NEW ATHENS CONVENTION RAISES LIABILITY LIMITS FOR PASSENGERS

GREEN PASSPORT MOOTED FOR SHIPS

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The new protocol to the Athens Convention heralds an improved compensation regime for cruise passengers.
Opinion

The adoption, by a Diplomatic Conference held at IMO, of a new Protocol to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, marks a significant step forward in an important yet often unheralded part of IMO’s work — that of ensuring an effective regime is in place for compensating the unwitting victims of accidents at sea, whatever form they may take.

The Athens Convention of 1974 was designed to consolidate and harmonize earlier two-earlier Brussels Conventions dealing with passengers and their luggage, which were adopted in 1961 and 1967, respectively. The Convention established a regime of liability for damage suffered by passengers carried on a seagoing vessel. It declared the carrier liable for damage or loss suffered by a passenger if the incident causing the damage occurred in the course of the carriage and was due to the fault or neglect of the carrier. However, unless the carrier acted with intent to cause such damage, or recklessly and with knowledge that such damage would probably result, the Convention allowed the carrier to limit his liability.

For some time it had been recognized that the limits of liability established in the 1974 Convention were no longer adequate to meet the needs of the international community. Furthermore, in the eyes of many States, a Protocol adopted in 1990 suffered from the same defect and therefore it never entered into force.

It goes without saying, however, that compensation, in adequate measure, must be provided for loss of human life and physical injury for all passengers travelling by sea. This has been an objective pursued by IMO and its Member States in the Legal Committee for several years and, with the adoption of this Protocol, this objective has been achieved. The Organization has substantially enhanced the compensation available under the 1974 Athens Convention. Moreover, to the benefit of passengers, the notion of strict liability of the carrier has been introduced into the Convention, as well as that of compulsory insurance and a simplified procedure for updating the limitation amounts.

As with all IMO Conventions, the aim of the Organization has been to create an internationally accepted regime, so that the shipping industry does not become subject to a variety of individual national schemes. I am hopeful that with these new elements, this Protocol will be widely accepted and quickly brought into force.

While, quite naturally, there were some differences of opinion between the positions of delegations, even during the limited time of the Conference, a spirit of genuine compromise and the willingness to appreciate other viewpoints was evident. This made it possible to narrow the differences and come to a broad-based consensus and agreement, which received whole-hearted general acceptance in the Conference.

I believe that a keen and sympathetic understanding of the needs of the maritime community and the potential victims of accidents on board ships was clearly demonstrated. In accepting the final package, IMO Member States also gave full consideration to the economic implications involved.

Of course, the work of IMO and its Membership on this subject does not stop with the signing of the Final Act. Our efforts now turn immediately to the task of bringing the Protocol into force at the earliest possible date, and to arranging for its implementation. The wide acceptance at the Conference of the new limits of liability and other measures incorporated into the Protocol are, hopefully, evidence that ratification will take place quickly, to enable the travelling public to benefit as soon as possible.

Successful implementation will also depend, in part, on the co-operation of relevant sectors of industry. Industry has, in the past, always taken on its responsibilities and we would anticipate that it will continue to do so in the interests of all passengers as well as Member States who have already indicated their very positive attitude to the new compensation regime.

The carrier is liable, unless the carrier proves that the incident resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or was wholly caused by an act or omission done with the intent to cause the incident by a third party.

If the loss exceeds the limit, the carrier is further liable — up to a limit of 400,000 SDR (about US$524,000) per passenger on each distinct occasion — unless the carrier proves that the incident which caused the loss occurred without the fault or neglect of the carrier.

For the loss suffered as a result of death of or personal injury to a passenger not caused by a shipping incident, the carrier is liable if the incident which caused the loss was due to the fault or neglect of the carrier. The burden of proving fault or neglect lies with the claimant.

The liability of the carrier only includes loss arising from incidents that occurred in the course of the carriage. The burden of proving that the incident which caused the loss occurred in the course of the carriage, and the extent of the loss, lies with the claimant.

The Conference was attended by more than 70 States, many of which held differing views on what constitutes adequate compensation. Some delegations had proposed even higher limits. However, the Conference was able to achieve a compromise and a consensus on the final package of measures adopted, balancing the concerns of commercial insurance with the need to ensure adequate protection.

Operations of cruise ships (cruise vessels) will be required to carry insurance to cover claims from passengers (below).
The concept of a "Green Passport" for ships has been mooted in draft guidelines on ship recycling currently under discussion at IMO. It is envisaged that such a document, containing an inventory of all materials potentially hazardous to human health or the environment used in the construction of a ship could accompany the ship throughout its working life. Produced by the shipyard at the construction stage and passed to the purchaser of the vessel, the document would be in a format that would enable any purchaser of the vessel, the document would be in a format that would enable any subsequent changes in materials or equipment to be recorded. Successive owners of the ship would maintain the accuracy of the Green Passport and incorporate into it all relevant design and equipment changes, with the final owner delivering it, with the vessel, to the recycling yard.

