) are recommended to review and improve its management of pilotage and berthing operations in respect of large container ship movements within the port of Jebel Ali.

The International Chamber of Shipping, the International Maritime Pilots' Association and the International Harbour Masters' Association (2018/128) are recommended to promote the benefits of adhering to effective bridge resource management procedures during acts of pilotage and to

endorse the Bridge Resource Management training for pilots' course as an effective means of achieving this.

## Related publications

Guidance on BRM-P developed by the International Maritime Pilots' Association as a result of this investigation, are included in the annexes to the investigation report to be found here: <http://tinyurl.com/yda4azhi>

## Dangerous cargo: a hazard to its owners and their insurers The bigger the ship, the bigger the risk

By Malcolm Hartwell  
Director, Norton Rose Fulbright SA

A recent decision out of a New York Court holding a chemical company and tank container operator strictly liable for the cost of repairs to a large container ship and the loss of most of its cargo highlights the significant increase in liabilities caused by the introduction of huge container ships.

This exposure affects everybody involved in the international transport of cargo that can cause harm to other cargo or the ship, including shippers, receivers, freight forwarders, container operators and their liability insurers.

A disastrous fire took place on the mv *MSC Flaminia* in 2012 – a 300 metre long modern container vessel capable of carrying almost 7000 containers. Bound from New Orleans to Antwerp, an explosion and subsequent fire took place in a container of divinylbenze which had spontaneously combusted. Three crew members were killed, thousands of cargo containers were destroyed and the vessel was seriously damaged.

Claims of around US\$700 million are being advanced by various interests.

Amongst these are claims for lost and damaged cargo against MSC. MSC, in turn, sought an indemnity from the shippers and receivers of the cargo that caused the fire as well as the operators of the tanktainer (tank container) that the cargo was carried in.

In finding the shipper of the cargo and the tanktainer operator strictly liable, this court adopted a similar approach as that in the common law countries. Under the Hague-Visby Rules applicable in terms of the contract of carriage, the shipper was held strictly liable for damage to the ship by "goods of inflammable, explosive or dangerous nature". This does not mean that the goods have necessarily to be hazardous goods as defined by the International Maritime Dangerous Goods Code. They merely have to be goods of the type described which either actually caused physical damage or which posed a threat of physical damage to the ship or to other cargo on board the ship.

The court held that MSC had not been proved to be in breach of its obligations to provide a seaworthy ship. It

held that, provided the shipowner complied with its obligations under the Hague-Visby Rules, it would be entitled to rely on the protection offered by those Rules in relation to goods of a dangerous nature. If MSC had in fact breached this obligation it would not have been entitled to rely on contractual claims against the shipper and tanktainer operator.

MSC was entitled to rely on information given to it by the shipper and tanktainer operator on the characteristics and dangers of all cargoes accepted for shipment. The latter two were found to have ignored the fact that this product was particularly prone to spontaneous combustion if it was stored at a high temperature. In this case the tanks had been filled and left in the New Orleans summer sun for several days before the ship arrived.

One of the factors that persuaded the court to find the shipper and tanktainer operator liable was the fact that modern container ships carry thousands of containers and it would be unreasonable to expect that the shipowner could undertake research on any particular container or its contents.

The South African market has been hit by claims for lost and damaged cargo as a result of at least three major ship fires caused by spontaneous combustion from calcium hypochlorite. The MSC case and its common law cousins are a reminder that the ship and cargo owners can successfully proceed against the shippers of cargo that cause a fire. This may not be a real risk to small traders with no assets but constitutes a definite risk to multi-nationals with assets that can be proceeded against by claimants. The case is also a reminder to those large companies that routinely ship cargoes that have the potential to be hazardous to ensure that they have appropriate liability insurance and risk avoidance practices in place.

The Institute Cargo Clauses A which cover the vast majority of cargo transported by sea do not cover liabilities arising out of damage caused by the cargo to the ship or other cargo. Even if liabilities fell within the risks covered section of the policy, liability would be excluded by the general exclusions including the fact that a loss of the nature to the mv *MSC Flaminia* and her cargo was caused by an inherent vice or nature of the subject matter insured. It might also be hit by the general exclusion for loss or damage caused by unsuitability of packing or preparation of the subject matter insured.

The mv *MSC Flaminia*, although a huge vessel by the standards of 2012, is now dwarfed by the latest container vessels with capacities in excess of 22,000 containers. This exponential growth in container ship size has increased the risk of catastrophic fire given that most of the containers are completely inaccessible by the ever decreasing number of crew on board the vessel. The growth has also exponentially increased the potential liability of anyone whose cargo causes a ship's fire.

All parties involved in the logistics chain need to re-assess their exposure to claims for damage to ships and other cargoes and to ensure they have appropriate insurance and precautions in place.

## When does a fixture become binding?

By Fiona Pounds

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# SHIP OWNERS

Parties in more procedurally conservative jurisdictions can be surprised at the ease with which a binding contract can be created under English law. In the context of charter party (c/p) negotiations, it is generally the case that an agreement will be deemed binding prior to a formal charter being drawn up and signed. Sometimes a charter document is never created, and the parties rely entirely on their email exchanges as evidence of their contractual terms.

