

Pilotage under siege

Maritime pilotage is not what it used to be. Talk of privatisation in Europe, technology taking over the pilot's job and liability have forced these professionals into a corner

"He resembled a pilot, which to a seaman is trustworthiness personified," wrote Joseph Conrad in the opening pages of his famous novel *Heart of Darkness*. "It was difficult to realise his work was not out there in the luminous estuary, but behind him, within the brooding gloom."

How times have changed for maritime pilots. No longer viewed as particularly trustworthy, but as an excessive port cost, and lambasted by owners and managers for their lack of competence and competitiveness, pilots feel themselves to be under siege.

London is no longer considered to be one of the "dark places on the earth", but there is a certain gloom hanging over pilots today, coming from the general direction of the European Union, where the Directive on the liberalisation of port services is currently being discussed. The Directive will encompass a wide range of port services, including cargo handling, towage, mooring and, perhaps most controversially, pilotage. (For a full overview of the implications of the Directive, see this month's legal column on page 22.)

The pilots' point of view

From the pilots' point of view, the issue is quite simple: opening pilotage up to competition will compromise safety. "Pilots see themselves as independent professionals whose primary concern is for the safety of the ship that they are piloting at the time," says John Clandillon-Baker, a full-time pilot with the Port of London Authority (PLA) and part-time editor of *The Pilot* magazine. "Regardless of whether or not a pilot is self-employed, a state employee or an employee of a harbour authority when piloting, he is legally employed by the shipowner while he is undertaking the pilotage of a vessel. With competition there is a real danger that commercial pressures will result in an erosion of safety parameters to give enhanced performance returns for the pilotage service company in the interests of shareholders.

"Pilots see themselves as a valuable safety element which should be viewed as an asset to be valued rather than a cost to be cut," he says.

Pilots frequently cite a number of ways in which safety might be compromised in a liberalised operating environment. These include accelerating the passage of a ship to berth in spite of inclement weather or unfavourable tidal conditions in order to avoid costly delays; and competition between pilots to reach berth more quickly.

Elsewhere in the world

Pilots who object to the privatisation of pilotage services point to instances in which it has become patently clear that liberalisation has compromised safety, namely in Russia, Argentina and Queensland, Australia.

"We see that authorities must set conditions for ensuring a secure and efficient traffic flow, well maintained navigable waters and the prevention of environmental damage from shipping," said Capt Rein van Gooswilligen of the Dutch Pilotage Corporation at the International Association of Independent Tanker Owners' (INTERTANKO) Tanker Event, held earlier this year. "Yet there are trends in shipping that run contrary to these aims, including increased competition, cutting all possible costs, more work being done by smaller crews and the lack of professional skills.

"The debate currently is whether pilots should be public or private. Argentina, Russia and Australia have liberalised pilotage. At least in Argentina, it was to the detriment

of safe pilotage. It's become a free-for-all there. Russia and Australia, with its Great Barrier Reef, have not had good experiences either.

"We must strike a balance between price and service rendered. We need efficiency within the sector and of course we want it to be innovative," he said.

The experience with liberalisation in Queensland, the northeastern province of Australia, has been particularly telling. With the Great Barrier Reef stretching past its coast, the area is particularly environmentally sensitive.

Ambrose Rajadurai, XXXXXX, points out that in fact, the majority of pilots in Australia do belong to private interests, including those which service Brisbane, Sydney and Portland, and that these companies operate with no major problems. Privatisation in Queensland, however, has proven to be problematic, primarily, says Rajadurai, due to the "politically inspired belief that privatisation would further competition and therefore deliver efficiency in the form of lower costs for port users".

"Politicians are focused on lowering transport costs - the farm and mining lobbies have enormous clout - and have allowed themselves to be convinced that the answer lies in competition full stop. One size fits all.

"This model is fine in some areas, but in many small ports, pilotage has necessarily got to be a subsidised service.

"Really the question is not one of privatisation or public ownership, but rather whether pilotage must necessarily be a monopoly service or is it realistic to expect there to be competition between one or more service providers and whether if this were the case, adequate levels of quality in the nature of the pilotage service can be maintained."

Following on from the debacle, all of Queensland's ports, with the exception of Brisbane, will revert to state authority.

The point which clearly emerges from Rajadurai's remarks, however, is that privatisation is not in and of itself a detriment to safety standards. The key lies in how privatisation is carried out and what kinds of safeguards and checks are put into place to ensure that standards are maintained.

Owners and managers support EU

This is effectively the stance that INTERTANKO and the European Community Shipowners' Associations (ECSA) take. They agree that pilotage should be included within the remit of the Directive, with the proviso that safety remains paramount.

"It is accepted that safety requirements play an essential and fundamental role in the work provided by pilotage services," states a discussion paper issued by ECSA earlier this year. "The safety argument should however not be abused to maintain harmful monopoly practices and inefficient services."

The paper goes on to make a number of suggestions in the interests of maintaining safety. Chief among these is the establishment of a National Safety Control Authority, designed to monitor and control pilotage service providers. The Authority would handle formal complaints and appeals, as well as set common standards for performance monitoring and the granting of Pilot Exemption Certificates (PECs).