Draft IMO Guidelines on ship recycling were discussed in detail at the 48th session of the Marine Environment Protection Committee in October, with a view to producing a final draft for adoption by the next IMO Assembly in 2003. The guidelines were developed to give advice to all stakeholders in the recycling process, including administrations of ship building and maritime equipment supplying countries, flag, port and recycling states, as well as intergovernmental organizations and commercial bodies such as shipowners, ship builders, repairers and recycling yards.

The guidelines have been developed to sound the working practices and environmental standards in the yards often leave much to be desired. While ultimate responsibility for conditions in the yards lies with the countries in which they are situated, other stakeholders must be encouraged to contribute towards minimising potential problems in the yards.

During the 22nd IMO Assembly, held in November 2001, IMO Member States elected the following additional States to the expanded Council as soon as the 1993 amendments entered into force:

- Panama and the Republic of Korea to Category A
- Bangladesh and Spain to Category B
- Chile, Denmark, Ghana, Kenya, Lebanon and Venezuela to Category C.

IMO Council expands to 40 Members

Eight additional Members have taken their places on the IMO Council following the entry into force on 7 November 2002 of the 1993 amendments to the IMO Convention which expanded the size of the Council to 40 Member States from 32. The IMO Council is elected by the IMO Assembly, which consists of all Member States, for two-year terms beginning after each regular session of the Assembly.

In accordance with the IMC Convention, Council Members are elected by the IMO Assembly in three different categories. Under the 1993 Amendments, Category A consists of 10 States with the largest interest in providing international shipping services; Category B of 10 other States with the largest interest in international seaborne trade; and Category C of 20 States not elected under A or B but which have special interests in maritime transport or navigation and whose election to the Council will ensure the representation of all major geographic areas of the world.

The Chairmen of the IMO Maritime Safety Committee, Marine Environment Protection Committee, Facilitation Committee and Technical-Co-operation Committee, together with the Chairmen of the IMO Sub-Committees, have met to discuss improvements which could be made in the efficiency and effectiveness of the Committees on Sub-Committees and whether there was a need to restructure the Sub-Committees. The meeting will report their conclusions to MSC and MEPC.

In the wake of the Limburg incident in October in which a suspected terrorist explosion wrecked an oil tanker in Yemen, IMO Secretary-General William O’Neil pledged the Organization’s assistance to the Government of Yemen, irrespective of the cause. The Government of Yemen, having thanked IMO for its preparedness to help, requested assistance to combat the pollution caused by oil spilled into the water and assess the damage resulting from that pollution and to assist the Yemeni authorities to prepare their claim.

This request was immediately and two experts were dispatched Mukalla on 12 October, to assist the Yemeni authorities as requested.

In his appeal to parties concerned to expedite the finalization of the investigation report into the casualty, so that action could be taken on any lessons to be learnt without delay, Mr. O’Neil referred to information suggesting that the accident might have been the result of a terrorist attack. He added that, should this be the case, the matter would be of particular concern to the Organization at a time when final preparations were being made to establish an adequate regulatory regime on maritime security to protect shipping against acts of terrorism. Mr. O’Neil invited parties concerned to advise December’s Diplomatic Conference on maritime security in light of the findings of the investigation into the casualty.

In the meantime, Governments and the industry to take any sensible measures justified by the degree of risk in areas of operation of their ships, to increase awareness of the potential dangers so that their ships become extremely vigilant and alert to any security threat they may encounter or be suspicious of, be they in port or at offshore terminals or while under way.

IMO concern over Limburg incident, experts sent to Yemen

The Chairmen meet to discuss structural improvements
Maghreb Arab countries adopt safety regulations for non-convention ships

IMO has welcomed the adoption of model technical standards on the safety of non-convention ships for the Maghreb Arab countries.

Following preparatory work which started in 2001 with IMO’s support, the new regulations were adopted at the end of a final meeting held in Algeria from 1 to 2 October 2002 by the Maritime Authorities of Algeria, Libya, Lebanon, Mauritania, Morocco and Tunisia. IMO’s representatives conducted the meeting and witnessed the adoption of the draft.

This draft had been developed by IMO experts within the framework of the IMO’s Integrated Technical Co-operation Programme. The provisions of these regulations include those standards and requirements of the principal international conventions that are relevant to small ships and they are considered as a further step towards improving safety and marine pollution prevention in the Maghreb region.

Sewage rules for ships to enter into force following breakthrough ratification

Regulations for the prevention of pollution by sewage from ships are set to enter into force in September 2003 following the ratification by Norway of Annex IV of MARPOL 73/78 Convention on marine pollution. Norway’s ratification means the entry-into-force criteria for the Annex, set at 15 States whose combined merchant fleets constitute not less than 50 per cent of the world’s merchant fleet by tonnage, have now been met.