Whilst under English law there is no fundamental requirement for a contract to be in writing or signed<sup>1</sup>, parties are not generally bound by an agreement until they have agreed all its essential terms and expressed an intention to be legally bound by them.

### Subject to details

Discussions relating to the charter of vessels have their own peculiar customs. Fixture negotiations tend to take place in two stages. Initially, the main terms are agreed and set out in a 'fixture recap', with the phrase 'subject to details' or similar wording included (the first stage). These details will then be negotiated and agreed individually (the second stage). Under English law, the expression 'subject to details' is accepted to mean that the parties do not intend to be bound at this stage. As such, there is no binding contract whilst the stage two details are being negotiated.

However, at the point at which the parties agree on all the second stage details, it is normally considered that a binding contract has been formed.<sup>2</sup> This is often referred to as there being no "live" subjects remaining. A communication is often sent at this stage noting 'all subjects lifted', along with the expression 'clean fixed', to signify that the fixture has been concluded.

It is generally accepted under English law that 'subject to details' and similar phrases are a condition precedent to the existence of a contract, allowing either party to withdraw

draw from the negotiations.<sup>3</sup> This is in line with international ship broking practice. The Baltic Code<sup>4</sup> states that, until there is complete agreement on all details, there is no enforceable contract.

### Abuse of subjects

There are clear commercial advantages to a regime which allows parties to negotiate freely. Parties can be more comfortable in their discussions if they know they will not be bound unless and until they intend to be. However, such a system is not immune from criticism.

The Baltic Exchange and other respected commentators have recognised one particular drawback; that the power of subjects can be misused. For example, a charterer in a poor freight market might purport to contract with two ship owners for the same cargo movement.

By introducing an arbitrary ‘subject’ in both fixture negotiations, they could try to lower each ship owner’s price, without any risk of being legally bound to the higher-bidding party.

### The view from Singapore

It is perhaps in this context that the recent Singapore Court of Appeal decision in *Toptip v Mercuria*<sup>5</sup> can be best understood. In this case the Court found that there was a binding contract, despite the existence of a ‘subject to review’ phrase. In doing so, they concluded that the word ‘subject’ is not in itself determinative; whether a fixture has been concluded depends on all the circumstances.

It is easy to see the attraction of this argument, given the factual circumstances of the case before the Singapore Court. The party relying on a ‘subject review of charterers pro forma CP’ wording to avoid the contract had shown no interest in the wording of the c/p when it was provided to them. Nor did they request any changes to it. All their other behaviour supported the view that the contract was going ahead. Why then, you might ask, should they be able to avoid the contract entirely by relying on the presence of the word ‘subject’ in the fixture recap alone?

### The *Pacific Champ*

Interestingly, in reaching their conclusion, the Singapore Court cited an English law case, *The Pacific Champ*<sup>6</sup>. They suggested that the factual background in that case clearly influenced the judge in determining what was meant by the phrase “SUB REVIEW OWNERS HEAD CP BTB”.

It is important to note that the main thrust of the judgement in *The Pacific Champ* continues in the vein of previous authorities, in emphasising the need for a moment of consensus between the parties. Indeed, the Court ultimately held in this case that there was no binding contract between the parties on considering all the evidence.

However, the Court had also heard submissions in this case that the phrase ‘sub review’ was a condition pre-

cedent. In other words, it was a condition precedent to a binding contract being created. Until the subject was formally agreed or lifted, there was no enforceable contract. The Court’s conclusion on other aspect of the case meant that they did not need to consider the question of whether such a clause is a condition precedent. However, they indicated<sup>7</sup> that had they needed to decide on that argument they would have rejected it.

Eder J held that although terms such as ‘subject to details’ will ‘generally preclude’ the existence of a binding contract, ultimately the meaning of such words had to be construed with reference to the other clauses used and facts present. On that basis he concluded that the phrase ‘sub review’ in *The Pacific Champ* fixture recap was actually a condition subsequent. It created a binding contract, subject to a condition. If this condition was not satisfied, the contract would cease to exist. However, this did not provide the parties with an ability to avoid the contract for reasons unrelated to the condition subsequent.

### Where are we now?

There are few other situations than charter party fixtures where complex contracts are concluded with such speed and efficiency. To this end, the phrase ‘subject to details’, under English law at least, still provides a degree of certainty that the parties do not wish to be legally bound.

However, it is important not to rely too heavily on the use of this phrase alone. As is clear from the above cases, actions and communications inconsistent with the position that a contract has not yet been formed can be taken into account.

Our advice to Members (of the Shipowners’ Club) is to always be conscious that jurisdictions take different approaches as to whether there is a binding fixture or not, and Members should be careful not to be bound unintentionally.

<sup>1</sup>There are some statutory exceptions to this rule, for example contracts relating to the sale of land.

<sup>2</sup>*The Junior K* [1988] 2 Lloyd’s Rep. 583

<sup>3</sup>The position under American law is essentially the opposite, in that a binding contract can exist at the first stage identified above, when the parties have reached an agreement on the main terms, but only ‘subject to details’.

<sup>4</sup>A set of Rules used by ship brokers who are members of the Baltic Exchange in London.