INTERTANKO states that in order to open pilotage up to competition, quality assurance systems, safeguards and a regulatory authority need to be in place to ensure that "it is not opened to unfettered competition with scant regard for safety".

From the manager's side, Peter Cooney, managing director of shipmanagement company V. Ships, believes that it is only fair and right that the kind of scrutiny that has been brought to bear on owners and managers (resulting in regulations such as the ISM Code, STCW 95, OPA 90 and many others) should also be applied to other links in the safety chain, including pilots.

"I think it's reasonable that the international community turns its attention to other parts of the industry where there are incidents taking place: the infrastructure, the ports, the rivers, the canals and the pilots, who are an important link in delivering the

service. It's logical that pilotage should be under scrutiny and should be regulated and controlled and have minimum standards."

Pilots' liability

Another major issue which causes tension between pilots and the owners and managers they serve is that of liability. (See panel on page 3.) Currently, the United States is the only country where pilots are liable, both criminally and financially, for their actions. In most other instances, they are considered to be an extension of the ship's crew and therefore the owner is liable if an incident occurs in port.

"Pilots are totally immune from liability," points out Howard Snaith of INTERTANKO. "A collision takes place that's thought to be due to pilot error, the body that carries out the enquiry might make recommendations to the port or pilotage authority to amend things, but the pilot is still not liable. In the case of the Sea Empress, it was the port authority that had to pay the cost."

Nick Cutmore, of the International Maritime Pilots Association (IMPA) takes a gloomy view of the liability issue. "I'm sure liability will come. It's part of spreading the blame. It's like competition will cost more, pilots will have to carry colossal insurance and who will pay for that? The shipowners. The pilot's sole function in life is to get that ship in safely - he's not there for any other purpose," he says, with a tangible sense of aggrievement.

New technology

But it's not all bad news for pilots. As Capt Mike Watson, head of the American Pilots Association (APA) points out, pilots are often at the forefront of innovation and technology, as a result of the enormous burden of responsibility - legal and moral - which rests on their shoulders to ensure that each ship gets to berth safely and without incident.

One recent innovation which has been gaining currency is the Portable Pilotage Unit (PPU), a laptop computer containing a wealth of navigational information, which the pilot can carry with him when he boards a ship.

The system is being used in Europe, as well as in the United States. "Over here we refer to them as laptop navigation assistance," says Capt Watson. "Pilots on the east and west coasts of the US have developed a perfected version of the ECDIS [electronic chart display and information system] charting systems, coupled with dGPS [differential global positioning satellite] navigational aids, and are now tying those in with transponders to meet the AIS [automatic identification system] requirement."

According to Capt Watson, the system is being used in a number of places in the US, including the the Great Lakes, as well as the states of Maryland, Virginia, New York, Florida and California, among others.

More regulations

Technological advances such as the PPU rest on the premise that the more information the pilot has, the better, and this concept lies at the heart of the single most important interface in pilotage: the exchange of information between the pilot and the master.

It was felt by a number of owners' associations, for instance, that the International Maritime Organisation's (IMO) Resolution A.485, which governs the Training, Qualifications and Operational Procedures for Maritime Pilots other than Deep-Sea Pilots did not go far enough in addressing the exchange of information between the pilot and the master. Resolution A.485 places an emphasis on the face-to-face exchange of information between pilot and master, whereas owner's associations such as INTERTANKO would like to see more of a focus placed on the provision of information well in advance of the vessel's arrival at the pilot station. The provision of information pertaining to the assigned berth; the route which the ship should take to

get to berth; the availability of tugs and where they will be made fast; tidal conditions; and local navigational data such as lights and buoys would enable masters to complete full passage plans before arrival, says Howard Snaith of INTERTANKO. This system of exchanging information is currently in place in the Port of Singapore, and INTERTANKO would like to see this system taken onboard elsewhere as well. In order to address what INTERTANKO perceives to be the shortcomings of Resolution A.485, the Association has clubbed together with the International Chamber of Shipping (ICS) and the Oil Companies' International Marine Forum (OCIMF) to publish a book entitled "Code of Best Practice during Pilotage (other than Deep-Sea Pilotage)", which will concretise the industry's requirements with respect to pilotage, as well serve as a guide to pilots. Work on the Code began a year ago, and the publication is now nearing its final draft. INTERTANKO, ICS and OCIMF expect to publish the book at the end of this summer.

The last word

In all sectors of the industry there are quality operators and operators who do not prioritise quality. Owners and managers have learned the hard way how a handful of substandard operators can tarnish the reputations of the quality-driven majority. The same might be said of maritime pilots, the majority of which take their responsibilities and duties seriously. However, today's industry operates in a difficult and unforgiving environment fomented by a public which has become increasingly intolerant of mistakes. It was inevitable that pilots, as well as others, would come to feel these pressures, too.

The knowledge that they are simply the next link in the chain to come under fire does nothing to assuage the sense of persecution they feel. "The overwhelming concern at the moment is that there seems to be an agenda throughout the world to undermine the skills of the pilot, to play down the actual skills we use," says John Clandillon-Baker. "We feel very much that we are being given a negative image and are under threat. We realise that we are a high cost element, but we feel that our skills enable us to expedite a passage with the maximum of safety and the minimum of time."