Norway deposited its instrument of acceptance for MARPOL Annex IV on 26 September 2002. This brought the total number of countries that have accepted Annex IV to 88 and their tonnage accounts for 51 per cent of the world’s total. In accordance with MARPOL Article 15(2), Annex IV will now enter into force on 27 September 2003.

The Annex sets out in detail how sewage should be treated or held aboard ship and the circumstances in which discharge into the sea may be allowed. It requires Parties to the Convention to provide adequate reception facilities for sewage and contains a model International Sewage Pollution Prevention Certificate to be issued by national shipping administrations to ships under their jurisdiction.

The Annex will apply to ships engaged in international voyages. On entry into force it will have immediate effect on all new ships of 400 gross tonnage and above and new ships of less than 400 gross tonnage which are certified to carry more than 15 persons. It will apply to existing ships of 400 gross tonnage and above five years after the date of entry into force.

New MEPC chairman elected

The Marine Environment Protection Committee has elected a new chairman. Mr Andreas Chrysostomou, alternate permanent representative of Cyprus, will serve an initial one-year term. He replaces Michael Julian of Australia, who was elected to chair the MEPC in 1997 and has announced his retirement.

Mr Chrysostomou’s elevation to head one of two key IMO committees follows three sessions in the chair of the Sub-Committee on Ship Design and Equipment. Mr Chrysostomou has also been intimately involved in developing new guidelines on the enhanced programme of inspections of bulk carriers and oil tankers.
Persons rescued at sea -
co-ordinated UN approach takes shape

Following a number of recent incidents involving persons rescued at sea and/or asylum seekers, refugees and stowaways, IMO Secretary-General William O’Neil submitted a draft resolution to the November 2001 IMO Assembly, which was eventually adopted as resolution A.920(22) - Review of Safety, Measures and Procedures for the Treatment of Persons Rescued at Sea. He also brought the issue of persons rescued at sea to the attention of a number of competent United Nations specialized agencies and programmes, pointing out the need for a co-ordinated approach at the United Nations inter-agency level. As well as proposing a review of the relevant legislation adopted by those United Nations bodies, he also proposed the establishment of a co-ordinating mechanism, possibly in the form of an inter-agency co-ordinating panel, to ensure that the response of the United Nations in any future emergency could be co-ordinated in a consistent manner.

The concern expressed by Mr O’Neil was shared by the Executive Heads of the organizations concerned and a meeting of representatives of the UN Office of Legal Affairs - Division for Ocean Affairs and the Law of the Sea (OLA/DOALOS), United Nations High Commissioner for Refugees (UNHCR), United Nations Office for Drug Control and Crime Prevention (ODCCP), Office of the United Nations High Commissioner for Human Rights (OHCHR), International Organization for Migration (IOM) and International Maritime Organization (IMO) was organized. The meeting took place at the UNHCR Headquarters in Geneva on 2 and 3 July 2002, chaired by the IMO Assistant Secretary-General and Director, Maritime Safety Division, Mr. E.E. Mitropoulos.

Among the general comments made the meeting was that at issue were the need of States to respect and ensure respect for the rights and dignity of persons rescued at sea, regardless of their status; their legitimate interest to maintain effective border and immigration controls and to prevent and combat trans-national organized crime such as the smuggling of migrants and trafficking in human beings; the need to meet the immediate humanitarian requirements of rescued persons and stowaways and to ensure that those who seek asylum are protected from immediate danger and are granted prompt access to fair and efficient status determination procedures in full compliance with respect to the principle of non-refoulement; and the need to maintain security and stability in international shipping. Of paramount importance was the need to preserve the integrity and effectiveness of the international system for search and rescue and the vital role of commercial shipping in responding quickly and decisively to distress calls or distress where small vessels are encountered in distress at sea.

The need of States to respect and ensure respect for the rights and dignity of persons rescued at sea, regardless of their status.
features
Persons rescued at sea

Following reports on the current status of the participating organizations’ legislation pertaining to the scope of the meeting, the representatives of each organization gave brief accounts of gaps, inconsistencies, weaknesses and other shortcomings that had been identified.

As far as the IMO gap analysis was concerned, the meeting was advised of preliminary work carried out by the Secretariat, which had concentrated on identifying gaps in SOLAS chapter V (Safety of Navigation), the SAR Convention and the Salvage and FAL Conventions. The gaps so far identified mainly related to the lack of a definition of a “place of safety” and clarification of the provisions in both the SOLAS and SAR Conventions relating to the obligation of the master to deliver the persons rescued at sea to such a “place of safety”, and of Contracting Governments thereto to accept such persons delivered at a “place of safety”.

