MARITIME SECURITY: TECHNICAL CO-OPERATION IN FULL SWING AS DEADLINE APPROACHES

1996 PROTOCOL RAISES CLAIMS LIMITS

REVISED SEWAGE DISCHARGE REGULATIONS ADOPTED
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 IMO – Charting the course, setting the pace

On the recent completion of my first 100 days as Secretary-General of the International Maritime Organization, I have been able to reflect on an extremely busy and productive period for IMO and to look forward to some of the challenges that lie ahead.

During this period, IMO has hosted five sub-committee meetings, a meeting of the Marine Environment Protection Committee and a meeting of the Working Group on the Voluntary IMO Member State Audit Scheme – not to mention the diplomatic conference which succeeded in adopting a major new piece of international legislation, the International Convention for the Control and Management of Ships’ Ballast Water and Sediments.

Much of the work that goes on at IMO is highly technical, thorough, inevitably time-consuming and, by its very solid character, unlikely to capture the attention of the headline writers. But that detail addresses life-threatening situations. During the period under review, for example, definitions and functional requirements have been agreed for “safe havens” with respect to fire aboard large passenger vessels; competency, training and certification requirements for ship security officers have been approved; draft guidance to Governments and to shipmasters relating to the treatment of persons rescued at sea has been developed and approved; and substantial revisions to SOLAS chapter XII on additional safety measures for bulk carriers and tankers have been agreed. These and countless other significant and substantial items form a body of always important but frequently unsung work, of which all those connected with the Organization can feel justly proud.

IMO sometimes stands accused of being either too slow to act or of adopting ill-considered measures in haste. But I believe IMO manages to navigate a successful course between the proverbial “rock and a hard place” by working at whatever pace is appropriate for the issue in hand and the context within which it is being considered. Many of the issues brought before IMO require a long-term and multi-faceted approach. Others require a swift response.

When, for example, the ballast water issue first came to IMO in 1988, neither the international awareness of the problem nor the technology to support a legally binding international instrument were available. But IMO worked at the problem by raising awareness; encouraging technical innovation and adopting guidelines, which have been revised and updated until such times as an international standard could be adopted and eventually incorporated in a new IMO instrument, such as the Ballast Water Management Convention I mentioned above.

On the other hand, IMO’s reaction to high-profile incidents such as the Estonia, Erika and Prestige sinkings, has been quick and decisive. IMO was able to respond with great effect to the urgency which our Members attached to the issues that came to light in the context of these and other accidents.

Moreover, when faced with the dreadful atrocities of the 9/11 attacks in the United States, how else could the Organization respond other than with a greatly heightened sense of urgency? Indeed, the continued high level of terrorist activity all over the world has confirmed how else could the Organization respond other than with a greatly heightened sense of urgency? Moreover, when faced with the dreadful atrocities of the 9/11 attacks in the United States, how else could the Organization respond other than with a greatly heightened sense of urgency? Indeed, the continued high level of terrorist activity all over the world has confirmed how else could the Organization respond other than with a greatly heightened sense of urgency?

A mounts of compensation for maritime claims for loss of life or personal injury, and property claims have been significantly increased following the accession of Malta to the 1996 Protocol to the 1976 Convention on Limitation of Liability for Maritime Claims (LLMC).

Malta, which deposited its instrument of accession on 13 February 2004, became the tenth State to accede to the 1996 Protocol, triggering the entry into force of the protocol 90 days from that date, on 13 May 2004.

The 1996 LLMC Protocol substantially increases the amount of compensation payable in the event of an incident and also introduces a “tacit acceptance” procedure for updating these amounts. This means that, in future, amounts can be raised with a given date for entry into force after consideration and adoption by the Legal Committee, providing a specified number of objections are not received. This should ensure that if the need arises, amounts can be increased without undue delay.

Under the 1996 LLMC Protocol, the limit of liability for claims for loss of life or personal injury for ships not exceeding 2,000 gross tonnage is 2 million Special Drawing Rates (SDR) (approx. US$3 million). For larger ships, the following additional amounts are used in calculating the limitation amount:

- For each ton from 2,001 to 30,000 tons, 800 SDR (US$1200).
- For each ton from 30,001 to 70,000 tons, 600 SDR (US$900).
- For each ton in excess of 70,000, 400 SDR (US$600).

Under the 1996 LLMC Protocol, the limit of liability for property claims for ships not exceeding 2,000 gross tonnage is 1 million SDR (US$1.5 million). For larger ships, the following additional amounts are used in calculating the limitation amount:

- For each ton from 2,001 to 30,000 tons, 400 SDR (US$600).
- For each ton from 30,001 to 70,000 tons, 300 SDR (US$450).
- For each ton in excess of 70,000, 200 SDR (US$300).

This compares with the limits under the 1976 Convention of 330,000 SDR (US$499,500) for personal claims for ships not exceeding 500 tons plus an additional amount based on tonnage:

- For each ton from 501 to 3,000 tons, 500 SDR (US$750).
- For each ton from 3,001 to 30,000 tons, 333 SDR (US$500).
- For each ton from 35,001 to 70,000 tons, 250 SDR (US$375).
- For each ton in excess of 70,000 tons, 167 SDR (US$251).

For other claims, the limit of liability was increased following the accession of Malta to the 1996 Protocol. The entry into force of the 1996 Protocol means the amounts of compensation for maritime claims for loss of life or personal injury, and property claims have been significantly increased. The actual amount of compensation available depends on the size of the vessel concerned (see “M Wriford Haven Port Authority”).

Maritime claims liability limits increase after 1996 Protocol enters force

The Convention on Limitation of Liability for Maritime Claims was adopted on 10 November 1976 and entered into force on 1 December 1986. It replaced the International Convention Relating to the Limitation of the Liability of Owners of Seagoing Ships, which was signed in Brussels in 1957, and came into force in 1968.

Under the Convention, limits are specified for two types of claims - claims for loss of life or personal injury, and property claims (such as damage to other ships, property or harbour works).

The Convention provides for a virtually unbreakable system of limiting liability. It declares that a person will not be able to limit liability only if “it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such a loss, or recklessly and with knowledge that such loss would probably result.”

