COVER STORY

IMO’s anti “red tape” committee comes of age

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This time last year, who could possibly have predicted the truly traumatic year, from a financial perspective, that 2008 turned out to be? The financial crisis that has beset the world has, by now, touched most people and few, if any, will be immune from its consequences. Shipping has already been bitten and plummeting markets have claimed their casualties. It seems inevitable that more will follow.

Some in the industry will find the temptation to make savings by cutting corners a difficult siren to ignore. I would urge them to resist. Those who are not prepared to compromise on standards and who maintain their determination to provide quality to their customers will surely be best placed to emerge from the slump unscathed and take advantage of the better times that will inevitably follow. If safety and the marine environment were themselves to fall victim to the financial crisis, we would all be the losers.

High on IMO’s agenda in 2009 will be the intensification of our efforts to address shipping’s contribution to the phenomena of global warming and climate change. It was for this reason that we chose “Climate change: a challenge for IMO too!” as the theme for this year’s World Maritime Day. Our particular challenge here will be to galvanize action at all levels – just as we did so successfully in 2008, when agreeing, unanimously, a series of measures to further reduce the emission of air pollutants from ships.

Climate change is an urgent issue of global dimensions – one that will command the attention of the international community throughout the year, culminating in a Conference to be held in Copenhagen in December to produce a treaty instrument to succeed the 1997 Kyoto Protocol to the 1992 UN Framework Convention on Climate Change. The Kyoto Protocol has, wisely in my opinion, left the limitation and reduction of greenhouse gases from shipping to IMO to regulate. In my view, international shipping should be regulated by a single global regime, applying to all ships.

IMO’s work on this hugely important issue stems from the genuine concerns of the maritime community about the environment and is pursued in conformity not only with the mandate the Organization has, through its constitutive Convention, but also through the UNFCCC and the Kyoto Protocol. To that effect, we have established an ambitious but achievable action plan and are working towards the development and adoption of a robust regime that will regulate shipping at the global level and, thus, contribute to the arrest of climate change.

We are making significant progress in developing an Energy Efficiency Design Index for new ships; an Energy Efficiency Operational Index for all ships; and a Guidance document on best practices for the entire shipping industry. At the same time, we continue our debate on the third part of our action plan, namely, the consideration of market-based mechanisms. All these efforts are due to progress further during the first half of this year, and a comprehensive package of technical and operational measures is expected to be agreed upon by the Marine Environment Protection Committee in July. This, I hope, will successfully convey to the Conference in Copenhagen IMO’s firm determination to act, promptly and decisively, to protect and preserve the environment, both marine and atmospheric.
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The International Maritime Organization’s Facilitation Committee, the focus for IMO’s work in eliminating unnecessary formalities and “red tape” in international shipping, has opened its first session as a formally institutionalized Committee of the Organization.

The Committee now has full standing, reflecting the importance of its work and the issues it addresses, following the entry into force, on 7 December 2008, of the 1991 amendments to the IMO Convention to institutionalize the Committee, which puts it on a par with the Maritime Safety, Marine Environment Protection, Legal and Technical Co-operation Committees. Participation in all Committees is open to all Member States of IMO.

The Facilitation Committee’s role is to facilitate maritime traffic by simplifying and reducing to a minimum the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyages. Traditionally, large numbers of documents are required by customs, immigration, health and other public authorities pertaining to a ship, its crew and passengers, baggage, cargo and mail. Unnecessary paperwork is a problem in most industries, but the potential for red tape is probably greater in shipping than in other industries, because of its international nature and the traditional acceptance of formalities and procedures.

The scope of the Committee’s mandate can also be gleaned from Article 48 of the IMO Convention, which States that:

“The Facilitation Committee shall consider any matter within the scope of the Organization concerned with the facilitation of international maritime traffic...”.

Among issues the Committee addresses are those relating to implementation of the Convention on Facilitation of International Maritime Traffic (FAL Convention). The FAL Convention was adopted in 1965 to prevent unnecessary delays in maritime traffic, to aid co-operation between Governments, and to secure the highest practicable degree of uniformity in formalities and other procedures.

Background

The Facilitation Committee traces its origin to an ad hoc Working Group on Facilitation which met for the first time in September 1967. The group held six sessions and, in May 1972, the IMO Council, noting the satisfactory work done by the Group and the desire of the Member States to broaden the facilitation activities of IMO and place them on a permanent basis, established the Facilitation Committee as a subsidiary body of the Organization’s Council. The Facilitation Committee proper met for the first time in April 1973. By the end of the 1980s, the Facilitation Committee was the only IMO Committee that was not institutionalized under the IMO Convention and the Council agreed to a proposal for its institutionalization “so as to ensure the complete legal reflection of the IMO’s structural activities”. This proposal led to the adoption of the 1991 amendments to the IMO Convention, to institutionalize the Committee.