UNHCR provided a brief overview of its operational engagement with rescue-at-sea incidents, dating from the time of the mass exodus of Vietnamese boat people in the eighties, up to the present day. With reference to legislation, the 1991 Convention relating to the Status of Refugees (and its 1987 Protocol) is silent on the topic of rescue, however the relevant refugee law aspects have been comprehensively set out in a number of Conclusions of the Executive Committee of the High Commissioner’s Programme, which constitute authoritative statements of legal guidance.

While there are no gaps as such in UNHCR’s mandate to engage with States on asylum-related matters, there are some inhibiting factors and grey areas which complicate predictable responses to rescue-at-sea situations in accordance with refugee protection standards. These include, inter alia a number of States, especially in the M iddle East and Asia, have not yet acceded to the 1951 Convention; there are still States which although party to the Convention have not established any asylum procedures; the relevance of the desired destination of the asylum-seeker as a factor for determining responsibility for refugee status determination; the question of transfer of such responsibility between States; legal and practical difficulties in the return of rejected asylum-seekers to their country of origin or their readmission to first countries of asylum; and the limited number of countries which accept refugees in countries of temporary refuge for resettlement.

UNHCR highlighted the fact that the often composite nature of today’s population movements, coupled with more restrictive asylum practices generally, compounds the difficulty of agreeing on clear standards and policy for timely disembarkation of asylum-seekers and the processing of asylum applications. UNHCR agreed that legal clarity regarding “delivery to a place of safety” and disembarkation is vital and welcomed IMO’s efforts in this regard. At the same time it feels that international co-operation built around burden-sharing arrangements regarding the processing of asylum applications and solutions for the persons involved would help to address certain rescue-at-sea situations.

On the development of a common approach at the UN inter-agency level the meeting focused on the following issues: establishing the areas (geographical and legislative) of competence and/or co-competence of each of the participating agencies and programmes; agreeing on a general framework of responsibility that each should assume for follow-up action in emergency cases; establishing a co-ordinating mechanism to respond, in a coherent and consistent manner, to emergencies and exchanging views on the meaning of the term “place of safety”.

The meeting agreed that as far as the first of those concerns was concerned, IMO’s area of competence was the search-and-rescue-at-sea part of any such operation and, afterwards, the delivery of survivors to a place of safety, as regulated by the SOLAS and SAR Conventions. The area of competence of the United Nations, as far as UNHCR was concerned, was also restricted to sea operations and related aspects, including issues of sovereignty, territorial waters, etc., with issues of international co-ordination and cooperation in ocean affairs and the law of the sea within the ambit of the United Nations General Assembly. However, the areas of competence of UNHCR, ODDC, OHCHR and IOM were considered to be multi-disciplinary as they respectively relate to issues concerning asylum, transnational organized crime including the smuggling of migrants and trafficking in human beings, human rights and migrants in general, on a global scale.
Draft IMO Guidelines on ship recycling were discussed in detail, with a view to producing a final draft for adoption by the next IMO Assembly in 2003. The guidelines recognize that, while the principle of ship recycling may be sound, the working practices and environmental standards in the yards often leave much to be desired. While ultimate responsibility for conditions in the yards has to lie with the countries in which they are situated, other stakeholders must be encouraged to contribute towards minimising potential problems in the yards.

The guidelines have been developed to give advice to all stakeholders in the recycling process, including administrations of ship building and maritime equipment supply, countries, flag, port and recycling states, as well as intergovernmental organizations and commercial bodies such as shipowners, ship builders, recyclers and recycling yards.

The concept of a “Green Passport” for ships included in the guidelines. It is envisaged that this document, containing an inventory of all materials potentially hazardous to human health or the environment, would be carried on the ship throughout its working life. Produced by the shipyard at the construction stage and passed to the purchaser of the vessel, the document would be a format that would enable any subsequent changes in materials or equipment to be recorded. Successive owners of the ship would maintain the accuracy of the Green Passport and incorporate into it all relevant design and equipment changes, with the final owner delivering it, with the vessel, to the recycling yard.

The MEPC agreed to refer certain key outstanding issues to various IMO Sub-committees for further consideration.

The Ship Design and Equipment Sub-Committee (DE) and the Sub-Committee on Bulk Liquids and Gases (BLG) will be asked to produce a list of potentially hazardous materials which might be found on board ships. Such materials may be inherent in the structure of the vessel or its equipment, carried as stores or spares or generated during the normal operations of the vessel including cargo residues.

The Sub-Committee on Flag State Implementation (FSI) will be asked to look into the possible future need to examine the issue of last voyages and port State control.

Ballast Water Management

The Committee is to recommend to the IMO Council that a Diplomatic Conference be convened in early 2004 to adopt a draft convention on ballast water management, following substantial progress made on the issue at this meeting and at the intersessional working group on the subject that had met prior to the MEPC.