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- For each ton in excess of 70,000, 200 SDR (US$300).
IMO launches web-based information resources

IMO has launched two web-based information resources to provide information about and for the maritime community. The MARTECAID (MARitime Technical Co-operation Aid) database is an interactive inventory of ongoing and planned technical assistance activities in the maritime sector while the online Compendium of Maritime Training Institutes (CMTI) is a directory of maritime training institutes worldwide.

MARTECAID is a web-based inventory of technical co-operation activities related to maritime safety and security and marine environment protection. The aim is to facilitate global access to information on the range and scope of maritime technical assistance around the world and to promote the exchange and accuracy of that data. By accessing this up-to-date picture of global resources for the maritime sector, potential recipients may identify complementary sources of funding, while donors may use the information to minimize duplication in the planning of their development aid. The site allows direct input of the information by IMO Member States themselves. The information on projects and activities is provided by national authorities responsible for development aid and by agencies involved in providing technical assistance within the maritime sector. The online Compendium of Maritime Training Institutes (CMTI) provides a listing of maritime training institutes worldwide and allows for searching by country or name of institute. The site allows direct input of information by Member States themselves, thereby providing them with a direct channel of communication to potential users. The aim of the CMTI website is to facilitate global access to information on maritime training institutes around the world, and to promote the exchange and accuracy of that data.

IMO Secretary General Mr. Kythnos E. Mitropoulos welcomed the two new resources. He said, “The two new websites have been developed by the Organization’s Technical Co-operation Division to improve the exchange and availability of information. The Integrated Technical Co-operation Programme focuses on human resources development and institutional capacity-building. The CMTI database, while allowing prospective seafarers to search for training institutes in their own country or abroad, will also permit IMO and donor countries to target assistance appropriately.”

“The MARTECAID website is extremely important because it enables donor organizations and countries to see where resources are being allocated. I would urge Member States and agencies to input data on projects underway or planned. Accurate information on activities will facilitate more efficient monitoring of programmes and allow for effective targeting of resources. Donor countries with in-kind or financial resources to offer will be able to see where they can contribute to an existing programme, or where there are gaps in the provision of assistance,” Mr. Mitropoulos added.

The Guidelines ensure that all interests - those of the coastal State, flag State, and the environmental and shipping communities - are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information and provide for the assessment of such applications by IMO.

When an area is approved as a PSSA, specific additional measures can be used to control the maritime activities in that area, such as routing measures, mandatory ship reporting systems, and Vessel Traffic Services (VTS).

There are currently six existing PSSAs: the Great Barrier Reef, Australia (designated a PSSA in 1990); the Sabana Camaguey Archipelago in Cuba (1997); Mapelo Island, Colombia (2002); the Florida Keys, United States (2002); the Wadden Sea, Denmark, Germany, Netherlands (2002); and Paracas National Reserve, Peru (2003).

Particularly Sensitive Sea Areas gain approval in principle

The designation of three new Particularly Sensitive Sea Areas (PSSAs) has been approved in principle by the IMO at the 51st session of the Marine Environment Protection Committee (MEPC - see page 20). The areas in question are the Baltic Sea area, except Russian waters; the Galapagos Archipelago (Ecuador), and the waters of the Canary Islands archipelago (Spain).

The proponents of the three PSSAs must now submit detailed proposals for Associated Protective Measures (APMs) linked to the PSSAs to the Sub-Committee on Safety of Navigation (Navi) in 2005 for subsequent consideration by the MEPC.

Guidelines on designating a “particularly sensitive sea area” (PSSA) are contained in resolution A.927(22). Guidelines for the Designation of Special Areas under MARPOL 73/78 and Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas - these guidelines include criteria to allow areas to be designated a PSSA if they fulfill a number of criteria, including: ecological criteria, such as unique or rare ecosystem, diversity of the ecosystem or vulnerability to degradation by natural events or human activities; social, cultural and economic criteria, such as significance of the area for recreation or tourism; and scientific and educational criteria, such as biological research or historical value.

The Guidelines also ensure that all interests - those of the coastal State, flag State, and the environmental and shipping communities - are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information and provide for the assessment of such applications by IMO.

Revised sewage discharge regulations adopted

Revised regulations for the prevention of pollution of the oceans by sewage from ships have been adopted by IMO’s Marine Environment Protection Committee (MEPC), which met for its 51st session from 23 March to 2 April 2004.

Under a revised MARPOL Annex IV, the discharge of sewage into the sea will be prohibited, except when the ship has in operation an approved sewage treatment plant and is discharging comminuted and disinfected sewage using an approved system at a distance of more than three nautical miles from the nearest land or is discharging sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land.

The revised Annex will apply to new ships engaged in international voyages, of 400 gross tonnage and above or which are certified to carry more than 15 persons. Existing ships will be required to comply with the provisions of the revised Annex IV five years after the date of its entry into force, which is expected to be 1 August 2005 (Pt. 12: Clear Line).

New, available, the AMV SSAS Compliance Suite

Available as individual components or as an end-to-end compliance system, AMV’s ship security alert system (SSAS) solution features:

- SSAS alert delivered via trusted Inmarsat Global Network
- Compliance with IMO standards and IACS Code regulations
- 24/7 security monitoring service as a ‘competent authority’ and risk management solution for ship owners and operators
- Workload based vessel tracking services, with cut 14 points reporting
- Upgrade path to an advanced anti-piracy monitoring system with advanced intelligence capabilities

For authoritative information on SSAS compliance and the AMV SSAS Compliance Suite visit www.ssas.com.au

Email: compliance@ssas.com.au

Phone: +61 1300 761 269
Draft guidance to Governments and to shipmasters relating to the treatment of persons rescued at sea has been developed and approved by the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) which met for its 8th session from 16 to 20 February 2004.

A draft Maritime Safety Committee (MSC) resolution containing the guidance will be submitted to the MSC at its 78th session in May 2004 for adoption.

The aim is to provide guidance to Governments and to shipmasters with regard to humanitarian obligations and obligations under the relevant international law relating to the treatment of persons rescued at sea. The development of the guidance follows the adoption by the IMO Assembly in November 2001 of resolution A.920(22) Review of safety measures and procedures for the treatment of persons rescued at sea.

