

## **Tightening the safety net**

### **A roundup of principal decisions impacting tanker shipping taken at IMO Maritime Safety Committee's recent 76th Session**

The International Maritime Organization's Maritime Safety Committee held its 76th Session (MSC 76) in London on December 2-13, in parallel with a diplomatic conference on maritime security. The new measures to enhance maritime security adopted at that conference were described in last month's issue of Tanker Operator. Perhaps the most important development at MSC 76 was the adoption of new regulations for bulk carriers as part of a programme of measures aimed at improving bulk carrier safety. However, a number of decisions relevant to tanker design and operation were taken at the meeting, and these are outlined in the paragraphs below.

#### **Access to cargo areas**

A number of amendments to the International Convention for the Safety of Life at Sea (SOLAS) 1974 were adopted. These have an expected entry into force date of July 1, 2004, under the tacit acceptance procedure.

The new Regulation 3-6 in SOLAS Chapter II-1 (Construction - structure, subdivision and stability, machinery and electrical installations), Part A-1 (Structure of ships), is intended to ensure that oil tankers and bulk carriers can be properly inspected throughout their lifespan by designing and building the ship to provide suitable means for access.

Without adequate access, the structural condition of the vessel can deteriorate undetected, giving rise to major structural failure. The regulation requires each space within the cargo area to be provided with an appropriate means of access to enable, throughout the life of a ship, overall and close-up inspections and thickness measurements of the ship's structures to be carried out by the flag administration, the shipowner and others as necessary. Associated technical provisions for means of access for inspections, also adopted, are mandatory under the new regulation.

#### **Propulsion system shutdown warning**

The amendment to SOLAS Chapter II-1 also adds a new paragraph to Regulation 31 - Machinery control - to require automation systems to be designed in a such a way that a threshold warning of impending or imminent slowdown or shutdown of the propulsion system is given. This warning is intended to provide the officer in charge of the navigational watch with enough time to assess navigational circumstances in an emergency.

#### **Places of refuge**

MSC 76 noted progress made in developing draft guidelines on places of refuge for ships in need of assistance. Two draft resolutions on the issue, prepared by the Subcommittee on Safety of Navigation (NAV), were forwarded to the Subcommittee on Radiocommunications, Search and Rescue (COMSAR) to establish whether there is any conflict with existing SAR procedures.

The draft resolutions will also be considered by the IMO Legal Committee at its 86th Session in April 2003) and MSC 77 in May 2003 prior to NAV 49 in June. The intention is finalise the drafts for submission to the 23rd IMO Assembly due to take place in November 2003. The IMO Marine Environment Protection Committee (MEPC) will also have a chance to review the draft resolutions at its 49th session in July 2003.

MSC 76 also invited the Legal Committee to consider the work in progress on issues within its competence and, in particular, with respect to the provision of financial security to cover either expenses which the coastal state may have incurred or to

provide adequate compensation to meet any liabilities of the shipowner which may arise.

The draft Assembly resolutions include a set of guidelines which state clearly what actions should be taken by ships' masters, coastal states and flag states in cases where ships are in need of assistance. They also recommend the establishment by coastal states of maritime assistance services (MAS) to be mobilised in relevant cases. They have been designed to provide a framework by which governments will be able to assess each case on its merits and make the most appropriate decisions. Following an incident involving the cracking of deck plating on the fully laden tanker Castor in December 2000, IMO secretary-general William O'Neil suggested that IMO should, as a matter of priority, consider the problem of places of refuge for disabled vessels on a global basis. If found necessary, measures should be adopted to ensure that, in the interests of safety of life at sea and environmental protection, coastal states reviewed their contingency arrangements so that such ships are provided with assistance and facilities as might be required in the circumstances. The recent sinking of the tanker Prestige has further highlighted the issue.

### **The Prestige incident**

Although Prestige sank only a few days before MSC 76, the incident was still the subject of intense discussion, and a number of delegations made statements about the sinking.

Speaking at MSC 76, William O'Neil urged all parties involved to finalise their reports on the investigation into the casualty as soon as possible and to submit their findings to IMO without delay so that the Organization could respond promptly to any recommendation for remedial action which might come to light.

### **Piracy and armed robbery**

A update report indicated that there has been a 20 per cent increase in the number of reported acts of piracy and armed robbery against ships during the first 10 months of 2002 compared to the equivalent period a year earlier, i.e. 315 as against 263. The 2002 figures included 12 ships that had been hijacked and eight ships which had gone missing. The areas most affected are the South China Sea and the Malacca Strait, the Indian Ocean, the Caribbean, the Pacific and Atlantic coasts of South America and West and East Africa.

Most such attacks take place in territorial waters while ships are at anchor or berthed. In many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. Over the first 10 months of 2002 four passengers and one crew member were killed; two crew members and four entire ship complements were reported missing and 71 crew members and 12 ship passengers had been wounded.

These worrying developments are a cause for concern and IMO agrees that this menace needs to be tackled. The total number of reported incidents involving piracy and armed robbery against ships from 1984, when the IMO began logging such incidents, to the end of October 2002, was 2,880.

MSC 77 was updated on the implementation of the IMO anti-piracy project. Phase One, involving regional seminars and workshops attended by relevant government representatives, had been completed. In Phase Two, a number of evaluation and assessment missions are being made. The IMO Secretariat is consulting with governments interested in receiving technical assistance in implementing measures to prevent and suppress acts of piracy and armed robbery against ships, and is also coordinating missions to countries expected to request such assistance.

### **Implementation of revised STCW Convention**

The list of parties deemed to be giving full effect to the revised Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978,

as amended, now stands at 108 out of a total of 144 current STCW parties. Two new states had been added to the list since the previous Committee meeting. MSC 77 also approved additional competent persons nominated by Turkey and Singapore.

#### **Proposed IMO Model Audit Scheme**

IMO is developing a Model Audit Scheme to help flag states promote maritime safety and environmental protection. This is done by assessing how effectively these states implement and enforce relevant IMO convention standards, and by providing them with feedback and advice on their current performance.

MSC agreed a list of further areas to be considered in the proposed Scheme. First, those member state responsibilities stemming from measures adopted at the diplomatic conference on maritime security in December should be assessed as part of the Scheme. In addition, development of the proposed Scheme should also take account of ongoing work within the IMO Flag State Implementation (FSI) Subcommittee relating to Self Assessment Forms and proposed amendments to Resolution A.847(20) on guidelines to assist flag states in the implementation of IMO instruments.

#### **New casualty investigation guidelines**

MSC 77 approved new guidelines drafted by the FSI Subcommittee to help improve cooperation between flag states and other substantially interested states in marine casualty investigation. Accident investigation reports, which are analysed by the experts of an IMO correspondence group established by the FSI Subcommittee, are a crucial element in any legislative action to enhance safety and environmental protection and in identifying a "compelling need" for new legislation, as established in IMO Resolution A.500(XII).

The guidelines include basic recommendations for a functioning authority for casualty investigation which is prepared to cooperate with authorities of other substantially interested states. They also stress the responsibility of flag states to conduct casualty investigations as required by international law.