Among the outstanding issues to be resolved was the development of appropriate standards for ballast water treatment. At the previous meeting of the MEPC, 34 different approaches had been developed. These have now been reduced to just two options for short term standards and a single option for long term standards which is linked to what the draft Convention is trying to achieve, a suite of options that will help reduce the risk of transfer of harmful aquatic organisms through ballast water.

Greenhouse gases

The Committee approved in principle a draft Assembly resolution on greenhouse gas emissions from ships and invited Member States to submit comments to the next meeting of the MEPC with a view to its finalization.

In its draft form the resolution urges the MEPC to identify and develop the mechanisms or mechanisms needed to achieve the limitation or reduction of GHG emissions from international shipping, and in doing so give priority to the establishment of a GHG emission baseline, the development of a methodology to describe the GHG efficiency of a ship expressed as a GHG index for that ship, recognizing that CO2 is the main greenhouse gas emitted by ships. It also calls for the establishment of Guidelines by which the GHG emission index may be applied in practice. The Guidelines would take into account related cost/benefit evaluations and verification procedures and be based on an evaluation of technical, operational and market-based solutions.

Particularly Sensitive Sea Areas (PSSAs) and Special Areas (SAs)

It was agreed to designate the Wadden Sea areas in Northern Europe as a PSSA. The Committee also agreed, in principle, to designate the Paracas National Reserve in Peru as a PSSA, pending consideration of a separate proposal from Peru for an “Area to be Avoided” by the NAV Sub-Committee and approved by the Maritime Safety Committee. It was also agreed that the Moroccan Area of the Arabian Sea be designated as a Special Area under Annex I of MARPOL 73/78, which is expected to be adopted by MEPC 49 in July 2003.

The Committee agreed to issue a circular containing a guidance document to help Member States in preparing proposals for areas to be designated as PSSAs. The guidance contains a framework of what needs to be included in a proposal.

Note: In Annexes I, II and V. MARPOL 73/78 defines certain sea areas as “special areas” in which, for technical reasons relating to their geographical and ecological condition and to their sea traffic, the adoption of special mandatory methods for the prevention of sea pollution is required. Under the Convention, these special areas are provided with a higher level of protection than other areas of the sea.
SUA review continues as legal experts tackle security

IMO ’s Legal Committee continued its review of possible amendments to the international convention concerning the prosecution and extradition of those who commit unlawful acts against the safety of maritime navigation, in the light of global security concerns.


The proposed amendments, developed by a Correspondence Group, would expand the list of offences in article 3 of the SUA Convention to ensure that it sufficiently covers a wide range of criminal and terrorist acts and would introduce a variety of measures aimed at strengthening the effectiveness of the Convention.

The Committee discussed the seven proposed new offences which could be added to article 3 of the SUA Convention. Four of these new offences concerned activities taking place on the ship or directed toward the ship that involve a terrorist purpose. One of the new offences concerned the presence of tools or substances not usually used on a ship but useful in a weapon of mass destruction. Two of the new offences concerned use of the ship for transport of substances to be used for mass destruction. Delegations expressed the need to consider carefully the proposals and to consider whether there was overlap with existing terrorism conventions. It was recognized that even with an expanded focus, SUA would remain a maritime convention under the competency of IMO and it was important to ensure that the shipping industry does not become a soft target for terrorist activities.

The Committee agreed that work on the proposed amendments should continue in the Correspondence Group ahead of the next session, scheduled for spring 2003. It was emphasized that the objective must be to develop a draft instrument which would attract wide ratification.

The review of the SUA Convention and its related Protocol followed the unanimous adoption in November 2001 by the IMO Assembly of resolution A.924(22) calling for a review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crew and the safety of ships.

The main purpose of the SUA convention and its related protocol is to ensure that appropriate action is taken against persons committing unlawful acts against ships. In the present Convention, these acts include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it. The proposed amendments would significantly broaden the range of offences and make it more relevant to modern conditions.

The Convention obliges Contracting Governments either to extradite or prosecute alleged offenders thereby ensuring that those responsible for perpetrating acts of violence against or on board ships, will be brought to justice, wherever in the world they seek to hide.

The SUA Convention has been ratified by 71 States, representing 75.4 per cent of world merchant shipping tonnage and the SUA Protocol has been ratified by 66 States, representing 75.1 per cent of world merchant shipping tonnage.

Wreck removal
The Committee agreed to continue discussion of the text of the draft wreck removal convention (WRC) at its next session, following consideration of a number of articles in plenary and by a Working Group.

The WRC is intended to provide international rules on the rights and obligations of States and shipowners in dealing with wrecks and drifting or sunken cargo which may pose a hazard to navigation and/or pose a threat to the marine environment. The draft Convention currently being considered by the Legal Committee is intended to clarify rights and obligations regarding the identification, reporting, locating and removal of hazardous wrecks, in particular those found beyond territorial waters, and the possible need for financial security arrangements to cover liability for costs of removal of such wrecks.