Maritime security - long-range identification and tracking of ships

The Sub-Committee reviewed the modified draft functional requirements for long-range identification and tracking (LRIT) of ships which had been endorsed by the MSC and reviewed by the Sub-Committee on Safety of Navigation (NAV). A correspondence group on LRIT also reported to the Sub-Committee.

The Sub-Committee maritime security working group revised draft amendments to SOLAS chapter XI-2 that would make the fitting of a means or system to enable LRIT to be made mandatory on specified ships, but did not finalize them. It was agreed there was a need to develop a phased implementation scheme.

In discussing LRIT, the Sub-Committee agreed that considerable work needed to be done before the Sub-Committee would be in a position to advise the MSC on the matter. The MSC was invited to note that some delegations expressed the view that a cost benefit analysis and study needed to be undertaken before the issue of LRIT could be pursued further.

Ship security alert systems

The ship security alert system (SSAS), required by SOLAS regulation XI-2/6 (which enters into force on 1 July 2004) was discussed. The SSAS should “initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, which in these circumstances may include the Company, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised.”

The Sub-Committee agreed that IMO should establish a database to collect, compile and distribute the specific requirements of Administrations regarding ship security alert systems. The Sub-Committee agreed that SSAS alerts should be sent from the ship to its Administration, or proper recipient as designated by the Administration, without direct automatic transmission to coastal States or MRCCs in the region.

The Sub-Committee did not agree with proposed amendments to the record of equipment (Forms P, R and C) associated with the ship’s safety certificates relating to SSAS.

Large passenger ship safety

Search and rescue issues relating to large passenger ships were discussed by the SAR working group, which carried out a task analysis of 53 recommendations for further work put forward by the Correspondence Group on large passenger ship safety and identified seven high priority items (as well as a further four low priority items) for future work by the Sub-Committee, subject to endorsement by the MSC.

Global SAR Development Advisory Group to be established

Following a recommendation from the tenth session of the International Civil Aviation Organization (ICAO)/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search
From the meetings Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) 8th session 16 - 20 February 2004

The Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) endorsed the establishment of a Global SAR Development Advisory Group (GSDG). The Group would assist ICAO, the International Lifeboat Federation (ILF) and IMO in fulfilling their responsibilities and would assist administrating authorities in:

• the co-ordination of SAR development projects;
• establishing mechanisms for prioritising such projects;
• identifying and making available the expertise and resources required to implement these projects;
• identifying the parties necessarily affected by proposed SAR project activity and facilitating co-operative working arrangements between them all; and
• facilitating mechanisms for safe handling of funds to ensure absolute security of deposits, integrity of management and proper allocation directly to SAR providers in accordance with recognized international accounting and auditing arrangements.

The Group would include the chairman of the ICAO/IMO Joint Working Group, a representative from the ILF Secretariat, a representative from the IMO Secretariat; and a representative from the ICAO Secretariat.

Medical assistance in SAR services

The Sub-Committee endorsed the draft MSC circular on Guidelines on responsibility and liability issues related to the use of the emergency medical kit/bag and evaluation of its use in emergency incidents. The Sub-Committee also identified passenger ships other than ro-ro passenger ships, which would benefit from being equipped with the emergency medical kit/bag (EMK) as those other passenger ships not carrying a medical doctor on board but carrying more than 100 passengers on a route which would make the response time for a medical intervention from ashore longer than 30 minutes.

IAMSAR Manual amendments agreed

The Sub-Committee endorsed a draft MSC circular on Adoption of amendments to the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR Manual) for submission to ICAO for approval and to MSC 78 for adoption with an entry into force date of 1 January 2005.

The amendments include those relating to: SAR debriefings; aircraft co-ordinator (ACO) entry report; ACO training; disaster victim identification; abbreviations and acronyms; and editorial amendments.

ITU matters relating to the GMDSS

The Sub-Committee reviewed issues relating to the International Telecommunication Union (ITU), ITU is planning to consider a set of Regulations concerning maritime mobile services at the 2007 World Radiocommunication Conference (WRC-07). It was agreed to propose to the Committee the establishment of a joint IMO/ITU experts group to prepare for WRC-07.

The Sub-Committee also agreed a liaison statement to the ITU meeting ITU-R WP.1495 on Developments in maritime radiocommunications systems and technology.

DSC testing should be limited - draft circular agreed

The Sub-Committee agreed a draft COM SAR circular regarding the testing of DSC channels, for submission to the MSC for approval.

The draft circular notes that the regular use of DSC equipment should be encouraged, but that excessive test calls on DSC distress and safety frequencies were loading the system to the point where interference to distress and safety calls had become a cause for concern. Live testing on DSC distress and safety frequencies with coast stations should be limited to once a week for normal routine equipment checks.

Watchkeeping on VHF channel 16 by SOLAS ships

The issue of watchkeeping on channel 16 was discussed, following the adoption by the MSC in 2002 of resolution MSC.131(75) on M antenance of a continuous listening watch on VHF channel 16 by SOLAS ships whilst at sea and installation of VHF DSC facilities on non-SOLAS ships, revoking resolution MSC.171(79). The resolution determines that having regard to SOLAS regulation 15.2.3, every ship, while at sea, shall continue to maintain, when practicable, a continuous listening watch on VHF channel 16, until such time as the Maritime Safety Committee may determine the cessation of this requirement, provided that a re-assessment is undertaken by the Organization no later than 2005.

The Sub-Committee came to the conclusion that watchkeeping on VHF channel 16 for SOLAS ships should be required and kept for the foreseeable future with a view to providing a distress alerting and communication channel for non-SOLAS vessels; and bridge-to-bridge communications for SOLAS ships. It invited the Committee to note this view.
Sub-Committee on Ship Design and Equipment (DE)

25 Feb - 5 March 2004

DE Sub-Committee agrees revised SOLAS chapter XII

Substantial revisions to SOLAS chapter XII on Additional safety measures for bulk carriers were agreed by the Sub-Committee on Ship Design and Equipment (DE), which met for its extended 47th session from 25 February to 5 March 2004.