Smoothing the ship-port interface is a crucial part of the work of the newly-institutionalized FAL Committee (Pic: Port of Felixstowe)
A high-level meeting of 17 States from the Western Indian Ocean, Gulf of Aden and Red Sea areas, convened by IMO in Djibouti, adopted a Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (the Code of Conduct).

The Code of Conduct recognizes the extent of the problem of piracy and armed robbery against ships in the region and, in it, the signatories declare their intention to co-operate to the fullest possible extent, and in a manner consistent with international law, in their repression. In particular, it specifies sharing and reporting relevant information through a system of national focal points and information centres; interdicting ships suspected of engaging in acts of piracy or armed robbery against ships; ensuring that persons committing or attempting to commit such acts are apprehended and prosecuted; and facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers who are victims of piracy or armed robbery, particularly those who have been subjected to violence.

Participants agreed to co-operate fully in the arrest, investigation and prosecution of persons who have committed piracy or are reasonably suspected of having committed piracy; seize suspect ships and the property on board such ships; and rescue ships, persons, and property subject to acts of piracy. The Code of Conduct also covers the possibilities of shared operations, such as nominating law enforcement or other authorized officials to embark in the patrol ships or aircraft of another signatory.

The Code of Conduct further calls for the setting up of national focal points for combating piracy and armed robbery against ships and the sharing of information relating to incidents reported. The signatories intend to use piracy information exchange centres in Kenya, United Republic of Tanzania and Yemen, to be located, respectively, in the regional Maritime Rescue Coordination Centre in Mombasa, the Sub-Regional Coordination Centre in Dar es Salaam, and a regional maritime information centre, which is being established in Sana’a.

The meeting also recommended the establishment of a regional training centre within the purposes of the Code of Conduct and, by means of a resolution, accepted with appreciation the offer of Djibouti to host it.

Each signatory undertakes to review its national legislation with a view towards ensuring that there are laws in place to criminalize piracy and armed robbery against ships, and adequate guidelines for the exercise of jurisdiction, conduct of investigations, and prosecution of alleged offenders.

The meeting, which was opened on 26 January 2009 by IMO Secretary-General Efthimios E. Mitropoulos and the Prime Minister of Djibouti, H.E. Mr. Dileita Mohamed Dileita, was attended by Ministers, Ambassadors, senior officials and legal experts from Comoros, Djibouti, Egypt, Ethiopia, France, Jordan, Kenya, Madagascar, Maldives, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, the United Republic of Tanzania and Yemen, as well as observers from other IMO Member States; United Nations specialized agencies and bodies; and international and regional inter-governmental and non-governmental organizations.

The Code of Conduct is open for signature by the 21 countries in the region, of which nine – namely, Djibouti, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, United Republic of Tanzania and Yemen – signed it during the closing ceremony in Djibouti. As a result, the Code of Conduct is effective as from 29 January 2009.

The Djibouti meeting invited Member States of IMO, and other international organizations or bodies concerned, including the United Nations Office on Drugs and Crime, the United Nations Political Office for Somalia, the World Food Programme, the African Union, the European Union and Commission, the League of Arab States, Interpol and the ReCAAP Information Sharing Centre, representatives of naval forces including the Combined Maritime Force, European Union Naval Force and the North Atlantic Treaty Organization (NATO) as well as the maritime industry, to provide financial and in-kind support for technical assistance activities related to the effective implementation of the Code of Conduct.
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Maritime Safety Committee progresses broad agenda

Piracy and armed robbery off the coast of Somalia, the Long Range Identification and Tracking (LRIT) system, the development of goal-based standards for new ship construction and the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS) were among the items at the top of the agenda during an 8-day meeting of IMO’s Maritime Safety Committee (MSC). The MSC held its 85th session, at the Organization’s London Headquarters, from 26 November to 5 December 2008.
Piracy and armed robbery against ships

A lengthy discussion was held on the escalation in reported acts of piracy and armed robbery against ships off the coast of Somalia. The MSC expressed its support for various initiatives being undertaken, including action by the United Nations Security Council (UNSC), in particular the adoption of UNSC Resolution 1846, extending for another twelve months, from 2 December 2008, the authorization for States and regional organizations to enter Somalia’s territorial waters and to use “all necessary means” to repress acts of piracy and armed robbery in these waters.