Implementation of the HNS Convention
The Committee was updated on the work of the Correspondence Group on Implementation of the HNS Convention (International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea, 1996) and a number of delegations stated that their Governments were preparing for implementation of the Convention, which has been ratified by two States.

An overview of the HNS Convention, including a link to the Correspondence Group’s website, is included on the IMO website at www.imo.org/home.asp/topic_id=673

The HNS convention is intended to add a vital link in the international compensatory regime for pollution damage at sea.

Seafarer claims
The Committee was updated on the work of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, which held its fourth session from 30 September to 4 October 2002.

The Committee requested the IMO Secretariat to circulate two questionnaires developed by the Group and encouraged Governments and relevant organizations to submit the required information ahead of the Group’s next session scheduled for October/November 2003.

The questionnaires are designed to monitor implementation of the resolutions and guidelines, adopted by IMO in November 2001 at its 22nd Assembly in Assembly resolutions A.930(22) Guidelines on Provision of Financial Security in Cases of Abandonment of Seafarers and A.931(22) Guidelines on Shipowners’ Responsibilities in respect of Contractual Claims for Personal Injury.
to or Death of Seafarers. [These resolutions were adopted by the Governing Body of the International Labour Organisation (ILO) at its 282nd session (6 November 2001) (GB.282/10 and GB.282/STM/5)]. Both the Resolutions and Guidelines took effect on 1 January 2002.

Places of refuge

The Committee reviewed the results of a survey conducted by the Comité Maritime International (CMI), which was intended to ascertain the extent to which domestic law dealt with the problem of vessels in distress seeking refuge. The responses of the CMI members did not indicate that States had imposed legal liabilities on the owners of such vessels. The CMI representative stated that the CMI was in the process of analysing the liability issues, which were focused on two issues: first, what are the liabilities of a State that allows a ship into a place of refuge under its jurisdiction; and secondly, what are the liabilities of a State that refuses entry?

The Committee expressed its willingness to review liability aspects of proposed draft Assembly resolutions on places of refuge, should it be asked to do so by the Maritime Safety Committee (MSC). The MSC, Sub-committee on Radiocommunications Search and Rescue (COMSAR) and the Sub-Committee on Safety of Navigation (NAV) have been reviewing the issue of places of refuge.

NAV has agreed a draft Assembly resolution on guidelines on places of refuge for ships in need of assistance and a second draft resolution on the establishment of Maritime Assistance Services (MAS). According to the draft Assembly resolution, the services of a MAS might be required in situations where the safety of life is not directly threatened, for example if a ship is involved in an incident (e.g. loss of cargo, accidental discharge of oil) that does not impair its seakeeping ability but nevertheless has to be reported; or, according to its master’s assessment, is in need of assistance but not in a distress situation that requires the rescue of those on board; or is found to be in a distress situation and those on board have already been rescued, with the possible exception of those, who have remained aboard or have been placed on board to attempt to deal with the ship’s situation.

The Committee also requested the Secretariat to review, in co-operation with the CMI, the provisions of existing international and national instruments dealing with the liability and compensation and their application to places of refuge. This would assist the Committee in identifying gaps in the existing system.

Subregional security workshop for Arab and Mediterranean states

Through its Integrated Technical Co-operation Programme, IMO is assisting developing countries to help protect shipping from security risks in line with the standards currently being established by draft resolution on the establishment of Maritime Assistance Services (MAS).

It was jointly organized with the Arab Academy for Science and Technology and Maritime Transport and took place in the Conference Hall of the Maritime Transport College in the Abu Kir branch of the Academy.

37 participants from Bahrain, Egypt, Jordan, Kuwait, Lebanon, Malta, Oman, Saudi Arabia, Syria, Turkey, United Arab Emirates, Yemen and the Palestinian Authority took part. Representatives from International Labour Office and the League of Arab States also attended.

The objectives of the workshop were to familiarize the participants with the concepts and principles of maritime and port security and ensure their understanding of the methods of conducting a port facility security survey and ship security survey.

The workshop was designed with the needs of government management at ministerial level in mind, and the positions of the participants reflected this goal with numerous Port Directors, Managers of Port Operations, and Heads of Marine Departments attending.

Speakers included Dr. Gamal Mokhtar, President of the Academy, Mr. Hartmut Hesse, Head, Navigational Safety and Maritime Security Section, Maritime Safety Division, IMO; Admiral F. SH. E.I.Kadi, President of Ports and Lighthouse Authority, Alexandria, Mr. El Housseni-Hilal, Head Arab and Africa (Francophone) Section, Technical Cooperation Division, IMO and Dr. Gamal Mokhtar, President of the Academy.