The draft amendments propose the replacement of the existing text of chapter XII with a new text incorporating revisions to some regulations, new requirements relating to double-skin bulk carriers, including the proposed requirement that new bulk carriers of 150 m in length and over carrying solid bulk cargoes having a density of 1,000 kg/m³ and above should be of double-side skin construction, and the addition of a new regulation 14 on restrictions from sailing with any hold empty.

The Sub-Committee agreed to submit the draft revised SOLAS chapter XII to the M aritime Safety Committee (MSC) at its 78th session in May, with a view to formal approval and subsequent adoption at MSC 79 in December 2004.

On specific issues:

- The Sub-Committee agreed to the draft Standards and criteria for side structures of bulk carriers of single-side skin construction, together with the corresponding draft MSC resolution for their adoption, and agreed that they should be made mandatory.
- The Sub-Committee agreed to a provision for restricting bulk carriers from sailing with any hold empty for inclusion in the draft revised SOLAS chapter XII.
- The Sub-Committee agreed to the series of definitions including bulk carrier; single-side skin construction; and double-side skin construction.
- The Sub-Committee invited the MSC to develop clear guidance to enable the unequivocal identification of a ship as a bulk carrier.
- The Sub-Committee approved in principle the draft standards for owners’ inspections and maintenance of bulk carrier hatch covers, together with the corresponding draft MSC resolution for their adoption and agreed that they should be made mandatory under draft regulation XII/2.
- The Sub-Committee agreed to the set of separate structural requirements for new bulk carriers of double-skin construction contained in draft regulation 6.3.
- The Sub-Committee agreed on the need for provisions of detailed, comprehensive and user-friendly longitudinal strength information and approved in principle the draft Guidelines for assessing the longitudinal strength of bulk carriers during loading, unloading and ballast water exchange, together with the draft covering MSC circular, for submission to MSC 78 with a view to formal approval.
- The Sub-Committee agreed that the development of the proposed IMO performance standards for protective coatings referred to in draft regulation XII.6.4 should only be undertaken when industry standards, or an advanced draft thereof, were available and invited the MSC to request IACS and the industry to consider developing draft performance standards for protective coatings in double-side skin spaces of bulk carriers.

Permanent means of access – draft SOLAS amendments

The Sub-Committee agreed draft amendments to SOLAS regulation II-3/4 on Access to and within spaces in the cargo area of oil tankers and bulk carriers (resolution MSC.134(76)) and to the associated Technical Provisions for means of access for inspections (resolution MSC.133(76)) for submission to MSC 78 for appropriate action.

Review Guidelines on enhanced programme of inspections during surveys

The Sub-Committee agreed draft amendments to SOLAS regulation II-3/4 on Access to and within spaces in the cargo area of oil tankers and bulk carriers (_resolution MSC 134(76)) and to the associated Technical Provisions for means of access for inspections (resolution MSC 133(76)) for submission to MSC 78 for appropriate action.

The proposed amendments to resolution A.744(18) include:
- Reorganization of the guidelines to include a new section aimed at double hull tankers. The guidelines will now comprise the following:
  1. Annex A – for bulk carriers
  2. Annex B – for oil tankers
  Part A of Annex B – for double hull oil tankers
  Part B of Annex B – for oil tankers other than double hull oil tankers;
- A simplified Survey Programme is added as an annex in each of the guidelines. This is added in order to address problems with regard to the preparation for Enhanced Survey Programme (ESP) surveys, in particular the logistical problems relating to survey planning and scheduling of the survey;
- A simplified Survey Planning Questionnaire is annexed to each of the guidelines;
- More explicit requirements on the use of rafts or boats as contained in the CAS, to improve the safety of personnel during surveys;
- Requirements from “Safe Conduct of Surveys” of the CAS incorporated in each of the guidelines, in order to improve the present situation on conditions for survey and equipment for surveys;
- A requirement for two surveyors at surveys of older ships, subject to ESP, included in each of the guidelines;
- A new Annex 13 to Annex A of the resolution incorporating the technical provisions of IACS UR 30 “Cargo Hold Security Arrangements forBulk Carriers not Built in accordance with UR S21 (Rev.3)”.
- Further work on issues relating to the ESP will continue at the next session.

Construction drawings kept on ships

A new draft SOLAS regulation to require construction drawings to be maintained on board and ashore was agreed by the Sub-Committee, for submission to MSC 79 for approval, with a view to subsequent adoption.

The proposed new SOLAS regulation II-3/7 would require a set of as-built construction drawings and other plans showing any subsequent structural alterations to be kept on board a ship, with an additional set of such drawings to be kept ashore by the Company.

The Sub-Committee also agreed a draft MSC Circular on Enhanced Assult construction drawings to be maintained on board the ship and ashore which lists the construction drawings to be kept.

Anchoring, mooring and towing equipment

The Sub-Committee agreed a new SOLAS regulation II-1/3.8 on Anchoring, mooring and towing equipment. The regulation will require all ships to be provided with arrangements, equipment and fittings of sufficient safe working load to enable the safe conduct of all anchoring, towing and mooring operations associated with the normal and emergency operations of the ship.

Water ingress alarms on new single hold cargo ships

The Sub-Committee agreed a draft new SOLAS regulation II-1/23.3 on Water level detectors on single hold cargo ships other than bulk carriers and draft performance standards for these water level detectors. They will be submitted to MSC 79 in December for adoption.

Free-fall lifeboats with float-free capacity

The Sub-Committee agreed to keep in abeyance proposed amendments to SOLAS chapter III, requiring bulk carriers to carry free-fall lifeboats with float-free capability, until such time as the relevant technology for float-free lifeboats has become available.

Accidents with lifeboats

The Sub-Committee agreed the following draft circulars, aimed at preventing accidents with lifeboats, for approval by the MSC:
- MSC circular on Prevention of accidents in high free-fall launching
- MSC circular on Prevention of accidents involving lifeboat operations of the ship.

The Sub-Committee also agreed a draft MSC Circular on survey parties for survey purposes to be approved by the MSC.

