**IMO** Bulletin

The Criminalisation of Seafarers.

Most seafarers would agree that when they cause the loss of a ship due to their own negligence they should be professionally sanctioned. Where this involves the loss of life it may also involve a charge of manslaughter with an appropriate sentence.

However when there are others involved in the construction, operation and administration of the vessel it is inappropriate to single ship’s crew out for a charge of murder or levy them 36 years in jail.

The Sewol is another case of seafarers subjected to public rage in a local court being given an unrealistic sentence. Although we all mourn the loss of 300 people, it is too easy to make the crew the sole scapegoats and ignore those who have much more ability to ensure they run safe ships.

It is doubtful that we will ever see a full objective investigation into this disaster at the IMO.

**December 2014**

**Marine Environment Protection Committee, MEPC 67.**

We have for some time been concerned that the proliferation of environmental legislation at the IMO over the last decade, often ahead of the technology available, involves a major increase in workload on minimum crews and the potential to criminalise the seafarer. This is no more evident than in the current debate on the review of the guidelines for ballast water systems, a convention that has yet to come into force. With an agreement to revise the G8 guidelines on ballast water systems to a higher technical standard, ‘first generation’ systems will no longer comply and companies that installed them in recent years, in good faith, could be subject to action by port states. After a strong position taken by the industry, the IMO has agreed to ‘grandfather’ these systems and we trust this is accepted by the US Coastguard who already apply a higher standard in their waters. Furthermore the IMO have agreed that inspections for compliance should only be carried out where there is ‘clear ground’, that such an inspection is appropriate.

Another issue at MEPC 67 which would be of concern to seafarers are the consequences of targets to lower emissions and energy efficiency design index (EEDI). The most economical way and most financially attractive is to lower the speed of the ship and subsequent power. This can be significant on large bulk carriers where lowering normal speed of the ship by two knots can drop up to 50% of the power requirements. The concern is that there may not always remain sufficient power for a minimum manoeuvring speed in adverse conditions and one study of current ships strongly questions this. We also believe the criteria being used for ‘adverse weather conditions is too low and propose they are revised to a more realistic level regularly experienced.

**Maritime Safety Committee, MSC 93.**

**Passenger Ship Safety**: It is unfortunate that at a time when we have a report of the IMO working group on casualty analysis on the Costa Concordia, they have deferred the working group for two meetings of the MSC. Issues highlighted were;

1. For a comprehensive risk assessment, passage planning and position monitoring, for effective bridge resource management, and to remove distractions; and
2. To consider the protection of propulsion and electrical

compartments, the functional integrity of essential systems,

The improvement and redundancy of emergency power generation, the detection and monitoring system interfacing with onboard stability computer, the inclusion of inclinometer measurements within VDR, more detailed assessment criteria for recognising manning agencies, and the appropriate assignment of trained crew to emergency duties.

Ironically this report is titled ‘Lessons Learned for Presentation to Seafarers’ although many of the measures cannot be controlled by them. It would better to change this to ‘protection of seafarers’.

There is a long term IMO action plan on passenger ship safety that is under review and a correspondence group on training for passenger ships. Both are under the passenger ship industry pressure to minimise change.

**Polar Code:** At MSC 93 the Polar Code and SOLAS amendments were adopted for ships operating in Polar Waters. It is expected to come into force in January 2017 and the environmental legislation should be adopted at MEPC 68. Ships operating in Antarctic and Arctic waters will be required to have a Polar Ship Certificate and comply with design, equipment, construction operational and training standards and comply with the environmental requirements, for Category A,B or C.

**IGF Code:** The IMO is committed to bring in legislation for the use of low flashpoint fuels on all types of vessels. The current considerations are training, bunkering and the positioning of storage tanks to ensure the maximum protection against collision. As the carriage of LNG and other gas cargoes has a very high safety record, there are varying opinions regarding where tanks can be safely positioned and the ability of crews or passengers to evacuate in an emergency. The truth is that ships are already being built and operating before the IGF Code is in place so objections are futile. Many questions remain on worldwide availability and guaranteed quality of LNG.

*In the discussion on ‘floating armories’ and PCASPs the ITF requested that the crew and security guards from the MV Seaman Guard Ohio, held by India for over a year, be released*

**GBS-FSA**: We will increasingly see the Goal Based Standards (GBS) and Formal Safety Assessment (FSA) used to formulate new legislation. GBS is currently being used for guidance on Life Saving Appliances. Unfortunately it is not widely understood and difficult to be sure it is in the best interests of the seafarer. There are currently considerations of a GBS safety level approach rather than risk approach but again it is too early to assess how this effects safe ship construction.

**New Regulation:** Two new regulations and SOLAS amendments are; (a) Verification of Gross Mass of Container Carrying Cargoes. SOLAS Chapter VI

(b) Atmosphere testing instruments for enclosed spaces. SOLAS Chapter XI-1.

**New Work Items:** The followingsignificant unplanned work items have been agreed;

* Development of safety requirements for carriage of liquefied hydrogen in bulk. Target 2016.
* Revision on Guidelines on Fatigue. Target 2017
* Reconsideration of flash point requirements for fuel oils in SOLAS. Target 2016.
* Revision of escape route signs and equipment location markings in SOLAS. Target 2016.
* Computerized stability support for the master in case of flooding.

*It is the intention to make this bulletin available six monthly for Nautilus Federation Members*

**John Bainbridge**