The Committee also welcomed information regarding the planned high-level meeting convened by the Special Representative of the Secretary-General of the United Nations on Somalia in Nairobi on 10 and 11 December 2008. It was announced that an IMO-led high-level, sub-regional meeting for States from the Western Indian Ocean, the Gulf of Aden and Red Sea areas, is to be held in Djibouti, from 26 to 29 January 2009. This meeting considered a draft Memorandum of Understanding for regional co-operation to enhance maritime security and combat piracy and armed robbery against ships in the Red Sea and Gulf of Aden area, and a draft regional agreement concerning the repression of piracy and armed robbery against ships in the wider Western Indian Ocean and Gulf of Aden area.

The Committee expressed its thanks to those Governments which had provided warships to protect World Food Programme ships and patrol the waters off the coast of Somalia, and to their crews, and to those other Governments which are considering similar actions.

The Committee instructed a correspondence group, tasked with the revision of guidance on the prevention and suppression of acts of piracy and armed robbery against ships, to consider the need for guidance to seafarers should they be attacked, fired upon, kidnapped or held hostage. The group was also instructed to discuss proposals on practical measures to enhance the safety and security of merchant ships against attack and to examine the carriage of firearms or armed personnel on board such vessels.

It was noted that the number of acts of piracy and armed robbery against ships reported to the Organization in the first nine months of 2008 (1 January to 30 September) was 214, against 213 in the first nine months of 2007. Although the overall number of reported acts of piracy and armed robbery against ships during the period under review was virtually unchanged, the decrease in the number of incidents in most areas of the world had been negated by the sharp increase in both number and severity of attacks in waters off the coast of Somalia.

During the period under review, seven crew members were killed, 20 crew members were reportedly injured or assaulted, more than 430 crew members were reportedly taken hostage or kidnapped and 29 ships were hijacked, largely off the coast of Somalia. The Committee urged all Governments and the shipping industry to intensify and coordinate their efforts to eradicate these unlawful acts.

Long Range Identification and Tracking (LRIT)

The MSC reviewed progress on the implementation of the LRIT system, which was intended to be operational, with respect to the transmission of LRIT information by ships, from 30 December 2008.

Two resolutions were adopted, one appointing the International Mobile Satellite Organization (IMSO) as the LRIT Coordinator and one on Operation of the International LRIT Data Exchange, which agrees that the United States should continue to provide the International LRIT Data Exchange on an interim basis until 31 December 2011, while a permanent solution is sought.

The Committee approved an MSC Circular providing guidance on the application of the mandatory SOLAS provisions concerning the global LRIT system, from 31 December 2008, as well as a number of other circulars relating to the technical specifications of the LRIT system and its establishment and utilization, such as for search and rescue purposes.

Protocols and arrangements for the prototype, development, integration and modification testing phases of the LRIT system were also approved. It was agreed that the ad hoc LRIT Group would meet before the next session of the MSC to review outstanding issues relating to the full establishment of the LRIT system.

SOLAS regulation V/19-1 on LRIT entered into force on 1 January 2008 and applies to ships constructed on or after 31 December 2008, with a phased implementation schedule for ships constructed before 31 December 2008.

Goal-based new ship construction standards

Substantial progress was made in developing goal-based standards (GBS) for the construction of new bulk carriers and oil tankers. Draft SOLAS amendments...
The 2008 IS Code provides, in a single document, both mandatory requirements and recommended provisions relating to intact stability.


The International Code on Intact Stability, 2008, and amendments to the SOLAS Convention and to the 1988 Load Lines Protocol to make the Code mandatory, were adopted, and an MSC circular on Early application of the International Code on Intact Stability, 2008, to encourage its implementation, was approved. The amendments are expected to enter into force on 1 July 2010.

The 2008 IS Code provides, in a single document, both mandatory requirements and recommended provisions relating to intact stability, taking into account technical developments, in particular regarding the dynamic stability phenomena in waves, based on state-of-the-art concepts. The Code’s mandatory status, under both the SOLAS Convention and the 1988 Load Lines Protocol, will significantly influence the design and the overall safety of ships.

International Maritime Solid Bulk Cargoes Code

The International Maritime Solid Bulk Cargoes Code, and amendments to SOLAS chapter VI to make the Code mandatory, were adopted. The amendments are expected to enter into force on 1 January 2011. The IMSBC Code will replace the Code of Safe Practice for Solid Bulk Cargoes (BC Code), which was first adopted as a recommendatory code in 1965 and has been updated at regular intervals since then.

The aim of the mandatory IMSBC Code is to facilitate the safe stowage and shipment of solid bulk cargoes by providing information on the dangers associated with the shipment of certain types of cargo and instructions on the appropriate procedures to be adopted.