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From the meetings Sub-Committee on Ship Design and Equipment (DE)

- Guidelines for safe practices during abandon ship drills using lifeboats
- Guidelines for simulated launching of free-fall lifeboats.

An updated work plan for measures to prevent accidents with lifeboats was also agreed.

MARPOL Annex I amendments finalized

The Sub-Committee finalized, for submittal to MEPC, a draft new regulation 131 and proposed amendments to regulation 26 of MARPOL Annex I regarding the protection of pump-rooms of tankers and access to shore-based computer programs for salvage operations.

Protection of fuel tanks

The Sub-Committee agreed the following draft circulars for submission to the MSC for approval:

- MSC circular on Interpretations to SOLAS chapter II-1

Large passenger ship safety

The Sub-Committee identified a list of tasks relating to large passenger ship safety for further work and agreed to re-establish the Correspondence Group on Large Passenger Ship Safety to work on specific tasks, including:

- Preparation of performance standards for survival craft to be used on future large passenger ships
- Preparing the basic concept to be followed for approving alternative designs and arrangements
- Identifying essential systems and equipment and preparing appropriate performance standards
- Preparing SOLAS carriage requirements for infant personal life-saving appliances and reviewing existing requirements for children’s lifesaving appliances with a view to providing appropriate recommendations
- Preparing performance standards for docking arrangements on future large passenger ships
- Preparing a working definition for the damage control concept.

Draft circulars agreed

The Sub-Committee also agreed the following draft circulars for submission to the MSC for approval:

- MSC circular on Interpretations to SOLAS chapter II-1

PORT STATE CONTROL

London, 14 - 24 March, 2005

This widely recognised and practical intensive course is now in its 17th successive year. The course is designed especially for officials in national marine departments, port or terminal operators, ship managers and shipowners.

The course covers in detail the major IMO conventions and codes along with other relevant international regulations and conventions, inspection systems and documentation. Special sections of the course concentrate on the ISPS code.

The course is taught by an experienced team of academics and practitioners from the UK, USA and Europe.

Venue: Senate House, University of London

Fees: Sterling £2,600

The course is conducted by the Centre for Maritime Co-operation of the International Chamber of Commerce.

Further details can be obtained from:

Miss Angeles Aguado, Course Co-ordinator

ICC Centre for Maritime Co-operation

Maritime House, 1 Linton Road, Barking, Essex IG11 8HG, United Kingdom

Tel: ++ 44 20 8591 3000 Fax: ++ 44 20 8594 2833

E-mail: cmc@icc-ccs.org.uk Web: www.icc-ccs.org.uk
IMO’s FSI Sub-Committee confirms master can be designated as Ship Security Officer (SSO)

The master of a ship can be designated as the Ship Security Officer (SSO) in implementing the provisions of the mandatory International Ship and Port Facility Security (ISPS) Code, the IMO’s Flag State Implementation (FSI) Sub-Committee unanimously decided to recommend to the Maritime Safety Committee (MSC).

The ISPS Code becomes mandatory on 1 July 2004 under amendments to the International Convention for the Safety of Life at Sea (SOLAS) adopted in December 2002.

Based on information received from the IMO Secretariat and confirmed by the Chairman of the MSC, the Chairman of the Maritime Security Working Group (MSWG) and several delegations which had attended the relevant sessions of the MSC, the FSI Sub-Committee, which met for its 12th session from 15 to 19 March 2004, confirmed that neither the drafting of the definition of the SSO nor the provisions of the ISPS Code relating to his responsibilities, training etc., were aimed at preventing the master from being designated as SSO.

The Sub-Committee also approved the initial draft MSC resolution on Control and compliance measures to enhance maritime security.

IMO Unique Company and Registered Owners Identification Number Scheme

The scheme to implement the IMO Unique Ship Identification (USI) Scheme was finalized by the Sub-Committee, for submission to the MSC for adoption. The aim is to facilitate the enhancement of maritime safety, security and pollution prevention and the prevention of maritime fraud by assigning a permanent identification number to companies and registered organizations which will be inserted on ships’ certificates.

The Sub-Committee also agreed the following: draft MSC resolution on Adoption of the IMO Unique Company and Registered Owners Identification Number Scheme for submission to the MSC for adoption • draft circular letter on Implementation of IMO Unique Company and Registered Owners Identification Number Scheme • draft amendments to SOLAS, the International Safety Management (ISM) Code, the ISPS Code and resolution A.198(21) on Guidelines for the Maintenance of the Continuous Synopsis Record (CSR), for adoption by the MSC.

Deficiency reports and mandatory reports under MARPOL 73/78

The Sub-Committee reviewed a summary of the mandatory reports submitted by 21 Parties and one Associate Member under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

Given that the rate of reporting was very low (36.8% of Parties submitted reports in 2002), the Sub-Committee agreed to the preparation of a draft FSI circular, for consideration at FSI 13, urging Member States to fulfill their reporting requirements and stressing the importance of the mandatory reports under MARPOL 73/78, since not only is it an obligation under the Convention but, if reported properly, data from the reports would be useful in assessing the effectiveness of the application of the MARPOL Convention and also in promoting its implementation.

Alleged inadequacy of port reception facilities

A summary of the reports received by the Organization in 2002 and 2003 on alleged inadequacy of port reception facilities showed that: • 19 reports had been received from four Member States; • seven reports (36.8% of those received) contained information about alleged inadequacies regarding waste under Annex I of MARPOL 73/78, while 16 reports (84.2% of those received) reported an alleged lack of adequate reception facilities for Annex II waste; no reports had been received on lack of adequate reception facilities for Annex V waste; no reports had been received on lack of adequate reception facilities for Annex II waste; • only nine responses to the 19 reports on alleged inadequacies had been received from the relevant port States and, of those, corrective action was taken by one port State to rectify the inadequacy. For the remainder, the investigation carried out by the port States did not confirm any inadequacy; and • the minimum and maximum time period between the report of the alleged inadequacy and the date of the port State response was two and 16 months respectively, with an average period of 10 months.