<sup>5</sup>*Toptip Holding Pte Ltd v Mercuria Energy Trading Pte Ltd and another appeal* [2017] SGCA 64

<sup>6</sup>*The Pacific Champ* [2013] EWHC 470 (Comm)

<sup>7</sup>*Obiter* (in passing).

## Swallowing the anchor

### How not to choke when making the transition from ship to shore

The prospect of coming ashore to progress their career can be daunting to many working at sea, according to a survey conducted by the Institute of Marine Engineering, Science & Technology (IMarEST) into the experiences of those who had made the ship-to-shore transition. Many, understandably, reported feeling apprehensive about climbing the ladder.

Those who found the transition relatively straightforward stressed the importance of studying for certain qualifications before leaving the sea. As one engineering superintendent explained, seagoing qualifications are acceptable for operational level roles, but not the managerial roles that senior sea staff are aiming for: '*For that they need degree and postgraduate qualifications.*'

Many of those who struggled cited the practicalities of arranging interviews as a major frustration. It often proved hard for seafarers to schedule interviews while on leave and then persuade a potential employer to wait until they returned from their next voyage for the next step. One respondent warned that recruitment processes can take longer than your leave, whilst another was forced to take more drastic action by resigning from their current role in order to be ashore long enough to see the process through.

### Culture shocks

Another common difficulty was adjusting to working in an office environment, where the pace of work lacked the urgency ex-seafarers are used to. A typical comment was at sea: '*Things have to be done and the results of them not happening are far more immediate and obvious. Ashore, people go home at 5pm. They are not living the job.*' There were other culture shocks: a need for greater diplomacy and patience and adjusting to a less hierarchical management structure. Management onshore tends to be much flatter, but, as one respondent noted, this can actually complicate relationships: '*Sometimes the boundaries are unclear.*' For the uninitiated, it can take time to learn and adapt to the slower pace and bureaucracy of this new environment.

Life at sea, away from friends and family, is often described as lonely. However, moving to shore means this loneliness can take on a new shape, particularly if the new role is away from home ties. '*It took time to come to terms with living in a new place and not knowing many people outside of the work environment,*' said another technical superintendent. Nevertheless, on reflection, he added, it was worth persevering as '*in the end it opened up many opportunities for career advancement and promotion.*'

### Soft skills

Technical skills and competence are only part of the story, when it comes to stepping ashore. They must be accompa-

nied by a mixture of soft skills needed for effective people and project management, such as leadership, communication (verbal and report writing), negotiating and networking, and administration skills such as budgeting, finance, logistics and procurement. While the administration tasks done on ship are a sound foundation for developing the latter group, it can take longer to build the requisite people skills.

One chief engineer who came ashore to work as a class surveyor advised seafarers considering a transition to achieve as much as possible while at sea: '*That additional rank could turn out to be really crucial. The difference between serving as a chief engineer compared to 2nd or 3rd engineer is immense.*' The management and responsibility skills needed on land, he continued, generally come with higher ranks. A comprehensive understanding of the roles of class, P&I, flag and how they interact is imperative.



*Swallow the anchor, swallow this...?*  
A Cape Mail Service spare anchor displayed at the National Maritime Museum, London.

### Potential development

Several respondents said that seconds ashore during their seagoing careers would have (or had) helped prepare them to 'swallow the anchor'. An overwhelming 88% believed that the right sort of education or training would assist the transition. Two-thirds said they would have benefited from either management/business training or gaining a higher education qualification such as a Bachelor's or Master's degree, or both.

*'Leadership and management skills are essential to prove your worth to an employer and to complement the range of engineering skills that you have acquired at sea,'* said one chief engineer who came ashore to take on a management role in gas processing. Gaining these qualifications involves a lot of hard work. For this reason, many seafarers like to get ahead by studying for a degree or similar qualification through distance learning.

A chief engineer who rarely felt outside his comfort zone working on a ship said his new role as a senior technical manager overseeing a wide range of projects demanded a totally different approach and attitude to seeing and doing things. *'Getting to grips with the interactions between all the different disciplines really made me appreciate the variety of the maritime world,'* they commented, adding that it was *'a quantum leap from the (relatively) routine business of running a ship.'*

The IMarEST has developed a qualification in Sustainable Maritime Operations to answer precisely this type of need. The distance learning programme can be studied whilst at sea, leading to either a post-graduate qualification or a BSc/MSc degree.

*'Upskilling whilst at sea allows seafarers to stay at sea longer whilst still helping them move up the career ladder. Those who don't feel the urge to come ashore are not forced to do so before they really want to'* said David Loosley, Chief Executive, IMarEST.

#### **Lost in translation**

Over half (56%) of those surveyed were promoted to a higher position when they came ashore. However some saw a salary drop, which was often attributed either to a lack of formal qualifications or else a difficulty in communicating [the relevance of] their skills. As one respondent more plainly put it: a person working on board is always considered a fresher when moving ashore.

Many of the seafarers surveyed reached the conclusion their skills were not properly recognised or valued by their shore-based colleagues. *'I was seen as a jack-of-all-trades and insufficiently specialised rather than a flexible employee with broad engineering experience who could work independently,'* was a typical response.