WMU Launches Joint Doctoral Programme

The World Maritime University and the University of Wales, Swansea, have signed a Memorandum of Agreement to launch a new joint doctoral programme. This unique collaborative programme uses the internationally renowned research excellence of the University of Wales Swansea (UWS). In conjunction with WMU’s specific maritime expertise to create a PhD programme of real relevance to the maritime industry of tomorrow.

“WMU is delighted with this initiative, which from 6 to 10 October 2002, for Arab and Mediterranean countries.

It was jointly organized with the Arab Academy for Science and Technology and Maritime Transport and took place in the Conference Hall of the Maritime Transport College in the Abu Kir branch of the Academy.

37 participants from Bahrain, Egypt, Jordan, Kuwait, Lebanon, Malta, Oman, Saudi Arabia, Syria, Turkey, United Arab Emirates, Yemen and the Palestinian Authority took part. Representatives from International Labour Office and the League of Arab States also attended.

The objectives of the workshop were to familiarize the participants with the concepts and principles of maritime and port security and ensure their understanding of the methods of conducting a port facility security survey and ship security survey.

The workshop was designed with the needs of government management at ministerial level in mind, and the positions of the participants reflected this goal with numerous Port Directors, Managers of Port Operations, and Heads of Marine Departments attending.

Speakers included Dr. Gamal Mokhtar, President of the Academy, Mr. Hartmut Hesse, Head, Navigational Safety and Maritime Security Section, Maritime Safety Division, IMO; Admiral F. SH. E.I.Kadi, President of Ports and Lighthouse Authority, Alexandria, Mr. El Housseni-Hilal, Head Arab and Africa (Francophone) Section, Technical Cooperation Division, IMO and Dr. Gamal Mokhtar, President of the Academy.

WMU Launches Joint Doctoral Programme

The World Maritime University and the University of Wales, Swansea, have signed a Memorandum of Agreement to launch a new joint doctoral programme. This unique collaborative programme uses the internationally renowned research excellence of the University of Wales Swansea (UWS). In conjunction with WMU’s specific maritime expertise to create a PhD programme of real relevance to the maritime industry of tomorrow.

“WMU is delighted with this initiative, which
FOUR NEW PROFESSORIAL CHAIRS ESTABLISHED AT WMU

Our new professorial Chairs have been established at WMU with funding from the Nippon Foundation of Japan and from the Government of Canada.

The Nippon Foundation, an independent, non-profit, grant-making organisation devoted to promoting maritime safety and the protection of the marine environment, is providing funding for three of the new Chairs. The Nippon Foundation is well known to the WMU community; it is the umbrella foundation for a number of charitable and educational trusts, including the Ship & Ocean Foundation, the Tokyo Foundation and the Sasakawa Peace Foundation, which have provided fellowship funding for hundreds of WMU graduates and students.

The three Nippon Foundation Chairs are in the fields of Maritime Technology, Marine Environment Management and Maritime Administration. Applications have been invited, and the appointment process is currently under way.

A fourth Chair, the Canadian Chair in Maritime Environmental Protection, will be funded jointly by the Canadian Department of Transport and the Canadian Coast Guard, Department of Fisheries and Oceans. This contribution dovetails a longstanding Canadian support for WMU through student scholarships from the Canadian International Development Agency (CIDA), as well as funded staff secondments from the Canadian Coast Guard.

The new donation highlights Canadian commitment to the protection of the marine environment, as well as to international co-operation and education.

“We are immensely grateful to the Nippon Foundation and to the Canadian Government for this initiative,” said Rector, Karl Laubstein. “Obviously, the new professors will broaden the expertise of our resident staff and will have a significant impact on our Master of Science programmes. Equally importantly, we are seeking to appoint people with a distinguished track record in research and publication, and we anticipate that this will strengthen the University’s research capabilities and enhance our doctoral programmes.”

IMO, Chile sign MOU

Vice-Admiral Rodolfo Codina Díaz, Director General of DIRECTMAR, the maritime Administration of Chile, and IMO Secretary-General William O’Neill sign a Memorandum of Understanding through which assistance will be provided through IMO to Latin American countries. Through the MOU Chile will provide IMO with experts and instructors - on a no-fee basis - to carry out advisory missions and run training courses in other Latin American countries. IMO will cover the experts’ travel costs, as well as other expenses such as reproduction of training manuals, etc.

Korea increases commitment

On 27 June 2002, Dr. Rajong YI, Ambassador Extraordinary and Plenipotentiary of the Republic of Korea to the United Kingdom met with the Secretary-General, expressing once again the strong support of the Government of the Republic of Korea for the IMO’s Integrated Technical Cooperation Programme (ITCP). Dr. Yi also presented a cheque for the amount of US$100,000 to the Secretary-General on behalf of his Government.

For 2002, the Republic of Korea has increased its financial contribution to the ITTCP to a total of US$150,000. The donors include Korean Register of Shipping, Korean Society of Ship Inspection & Technology and Korea Marine Pollution Response Corporation.