Casualty analysis

The Sub-Committee reviewed the data on Casualty Analysis: • analysed a number of severe casualties. The Sub-Committee agreed to publish the Summary of Casualty Analyses and the Lessons Learned (for presentation to seafarers) on the IMO website. • adopted amendments to the ISPS Code, focusing in particular on ensuring that all relevant obligations are identified and recorded on and developing separate tables of obligations for flag, coastal and port States. The Sub-Committee supported the view that the draft Code should form the basis of the Voluntary IMO M.16/2 Audit Scheme. Meanwhile, the Sub-Committee agreed to draft MSC MEPC Circular on the transfer of ships between States (for submission to the MSC and the MEPC for approval). The revised circular includes a recommended procedure for the transfer of ships between flag States, which aims at increasing transparency in the relationship between flag States.

Illegal, unreported and unregulated (IUU) fishing

According to information provided by FAO, illegal, unreported and unregulated (IUU) fishing is increasing in both intensity and scope mainly because a number of States fail to meet their international obligations with respect to flag State control. This is continuing to undermine national, regional and global efforts to manage fisheries sustainably.
From the meetings

**Sub-Committee on Flag State Implementation**

- 12th session
- 15 - 12 March 2004

**From the meetings**

Sub-Committee noted (Pic: Olav Moen)

- **Integrated Technical Co-operation Programme (ITCP)**
- **Regional seminars/workshops** on implementation of the STCW-F Convention held in Havana, Cuba, in September 2003.
- **Regional seminars/workshops** on implementation of the 1993 Torremolinos Protocol for States of the East/South East Asia region and for States of the Latin America region scheduled in 2004.
- **Regional workshops** for promotion of a safety culture among artisanal fishermen and the training of trainers for States in the South Pacific.
- **Regional seminars** on implementation of the STCW-F Convention scheduled in 2004, for Agadir, Morocco in April.
- **Regional seminars/workshops** on implementation of the STCW-F Convention scheduled in 2004, for Agadir, Morocco in April.
- **Draft circulars agreed**
  - MSC circular on Unified interpretations to SOLAS regulations II-2/1.2.2, V/19.1.2.2 and V/20.1.2
  - MSC circular containing Guidance for checking the structure of bulk carriers
  - MSC/MEPC circular on [Marking] the ships plans, manuals and other documents with the IMO ship identification number.

From the meetings

Marine Environment Protection Committee (MEPC)

1 st session
2 9 March - 2 April 2004

Revised ship sewage regulations adopted at IMO meeting

Statements were made by Cyprus, Japan and Poland that their national procedures had reached the final stage and that they would be able to deposit their instruments of ratification for MARPOL Annex V on air pollution before the end of 2004.

The revised MARPOL Annex IV containing regulations for the prevention of pollution by sewage from ships was formally adopted and is expected to enter into force on 1 August 2005.

Annex IV contains a set of regulations regarding the discharge of sewage into the sea, ships’ equipment and systems for the control of sewage discharge, the provision of facilities at ports and terminals for the reception of sewage, and requirements for survey and certification. It also includes a model International Sewage Pollution Prevention Certificate to be issued by national shipping administrations to ships under their jurisdiction.

The revised Annex will apply to new ships engaged in international voyages, of 400 gross tonnage and above or which are certified to carry more than 15 persons. Existing ships will be required to comply with the provisions of the revised Annex IV five years after the date of its entry into force. The Annex requires ships to be equipped with either a sewage treatment plant or a sewage comminuting and disinfecting system or a sewage holding tank.

The discharge of sewage into the sea will be prohibited, except when the ship has in operation an approved sewage treatment plant and is discharging comminuted and disinfected sewage using an approved system at a distance of more than three nautical miles from the nearest land; or is discharging sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land.

MARPOL amendments

Amendments to the Appendix to MARPOL Annex V on Prevention of Pollution by Garbage from Ships were adopted. The amendments relate to the recording of the disposal of cargo residues in the Garbage Record Book. The MEPC also gave final approval to the revised texts of MARPOL Annex I and Annex II with a view to adoption at MEPC 52 in October 2004, with an expected entry into force as of 1 January 2007. Both Annexes have been updated and include amendments adopted in recent years.

IBC Code

The MEPC approved proposed amendments to the International Bulk Chemical Code (IBC Code), for adoption at MEPC 52. The amendments revise and update the Code and reflect the approved changes to M ARPOL Annex II.

Transport of vegetable oils

The MEPC approved, with a view to adoption at MEPC 52, an IBC resolution on Guidelines for the transport of vegetable oils in deep tanks or in independent tanks specially designed for the carriage of such vegetable oils on board dry cargo ships. The guidelines have been developed to allow general dry cargo ships that are currently certified to carry vegetable oil in bulk to continue to carry these vegetable oils on specific trades.

Particularly Sensitive Sea Areas

The MEPC approved in principle the designation of three new Particularly Sensitive Sea Areas (PSSAs):

• The Baltic Sea area, except Russian waters;
• The Galápagos Archipelago (Ecuador); and
• The waters of the Canary Islands archipelago (Spain).

The proponents of the three PSSAs stated that they would submit detailed proposals for Associated Protective Measures (APM’s) linked to the PSSA to the Sub-Committee on Safety of Navigation (NAV) in 2005 for subsequent consideration by the MEPC.

When an area is approved as a PSSA, specific additional measures can be used to control the maritime activities in that area, such as routing measures; mandatory ship reporting systems; and Vessel Traffic Services (VTS). There are six existing PSSAs: the Great Barrier Reef, Australia (designated a PSSA in 1996); the Sabana-Camagüey Archipelago in Cuba (1997); M Alaska Island, Colombia (2002); the Florida Keys, United States (2002); the Wadden Sea, Denmark, Germany, Netherlands (2002); and Paracas National Reserve, Peru (2003).

The MEPC approved, in principle, that the current PSSA Guidelines would be reviewed, provided that there are specific proposals, as well as justification, submitted to a future session of the Committee.

Guidance on bioremediation, revised chemical pollution manual

The MEPC adopted a guidance document on bioremediation developed by the Oil Pollution Preparedness, Response and Co-operation (OPPC)/OPRC-HNS (Hazardous and Noxious Substances) Technical Group. Bioremediation is the use of biological processes to accelerate the removal of contaminants from the environment and is seen as the “environmentally friendly” response to an oil spill since it converts oil into harmless products such as carbon dioxide and water.