A common predicament was explaining how skills gained at sea would carry over to roles on land. As one respondent pointed out, the diversity of skills in the maritime environment is largely unrecognised: *'I had to stop describing my experience for positions using maritime roles, instead everything needs to be communicated in terms of transferable skills'*. Another added that this was compounded by the fact that some skills acquired at sea don't translate readily to a commercial, shore-based setting.

One seafarer confessed that his post-nominals CEng MIMarEST, denoting Chartered Engineer and Member of the IMarEST, were his main entry route to gaining employment ashore. Apparently few recruiters could relate to his

marine qualifications and experience. He was eventually appointed as a senior lecturer at a marine academy. *'I wholeheartedly believe that "CEng" was my passport to most of the interviews I attended, more so than the years of maritime experience in a senior position,'* he elaborated. This experience spurred him to become an FIMarEST or Fellow of the IMarEST.

This indicates a certain reverence within the industry for professional registration, whether Chartered, Registered/ Incorporated or Technician status. David Loosley concludes: *'That status functions as a simple indicator of professional excellence, especially in those without formal academic qualifications. The opportunity for seafarers to gain professional registration is one that should be taken by all those setting their sights on a promotion.'*

#### **Editor's note**

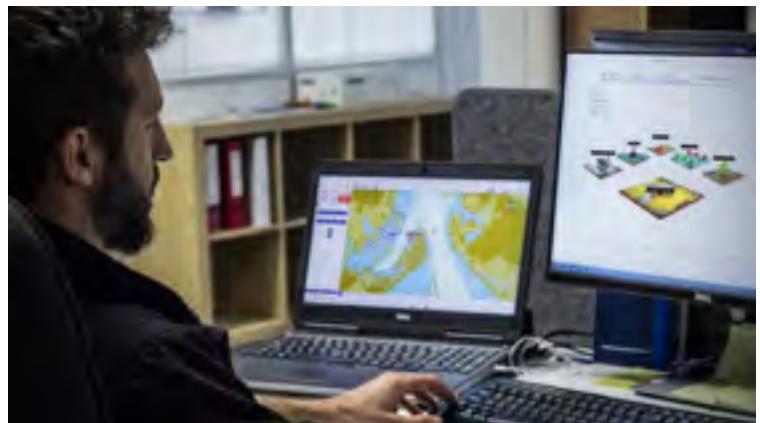
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## **UK Government Autonomous Navigation Study**

### **Project to make unmanned, autonomous shipping safe**

It was announced from Portchester on the UK South Coast that the company L3 ASV had received UK government funding for a pioneering project on autonomous navigation of vessels.

It is understood that the company will conduct a study with its partners in the Maritime & Coastguard Agency (MCA) and United Kingdom Hydrographic Office (UKHO), focusing on the future of marine navigational data and charts.



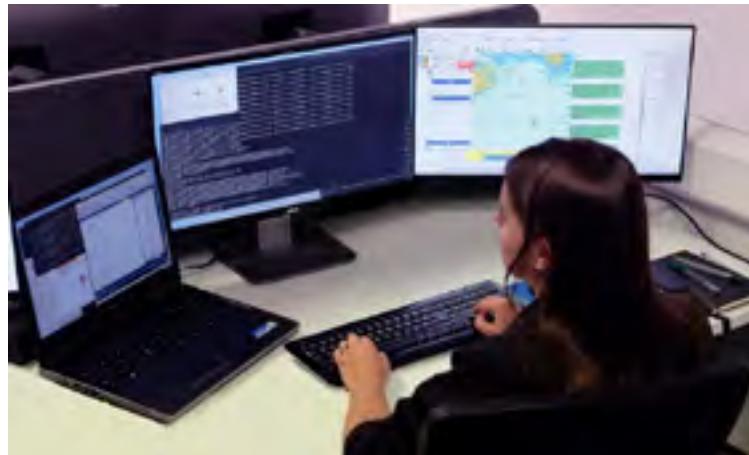
This project is reported to be funded by the Department for Transport's Transport Technology Research Innovation Grant (T-TRIG) and aims to promote early-stage science, engineering or technology innovations with the potential to advance the UK's transport system.

L3 ASV's T-TRIG project will begin by exploring the characteristics of navigational data and charts in terms of what they comprise, their structure and how they are updated.

Shipping Minister Nusrat Ghani said: ‘As we move through the 21<sup>st</sup> century, technology will continue to transform the UK’s world-leading maritime sector. Innovations such as Smart Charts pave the way for automation and Smart Shipping, and we are keen to support British companies making the most of new technologies, giving our vibrant sector a competitive edge. Technology and innovation are a key part of our Maritime 2050 initiative, which will set a vision for the growth and success of our maritime sector over the next 30 years.’

In the words of Dan Hook, Senior Director of Business Development at L3 ASV: ‘Current navigational data and charts have been developed over centuries to be read and interpreted by humans. Today, and over the coming decade, more and more marine vessels will be operating unmanned, and the charts will be read by computers.’

This project will identify the technical data requirements to enable the development of a Smart Chart system, which will then provide information to autonomous vessels to enable safer navigation.



Tim Wilkes, Product Manager for the MCA, added: ‘Understanding the data requirements of autonomous vessels is going to be hugely important for the MCA if we are to continue to ensure the safety of navigation in UK waters to save lives and combat pollution. This project will help us identify some of the regulatory issues that accompany a shift to smart and autonomous shipping, and will highlight how the MCA can use its wealth of bathymetric and ship movement data to support this growing industry.’