Mediterranean pollution response strengthened

The Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) has concluded another Memorandum of Understanding (MOU) with the Italian specialised institute ICRAM (Central Institute for Applied Marine Research) to facilitate the mobilisation of the Mediterranean Assistance Unit (MAU).

The objective of the MOU between REMPEC and ICRAM is to facilitate the mobilisation of ICRAM’s expert personnel specializing in the environmental aspects of spill response in case of the activation by REMPEC of the MAU following a request for assistance by a Contracting Party to the Prevention and Emergency Protocol to the Barcelona Convention, in case of a marine pollution emergency.

ICRAM expert personnel eligible to take part in MAU missions shall include either researchers or technologists who will provide expert advice on environmental aspects of envisaged response operations.

Engineers stress HNS dangers

Mr. W. O’Neill, IMO Secretary-General and Mr. Michael Julian (Australia), Chairman of REMPEC were among the guests of honour of Mr. Simon Rickaby, (centre, below) President of the Institute of Marine Engineering, Science and Technology at the President’s Day in October 2002. Included in the proceedings of the President’s Day was an address by Mr. Simon Rickaby titled “Hazardous & Noxious Substances (HNS) Protocol, Marine Incidents - The Clock is Ticking”.

One of the key issues in Mr. Rickaby’s address was the likelihood of a major HNS disaster and the need for IMO Member Governments to ratify the OPC-Hazardous & Noxious Substances Protocol 2000 as soon as possible.

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Korea increases commitment

will really allow students to benefit form the best of both institutions,” said WMU’s Rector, Dr Karl Laubstein. “UWS’s research has received outstanding ratings by the UK’s national education authority, and when this is coupled with WMU’s expertise across the range of maritime affairs, we feel that we can offer a very special research opportunity to talented students, and one that cannot be matched elsewhere.”

The first intake to the joint PhD programme will be in September 2003, and these students are expected to graduate in 2006. They will spend time both in Swansea and in Malmö, and have access to the facilities of both institutions at all times. Supervision will be provided by a staff member from each university.

The Memorandum of Agreement was signed on the first day of the international symposium on Maritime Violence and Security Issues at Sea, held at WMU from 26 to 30 August. The symposium organised jointly with UWS, and was attended by 102 participants from 42 countries around the world. It attracted generous contributions towards its costs from the Governments of Sweden, Germany and the United Kingdom. The symposium attracted a range of distinguished speakers from around the world, who presented papers on topics covering global issues of concern including piracy, the trafficking of illegal immigrants and terrorism.
Twenty-eight officials from twenty different Mediterranean countries participated in MEDITPOL 2002 - a Regional Seminar on Response to Oil and Chemical Spills for Government Administrators and Senior Managers organized by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC).

Participants were lectured on all aspects of preparedness and response to marine pollution by oil and other hazardous and noxious substances. Topics discussed during the seminar included an introduction to the global and regional framework for co-operation in the field of preparedness and response to marine pollution, introduction to oil spill response management, basics of dealing with chemical spills, contingency planning and development of national systems for preparedness and response, media relations during pollution incidents, environmental consequences of oil spills, and the international liability and compensation regimes for marine pollution damage. At the end of the seminar, the participants also took part in a case study exercise which required response to a hypothetical oil spill in a busy port.

The seminar, which was held in Malta between the 29 October and 2 November 2002, forms an integral part of REMPEC’s comprehensive training programme that includes the organization of regional, subregional or national training courses for various levels of personnel dealing with marine pollution. It is estimated that since 1980 well over two thousand trainees from all Mediterranean coastal States have benefited from the Centre’s training programme.

Twenty countries attend pollution seminar

O’Neil, Jacobsson get Uruguay decoration

Mr. Alan H. Taylor, a technical adviser to the Australian Delegation attending meetings of the MEPC since the early 1990s, has been awarded the medal of the Order of Australia in the Queen’s Birthday honours list. The citation of the award was for “Maritime Engineering and for the Protection of the Marine Environment.” Mr. Taylor (centre, below) has specifically been involved in the Ballast Water Management issue since 1989 and also with the development of the Protocol in Air Pollution (Annex VI).

Mr. William O’Neil and Mr. Mats Jacobsson, Director of the IOPC Fund, have received a decoration from Uruguay in a ceremony at the residence of the country’s Ambassador in London.

The Commandant in Chief of the National Navy of the Republic of Uruguay, M. T. Carlos A. Giani Ferrier, granted the decoration “15 November 1817” which was presented to them by the Prefecto Nacional Naval Contralmirante Don Tabare Y. Daners Eyras. The decoration is in recognition of their high personal and professional qualifications and their contribution to international maritime policies, in particular, their support of regional integration and co-operation among the countries in maritime matters. The ceremony was part of the Uruguayan activities connected with the celebration of World Maritime Day 2002.

Australian delegate honoured

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