The guidelines in the document provide users with clear criteria to enable them to evaluate the circumstances in which to consider the use of bioremediation for shoreline clean-up. The document includes a summary of the most important bioremediation processes and decision-making criteria. The MEPC also adopted the revised Manual on Chemical Pollution - Section 2: Search and Recovery of Packaged Goods Lost at Sea.

Ballast water management

Following the adoption in February this year of the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, the MEPC agreed a plan of action for the development of guidelines, in preparation for implementation of the Convention, including: Guidelines for approval of ballast water management systems; Guidelines for sampling of ballast water and analysis for port State control; Ballast water management plan guidelines; Guidelines for ballast water exchange (operational); Guidelines for ballast water exchange design and construction standards; Guidelines for ballast water management plans for ships; Guidelines for sediments reception facilities; and Guidelines for sediments control on ships and other guidelines.

Ship recycling

The MEPC considered the progress made on the development of the MEPC guidelines and Underwriters Laboratories (UL) guidelines for the sustainable management of ship recycling operations. A framework for inter-agency technical assistance was agreed and the MEPC approved the terms of reference for a Joint International Labour Organization (ILO)/IMO/Basel Convention Working Group on the subject (PC: Solutions for Progress).

Air pollution

The MEPC noted that the international rules on prevention of air pollution by ships in Annex VI of MARPOL 73/78 (in the 1997 protocol to the MARPOL convention) could enter into force before the end of 2005. As of 29 March 2004, 14 States had ratified the 1997 Protocol, representing 54% of world merchant shipping tonnage.

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IMO Technical co-operation programme enhances ISPS Code implementation

In the run-up to the 1 July 2004 international deadline for implementation of the maritime security measures adopted by IMO in December 2002, a far-reaching and multifaceted programme of technical assistance by the Organization, aimed at helping Governments strengthen maritime and port security, is in full swing and having a significant impact, particularly in the developing world.

IMO launched its global technical co-operation programme on maritime security in January 2000. Eleven months before the IMO Diplomatic Conference on Maritime Security adopted amendments to the SOLAS Convention and the related International Ship and Port Facility Security Code (ISPS) in December 2002, the aim of the global programme initially was to raise awareness of maritime security threats and of the possible future regulatory measures that were being developed at that stage. Activities carried out during 2002 included the development of lesson plans and manuals and the delivery of sub-regional seminars, workshops and advisor missions. A total of eight sub-regional seminars or workshops were conducted.

Since the adoption of the ISPS Code in December 2002, training materials have been updated twice in order to place more emphasis on practical approaches to implementation of the new regulatory regime, with particular attention on the preparation of port facility security assessment plans. Furthermore, to provide a dedicated source of financial support for the maritime security technical co-operation activities and, in particular, for national initiatives in the developing regions, a Maritime Security Trust Fund has been established. In addition, IMO has developed and published model courses for Port Facility Security Officers, Company Security Officers and Port Facility Security Officers. To date, IMO has delivered or supported 19 advisory and needs-assessment missions, as well as 16 high-level briefings at national level, and has organised 18 regional and sub-regional and 35 national seminars/workshops covering all developing regions. To date, 2,656 personnel from maritime administrations, shipping companies, ports and industry and regional organizations have been trained.

IMO is currently in the process of commissioning the production of a training package, which will incorporate relevant elements of the SOLAS amendments, the ISPS Code, the IMO model course for Port Facility Security Officers (No. 3.2) and the ILO/IMO Code of Practice on Security in Ports, which is set to be approved by both organizations during 2004. The training package is likely to incorporate a CD-ROM containing video-clips, written materials and inter-active, web-based links.

To further enhance the existing programme for maritime and port security, IMO is also developing a related “Train-the-Trainer” programme. The objective is to assist Governments to strengthen regulatory implementation by enlisting the pool of trained instructors capable of delivering high-quality maritime security training at the national and regional level, using IMO’s updated training package and its three model courses for security officers. The programme will seek to identify potential instructors from Member States and the industry who, following initial training through IMO, can return to their countries and employers and train other instructors.

Following the terrorist attacks on the United States of America on 11 September 2001, the United Nations, through Security Council resolution 1373 (2001), called on the international community to redouble efforts to prevent and suppress terrorist acts, including full implementation of the anti-terrorist conventions.

In response, IMO adopted a resolution (A.924(22)) at its 22nd Assembly session held in November 2001 calling for a review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships. The Secretary-General of IMO was requested by the same resolution to take appropriate measures, within the Integrated Technical Co-operation Programme (ITCP), to assist Governments to strengthen maritime and port security. It was made clear that it was essential that the Organization begin to provide technical assistance concurrently with the process of review and amendments of the regulatory regime.

In December 2002, the Organization convened a Diplomatic Conference which adopted a series of measures aimed at providing an internationally agreed and implemented regulatory framework for ship and port security. The measures included the International Ship and Port Facility Security Code (ISPS Code) and a series of amendments to the Safety of Life at Sea Convention (SOLAS). The new measures will enter into force on 1 July 2004.
CEB discusses security issues

IMO Secretary-General Efthimios E. Mitropoulos meets United Nations Secretary-General Kofi Annan at the recent meeting of the United Nations System Chief Executives Board (CEB) in Vienna, 2-3 April 2004. The CEB, which meets twice a year, brings together the executive heads of all UN Organizations to further coordination and cooperation on the whole range of substantive and management issues facing the United Nations system. It is chaired by the Secretary-General of the United Nations. Among a variety of topics, the meeting discussed the work of IMO in combating piracy and unlawful acts at sea, maritime security, coordination with ILO on identification of seafarers, under the heading of “Curbing transnational crime”.

Audit scheme to provide valuable tool, SG tells conference

IMO Secretary-General Efthimios E. Mitropoulos spoke with enthusiasm about the proposed voluntary audit scheme for Member states of the Organization when he addressed the NATSHIP 2004 conference in Melbourne, Australia, earlier this year.