Mark Casey from the UKHO reflected: ‘A wealth of marine geospatial data, from bathymetry depicting the seafloor to the speed and direction of the tides, supports navigation across our oceans. For over 200 years, the UKHO has supplied this information to shipping and defence to help keep mariners safe at sea. And we have developed our expertise in sourcing and processing this location-based information to help others better understand the marine environment. With this expertise and knowledge, we are well placed to help our partners identify the data requirements and standards needed to support autonomous vessels of the future.’

L3 ASV is a leading developer of autonomous vessel tech-

nology. The company has delivered more than 100 systems, which are now deployed all over the world in the service of the defence, oil & gas, and scientific sectors, it is claimed. For more information readers are invited to visit: [www.asvglobal.com](http://www.asvglobal.com)

Photographs: <https://www.asvglobal.com/news/> ©

## Drugs and Alcohol at Sea

The Shipowners Club has provided its Members with a new edition of its *Drugs and Alcohol at Sea* booklet. The revised guidance aims to provide the most up to date advice, assisting with the prevention of related incidents as well as encouraging healthy lifestyle choices and the positive wellbeing of seafarers.

*The World Drug Report 2017\** identified that while there has been a slight decline in the use of some drugs such as cocaine, there has been an increase in the consumption of cannabis and opioids (pain killers) and that the overall use of drugs worldwide has remained at the same levels as a result. In an effort to assist operators in identifying drug and alcohol related issues on board, our updated guidance incorporates advice on drug and alcohol policies, legal and safety considerations as well as providing a brief overview of the most commonly consumed drugs.

For a copy of *Drugs and Alcohol at Sea* in pdf form see: <http://tinyurl.com/y9wv7o9b>

\*Published by the UN Office on Drugs and Crime. See: [www.unodc.org](http://www.unodc.org)

## ICS and ITF Publish New Guidelines

### The Welfare Aspects of the ILO MLC

The International Chamber of Shipping (ICS) and the International Transport Workers’ Federation (ITF) have jointly released new *Guidelines for implementing the Welfare aspects of the Maritime Labour Convention (MLC)*.

Adopted by the International Labour Organization in 2006, the MLC aims to ensure comprehensive worldwide protection and enforcement of the rights of seafarers, and to establish a level playing field for ILO Member States and shipowners committed to providing decent working and living conditions for seafarers.

ICS and ITF emphasise that a number of countries with highly developed arrangements for providing seafarer welfare services and facilities are not yet signatories to the MLC, while many seafarer supply countries have also not yet developed welfare organisations to provide services or facilities for seafarers either at home or abroad.

Commenting on behalf of shipowners, ICS Secretary General, Guy Platten explained: ‘This new complementary publication is intended to assist governments and welfare agencies in drafting their own guidelines for implementing

the welfare provisions of the MLC. While some countries may already have their own laws and policies in place, they may nevertheless wish to adapt these new Guidelines to complement their current practices.'

In his remarks on behalf of seafarers, ITF General Secretary, Stephen Cotton added: 'Seafarers are separated from their families and communities for long periods of time, and remain on board ships with very limited time ashore. They therefore require adequate services at sea and in ports where different national, cultural and political experiences can create challenges.'



The new Guidelines, which can be downloaded from the ICS and ITF websites (free of charge\*), are currently being distributed throughout the global shipping industry via ICS national shipowners' associations and ITF union affiliates. National governments and other parties with an interest in promoting the implementation of the welfare aspects of the MLC are strongly encouraged to take advantage of this complementary publication.

As representatives of shipowners and seafarers respectively, ICS and ITF have previously teamed up to promote initiatives of mutual benefit.

In 2016, both organisations joined forces to publish the international *Guidance on Eliminating Shipboard Harassment and Bullying*, which can also be downloaded from the ICS and ITF websites.

\*See [www.ics-shipping.org](http://www.ics-shipping.org) and [www.itfseafarers.org](http://www.itfseafarers.org)

## Record-low hijackings yet danger persists in Gulf of Guinea, shows latest global piracy report

(<http://tinyurl.com/y8b65avk> )

By 29 October a total of 156 incidents of piracy and armed robbery against ships had been reported to the ICC International Maritime Bureau's (IMB) Piracy Reporting Centre (PRC) in the first nine months of 2018 compared to 121 for the same period in 2017.



The 2018 figure is broken down as: 107 vessels boarded, 32 attempted attacks, 13 vessels fired upon and four vessels hijacked—although no vessels were reported as hijacked in the third quarter of 2018. This is first time since 1994 when no vessel hijackings have been reported in two consecutive quarters.

Nevertheless, incidents of this crime persist, with the number of crew members held hostage increasing in comparison to the same period in 2017—from 80 incidents to 112 by the third quarter of 2018.

Of these figures Pottengal Mukundan, Director of IMB, commented: '*While the record low number of hijackings in the second and third quarters of 2018 is of course to be celebrated, incidents of maritime piracy and armed robbery remain common. ICC urges governments to leverage the timely data available from the IMB Piracy Reporting Centre to concentrate resources in these hotspots.*'

### Shifting piracy trends in the Gulf of Guinea

Statistically, the Gulf of Guinea accounts for 57 of the 156 reported incidents. While most of these incidents have been reported in and around Nigeria (41), the Nigerian Navy has actively responded and dispatched patrol boats when incidents have been reported promptly. There has also been a noticeable increase in the number of vessels boarded at the Takoradi anchorage, in Ghana.

It is noted that 37 of the 39 crew kidnappings for ransom globally have occurred in the Gulf of Guinea region, in seven separate incidents. A total of 29 crew members were kidnapped in four separate incidents off Nigeria—including a 12-crew kidnapping from a bulk carrier off Bonny Island, Nigeria in September 2018.

In other regions of the world incidents of piracy and armed robbery are comparatively seldom. No new incidents have been reported off the coast of Somalia in the third quarter of 2018, while two fishermen were reported kidnapped off

Semporna, Malaysia in September 2018.

Incidents in the remaining regions, including some Latin America countries, border on low level opportunistic theft. Nevertheless, the IMB continues to encourage all masters and crew members to be aware of these risks and report all incidents to the 24-hour manned PRC. The Centre will ensure that reported incidents are relayed without delay

to the appropriate response agency and will liaise with the ship, its operators and the response agency until the vessel is deemed safe.

Since 1991, the IMB's PRC has provided the maritime industry, governments and response agencies with timely and transparent data on piracy and armed robbery incidents—received directly from the master of the vessel or its owners. The IMB PRC's prompt forwarding of reports and liaison with response agencies, its broadcasts to shipping via Inmarsat Safety Net Services and email alerts to company security officers—all provided free of cost—have helped the response against piracy and armed robbery and the security of seafarers globally.



### Calling all ship masters and owners

**IMB strongly urges all shipmasters and owners to report all actual, attempted and suspected piracy and armed robbery incidents to the IMB PRC.**

See here: <http://tinyurl.com/y8jbkcz3>

**This first step in the response chain is vital to ensuring that adequate resources are allocated by authorities to tackle piracy. Transparent statistics from an independent, non-political, international organisation can act as a catalyst to achieve this goal.**

The full report can be requested here:

<http://tinyurl.com/y8b65avk>

## The (UK) Merchant Navy Medal

### Captain Belinda Bennett of Windstar Cruises

Earlier in the year the (UK) Department for Transport and Maritime & Coastguard Agency announced 19 winners of the Merchant Navy Medal for Meritorious Service, which is awarded each year to those who have gone above and beyond in their service to the maritime industry.

Among the recipients at an investiture by HRH The Princess Royal at Trinity House on 26 September was Captain Belinda Bennett of Windstar Cruises, who is the first black female captain in the commercial cruise industry.



In the words of Maritime Minister Nusrat Ghani: '*Our Merchant Navy is crucial to keeping the UK thriving – helping deliver goods, energy and food to our homes. These 19 people are a credit not just to the maritime industry but to the wider nation. They have gone above and beyond their duty for the benefit of others.*' She went on: '*...Belinda's trailblazing is an example of the outstanding service provided by our mariners.*'

John Delaney, Windstar Cruises' President added: '*We are thrilled to have appointed Belinda as Windstar's first-ever female Captain and we understand may be the cruise industry's first-ever black captain. Belinda's leadership qualities and hard work have made her an asset to our team and invaluable to her colleagues and crew. She has earned her spot at the helm and I'm excited to see her in action, guiding the crew and our guests on Wind Star through some of the world's most incredible destinations for years to come.*'

Bennett, 40, is a British citizen and resides in Southampton, when she is not aboard Windstar Cruises. Her maiden voyage as captain commenced on 30 January 2016, with 102 international crew aboard the 148-passenger *Wind Star* cruising in the Caribbean.

Photo: [www.windstarcruises.com](http://www.windstarcruises.com) ©

## New (NZ) TAIC Watchlist item

### Navigation in Pilotage Waters & Bridge Resource Management

Errors in navigation in pilotage waters around New Zealand carry the risk of serious consequences for people, the New Zealand environment, and the economy.

In New Zealand the Transport Accident Investigation Commission (TAIC) has recently inquired into several incidents where errors occurred due in part due to international standards for what should happen on the bridge of a ship not being met.

The Commission is sufficiently concerned with this problem to add it to the TAIC Watchlist.

Deficiencies in bridge resource management, an international standard for ensuring safe navigation of a ship, have been a feature of these incidents. Errors in navigation in pilotage waters have the potential to have serious consequences for people, the environment, and commerce.

Safe navigation of a ship through pilotage waters requires every part of a ship's voyage to be planned, and for all members of the bridge team to have a common understanding of the plan.

In recently completed inquiries, the Commission found that bridge resource management did not meet international standards. These inquiries featured mis-communication and a lack of common understanding among the bridge management team, and poor integration of pilots into the bridge team.

The Commission has made recommendations about improving standards of pilotage, improving standards of voyage planning, bridge resource management, and about the training and use of electronic chart display and information systems. These recommendations remain open.

International agencies have also identified pilotage as a safety issue.