Mr Mitropoulos told delegates the Organization was responding to the increasingly vociferous calls to offer assistance to its Member States in assessing to what extent they are implementing and enforcing applicable IMO instruments, with a view to enhancing their performance as flag, port and coastal States. He said proposals for an audit scheme have been taken up with enthusiasm by the Members and the scheme is envisaged to address such issues as conformance of the Member State in establishing legislation for the applicable IMO instruments to which it is a Party; the administration and enforcement of the applicable laws and regulations of the Member State; the delegation of authority by a Member State in terms of the implementation of convention requirements; and the control and monitoring mechanism of the Member State’s survey and certification processes and of its recognized organizations.

According to Mr Mitropoulos, such a scheme would bring many benefits. Identifying where capacity-building activities would have the greatest effect and targeting the appropriate action would be greatly improved; the Member States themselves would receive valuable feedback, intended to assist them in improving their own capacity to put the applicable instruments into practice, and generic lessons learnt from audits could be provided to all Member States so that the benefits could be widely shared. Moreover, the results of the learning experience could be systematically fed back into the regulatory process at IMO to help make measurable improvements in the effectiveness of the international regulatory framework of shipping.

Mr Mitropoulos pledged his full commitment to the success of this audit scheme, which, he said, could provide IMO and its Members with an invaluable tool. He wanted to ensure that the impetus and enthusiasm with which early proposals for the scheme have been greeted are maintained and translated into positive and tangible results.

New legal study published

The third edition of the Law of Torts, written by Dr. Rosalie Barkin, IMO’s Director of Legal Affairs and External Relations Division, in conjunction with J M Davie, Professor Emeritus of the Australian National University, was recently published by Lexis Nexis Butterworths.

First published in 1990, the book is aimed both at practitioners and university students. It presents an analysis of the principles of the law of torts as they are currently applied by the courts in Australia and New Zealand and covers common law and legislation. It deals, among other matters, with intentional torts to the person, goods and land, such as trespass, battery, assault and false imprisonment as well as with subjects such as the law of negligence, alternative sources of compensation for personal injuries, the recovery of pure economic loss, family relations, the protection of interests in reputation, trading and business.

IMO gives tribute to 10 years of PEMSEA effort

IMO Secretary-General Efthimios E. Mitropoulos has conveyed his congratulations to the Regional Programme on Building Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) on the occasion of its 10th year of operation, in a letter to PEMSEA Regional Programme Director, Dr. Chua Thiaw Eng.

Since its inception in January 1994, PEMSEA has been actively developing means to enable the sustainable use of coastal and marine resources in the region. These efforts have culminated in the endorsement of the Sustainable Development Strategy for the Seas of East Asia and the adoption, by the Programme’s 12 participating countries, of the Putrajaya Declaration of Regional Cooperation for the Sustainable Development of the Seas of East Asia during the East Asian Seas Congress 2003, held in Putrajaya Malaysia last 8-12 December 2003. These achievements were well received by the Secretary-General who likewise expressed his confidence in PEMSEA’s continued endeavours.

Mr Mitropoulos offered his best wishes to PEMSEA for its “tireless and conscientious efforts and contribution in respect of capacity building in environmental management and sustainable development in the East Asian Seas region.”
**Chile simulator complex gets upgrade**

Facilities at the Centro de Instrucción Marítima (CIMAR) in Chile, a regional branch of the World Maritime University, have recently been upgraded to include a new multi-tasking ship handling simulator.

The simulator is a virtual tool that has been used to train more than 800 students during the last two years. In its purpose-built housing, it offers a 3D degree virtual projection, with a 3D projected image showing a representation of a given port, taking into consideration all its geographical, environmental, and weather characteristics. The circular screen on which the image is projected allows the student to visualize the scenario in which he or she is moving together with the various navigational inputs as well as ambient noise that gives more realism to the situation. Indeed, the realism is incomprehensible.

Today, virtually 100 per cent of the global fleet is subject to the key IMO conventions, such as SOLAS, Load Lines, MARPOL, and STCW and it is this almost universal acceptance that gives these measures their strength. The conventions establish standards acceptable worldwide and give their Parties the confidence that ships flying their flag will be accepted in foreign ports as long as they comply with those standards and also that the same standards are applied to foreign vessels that visit their ports. Moreover, most conventions today enshrine the right, through measures such as port State control, to verify that those same standards are met and to take action if they are not.

Mr Mitropoulos said it was a system in which the requirements are clear and unambiguous and there is neither reason nor excuse not to implement them.

He added “There is no doubt that the alternative, a disjointed mixture of different standards and contrasting requirements, would be completely impractical and would cause confusion and misunderstanding, to the overall detriment of safety and environmental protection. I believe it is in everyone’s best interests that we continue to find consensus solutions in all the issues that come before IMO.”

### Unity must be preserved, says Secretary-General

Reserving the unity of its membership stands as one of the most important challenges facing IMO today, according to Secretary-General Efthimios E. Mitropoulos. Mr Mitropoulos told an audience of shipping industry leaders in Iran that the unity of the IMO membership has underpinned the Organization’s successes over the years and the spirit of co-operation, which has been so often observed in IMO, has done great service to international shipping and to the international community as a whole.

He said, “There can be no doubt that an international industry such as shipping – which is almost unique in that the prime physical assets, the ships themselves, actually encounter different legal jurisdictions as they travel between countries and continents – simply has to be regulated internationally. For this reason, maintaining the unity among IMO Member States is perhaps the most important challenge we face today. I say this not because I feel that our unity is under intolerable tension but rather because the consequences of any disunity would be incomprehensible.”

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### Chile simulator complex gets upgrade

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The simulator is a virtual tool that has been used to train more than 800 students during the last two years. In its purpose-built housing, it offers a 3D degree virtual projection, with a 3D projected image showing a representation of a given port, taking into consideration all its geographical, environmental, and weather characteristics. The circular screen on which the image is projected allows the student to visualize the scenario in which he or she is moving together with the various navigational inputs as well as ambient noise that gives more realism to the situation. Indeed, the realism is incomprehensible.

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