**For the full NZ TAIC Watchlist item readers are invited to see: <http://tinyurl.com/yc4oec3m>**

### The TAIC Watchlist

The Commission's Watchlist encourages regulators, operators, the Government – and the people involved in transport every day – to mitigate transport-related concerns which carry with them high potential social, economic or environmental risk; and systemic transport safety risks.

The common thread is poor application of an international standard for ensuring safe navigation of a ship otherwise bridge resource management.

### Bridge resource management

Bridge resource management is the effective manage-

ment and utilisation of all resources - human and technical - available to a bridge team, to help ensure the safe completion of the vessel's voyage. This safety and error management tool has been crucial for crew training worldwide for a quarter of a century. It has the backing of the IMO.

Bridge resource management includes:

- Maintaining situational awareness
- Communicating to avoid misunderstanding
- Shared understanding of a planned passage - everyone should know where the ship is going.
- Responding well to challenge -- regardless of rank, personality or nationality.

What is more, everyone on the bridge must be able to challenge those in charge.

Failures in one or more of these areas have featured prominently in four inquiries completed by the Commission since November 2017

### Inquiries that prompted this Watchlist item

**A cruise ship** contacted a submerged object near Snares Island in January 2017. The key issue was poor bridge resource management and operation of the ship's ECDIS, the primary means of navigation. The Commission's recommendations to the operator addressed voyage planning, bridge resource management, and ECDIS training.

For further details see:

- [www.taic.org.nz/inquiry/mo-2017-202](http://www.taic.org.nz/inquiry/mo-2017-202)
- Open safety recommendation 017/18

**Four weeks later**, the same cruise ship was entering Milford Sound at night. The pilot lost situational awareness and the ship struck a stony bank near the base of Mitre Peak. The bridge team was not making full use of the ship's electronic navigation systems and when they noticed the ship was off track, they didn't tell the pilot until it was too late. The Commission repeated recommendations from the previous inquiry.

- [www.taic.org.nz/inquiry/mo-2017-201](http://www.taic.org.nz/inquiry/mo-2017-201)
- Open safety recommendation 002/18

**A second cruise ship** contacted Wheki Rock in Tory Channel in early 2016. The bridge team and the pilot had no shared understanding of the plan for the ship to make a crucial turn, or the influence the tide, and they did not properly monitor the ship's progress. Recommendations about pilot training, and risk assessment for safe navigation of cruise ships through Tory Channel.

- [www.taic.org.nz/inquiry/mo-2016-202](http://www.taic.org.nz/inquiry/mo-2016-202)
- Open safety recommendations 016/16 and 017/16

In a fourth recent report, a bulk carrier ran aground in Otago Harbour, again because of poor bridge resource management. The bridge team lost situational awareness. They had not adequately monitored the ship's progress using all available means and the pilot and crew lacked a formal shared understanding of the passage plan and navigation equipment configuration.

- [www.taic.org.nz/inquiry/mo-2016-204](http://www.taic.org.nz/inquiry/mo-2016-204)
- Open safety recommendations 029/17, 030/17 and 031/17

Pilotage is an issue for international agencies as well. The TAIC's peer organisation, the Australian Transport Safety Bureau (ATSB) has placed maritime pilotage on their SafetyWatch, the equivalent publication to the Watchlist.

The series of recurring incidents involving standards of bridge management that do not meet industry standards, and the presence of the problem in other jurisdictions, suggests that this is a safety issue that needs attention from the regulator, operators, and training providers.

The Australian Transport Safety Bureau's SafetyWatch item on maritime pilotage can be found here:

<http://tinyurl.com/ycf9qznk>

## Dragging anchor

### Subsequent collisions by general cargo vessel *Celtic Spirit*, River Humber, England (East Coast)

At 0246 on 1 March 2018, the UK-registered general cargo vessel *Celtic Spirit* started to drag its anchor in heavy weather on the River Humber.

The watchkeeper did not immediately identify this and *Celtic Spirit* subsequently collided with the research and survey vessel *Atlantic Explorer* and the general cargo vessel *Celtic Warrior*, which were at anchor.

All three vessels sustained shell plate damage, but there were no injuries and no pollution.

The Marine Accident Investigation Branch (MAIB) report highlights the importance of ensuring taking tidal and environmental conditions fully into account when going to anchor and ensuring that the frequency and accuracy of position monitoring is commensurate with the conditions experienced.

### Safety lessons

- the vessel dragged its anchor because insufficient anchor cable had been deployed for the tidal range and the environmental conditions;
- it was not immediately identified that the vessel was dragging its anchor because the position monitoring interval was inadequate;
- the watchkeeper did not alert Vessel Traffic Ser-

vices or nearby vessels that the vessel was dragging anchor, and

- the vessel was unable to manoeuvre in time to avoid the collisions because its engine was not on immediate readiness

**In view of actions already taken, no recommendations have been made.**

**The report notes** that Associated British Ports, Humber has:

- (i) Issued General Notice to VTS 02/2018 on 16 March 2018 – Allocation of anchorages and the monitoring of anchorages.
- (ii) Reviewed relevant marine risk assessments.
- (iii) Completed an anchorage review (as part of a group-wide response to the incident) for all Humber anchorages with designated anchorage positions, which resulted in:
  - ❖ Consideration of distance between vessels when anchoring, with reference to the combination of risk factors posed by the specific vessel and the strength and direction of the wind.
  - ❖ Consideration of current guidance on the use of specific anchorages within the Humber as shelter when the wind is from a northerly or easterly direction.

**The MAIB Report No 18. 2018 is available here:**

<http://tinyurl.com/y7kscaqk>

## IMO MEPC 73

### 22-26 October - Summary of salient items regarding sulphur limits and plastic litter

#### Implementation of sulphur 2020 limit - carriage ban adopted

An amendment to support consistent implementation of the forthcoming 0.50% limit on sulphur in ships fuel oil was adopted by the IMO on 26 October during the organization's Marine Environment Protection Committee (MEPC 73).

The new 0.50% limit (reduced from 3.50% currently) on sulphur in ships' fuel oil will be in force from 1 January 2020, under IMO's MARPOL treaty, with benefits for the environment and human health, it is understood.

In a briefing kindly provided on 30 October IMO informed that the complementary MARPOL amendment will prohibit the carriage of non-compliant fuel oil for combustion purposes for propulsion or operation on board a ship – unless the ship has an exhaust gas cleaning system (or scrubber) fitted. Installing a scrubber is accepted by flag States as an

alternative means to meet the sulphur limit requirement.

Furthermore, it was reported that the complementary amendment is expected to enter into force on 1 March 2020.

This amendment does not change in any way the entry into force date of the 0.50% limit from 1 January 2020. It is intended as an additional measure to support consistent implementation and compliance and provide a means for effective enforcement by States, particularly Port State Control.

In continuation of the briefing IMO made it clear that most ships are expected to utilize new blends of fuel oil which will be produced to meet the 0.50% limit on sulphur. Currently, the maximum sulphur limit in fuel oil is 3.50% globally (and 0.10 % in the four Emission Control Areas (ECAs). These are: the Baltic Sea area; the North Sea area; the North American area (covering designated coastal areas off the United States and Canada); and the United States Caribbean Sea area (around Puerto Rico and the United States Virgin Islands)).

#### **The ship implementation planning guidance includes sections on:**

- risk assessment and mitigation plan (impact of new fuels);
- fuel oil system modifications and tank cleaning (if needed);
- fuel oil capacity and segregation capability;
- procurement of compliant fuel;
- fuel oil changeover plan (conventional residual fuel oils to 0.50% sulphur compliant fuel oil); and
- documentation and reporting.

#### **Addressing marine plastic litter from ships; IMO's action plan adopted**

On 30 October it was reported that the IMO has pledged to address the significant problem posed by plastics to the marine environment, with the adoption of an action plan which aims to enhance existing regulations and introduce new supporting measures to reduce marine plastic litter from ships. A valuable media briefing was given by IMO.

IMO's Marine Environment Protection Committee (MEPC) adopted on 26 October the action plan, to contribute to the global solution for preventing marine plastic litter entering the oceans through ship-based activities.

As is well known dumping plastics into the sea is already prohibited under regulations for the prevention of pollution by garbage from ships in the International Convention for the Prevention of Pollution from Ships (MARPOL).

These regulations oblige governments to ensure adequate port reception facilities to receive ship waste. Under the London Convention and Protocol on the dumping of wastes at sea, only permitted materials may be dumped

and this waste – such as from dredging – has to be fully assessed to ensure it does not contain harmful materials like plastics.

Recognizing that more needs to be done to address the environmental and health problems posed by marine plastic litter, IMO Member States meeting in the MEPC agreed actions to be completed by 2025, which relate to all ships, including fishing vessels. This action plan supports IMO's commitment to meeting the targets set in the UN 2030 Sustainable Development Goal 14 (SDG 14) on the oceans.

Marine plastic litter can also pose dangers to shipping. For example, abandoned or lost fishing nets can become entangled in propellers and rudders.

#### **IMO Action Plan to address marine plastic litter from ships**

This Action Plan notes that marine plastic litter enters the marine environment as a result of a wide range of land- and sea-based activities.

Both macroplastics (for example, large plastic items such as plastic bags, water bottles and fishing gear) and microplastics (small plastic particles generally five millimetres or less in size) persist in the marine environment and result in harmful effects on marine life and biodiversity, as well as negative impacts on human health.

In addition, marine plastic litter negatively impacts on activities such as tourism, fisheries and shipping. This plastic material has the potential to be brought back into the economy by means of reuse or recycling.

#### **Specific identified measures include:**

- a proposed study on marine plastic litter from ships;
- looking into the availability and adequacy of port reception facilities;
- consideration of making marking of fishing gear mandatory, in cooperation with the Food and Agriculture Organization (FAO);
- promoting reporting the loss of fishing gear;
- facilitating the delivery of retrieved fishing gear to shore facilities;
- reviewing provisions related to the training of fishing vessel personnel and familiarization of seafarers to ensure awareness of the impact of marine plastic litter;
- consideration of the establishment of a compulsory mechanism to declare loss of containers at sea and identify number of losses
- enhancing public awareness; and
- strengthening international cooperation, in particular FAO and UN Environment.

**For more information on IMO and its activities attended by IFSMA readers are invited to see our website at [www.ifsma.org](http://www.ifsma.org)**