Other issues

The MSC considered and took action on other issues arising from the reports of Sub-Committees and other bodies, as follows:

- a number of proposals on ships’ routing, ship reporting and other relevant measures, all aimed at enhancing the safety of navigation in areas of identified navigational hazards and environmentally sensitive sea areas, were adopted;
- draft amendments to SOLAS regulation V/19 to make mandatory the carriage of Electronic Chart Display and Information Systems (ECDIS) and Bridge Navigational Watch Alarm Systems (BNWAS), under SOLAS chapter V, were approved, with a view to their adoption by MSC 86 in May 2009;
- a strategy for the development and implementation of e-navigation, including a framework for its implementation and a timeframe for the process, was approved; and
- a resolution on Clarification of the term “bulk carrier” and guidance for application of regulations in SOLAS to ships which occasionally carry dry cargoes in bulk and are not determined as bulk carriers in accordance with regulation XII/1.1 and chapter II-1, to clarify the definition of “bulk carrier”, were adopted.
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Greenwich Maritime Institute
FAL Convention
amendments adopted

Amendments to the Annex to the 1965 Convention on Facilitation of International Maritime Traffic (FAL Convention), addressing documents required by crew and passengers, were adopted by the Facilitation Committee when it met for its 35th session, the first session as a fully institutionalized body of the IMO (See p.6).

The amendments relate to the arrival, stay and departure of the ship; arrival and departure procedures; measures to facilitate the clearance of passengers, crew and baggage; and the facilitation for ships engaged on cruises and for cruise passengers. The amendments are expected to enter into force on 15 May 2010.

Review of the FAL Convention
The Committee agreed to undertake a comprehensive review of the FAL Convention, with a view to ensuring that it adequately addresses present and emerging needs of the shipping industry as well as modernization of its provisions, taking into account, for example, developments in the field of transmission of information and data by electronic means and the Single Window concept. The review is expected to take into consideration amendments to SOLAS on maritime security adopted in 2002, including the International Ship and Port Facilities Security (ISPS) Code and the problems of disembarkation of persons rescued at sea and illegal migrants. It is also likely to address contemporary problems such as shore leave and other issues relating to the human rights and welfare of seafarers that have arisen in the ship-to-shore interface.

The FAL Committee adopted amendments to the Annex to the FAL Convention designed to ease the administrative burdens on passenger ships and on passengers themselves when entering or leaving port (Pic: Port of London Authority)
Explanatory manual to the FAL Convention and FAL compendium near completion

The Committee further developed the Explanatory Manual to the Convention and the FAL Compendium, with a view to considering the final drafts at its next session. Both documents are intended to promote the wide acceptance of the FAL Convention and the universal implementation of the measures adopted by the Organization to facilitate the international maritime traffic and maritime trade.

Trial IMO Stowaway Focal Point to continue

The Committee agreed to continue the operation of a trial IMO Stowaway Focal Point within the Secretariat for a further year, to provide assistance for the successful resolution of stowaway cases, when parties concerned have been unable to resolve such issues within the means available to them.

Since the establishment of the focal point by FAL 34 in March 2007, the assistance of the Secretariat had been requested in only three cases of stowaways on board ship, with a view to the effective disembarkation of such stowaways at the next port. The majority of stowaway incidents are handled at the local level, and as a result, little or no feedback has been received. As a result, the success or otherwise of IMO intervention cannot be quantified. Nevertheless the establishment of the IMO Stowaway Focal Point did focus attention on the ongoing problem of stowaways and will, it is hoped, lead to better liaison with relevant bodies including P & I clubs, which in turn will be reflected in greater accuracy with the statistics on stowaways.

The Committee noted the annual report on stowaway incidents reported to the Organization, which recorded 252 stowaway cases reported in 2007, involving 889 stowaways, compared with 244 stowaway cases reported in 2006, involving 657 stowaways.

Meanwhile, the Committee urged Member States, as provided in the terms of reference for the IMO Stowaway Focal Point, to communicate to the Organization a single national point of contact (name, title, address, office telephone, facsimile and e-mail address and after hours telephone number) through whom all communications relating to stowaways are to be routed; and to provide information to the Organization in relation to their national laws, policies, practices and procedures relating to stowaways.

Administrative procedures for disembarking persons rescued at sea

The Committee approved a FAL Circular on Principles relating to administrative procedures for disembarking persons rescued at sea (FAL.3/Circ.194), which identifies five essential principles for Member Governments to incorporate into their administrative procedures for disembarking persons rescued at sea in order to harmonize the procedures and make them efficient and predictable:
• The coastal States should ensure that the search and rescue (SAR) service or other competent national authority coordinates its efforts with all other entities responsible for matters relating to the disembarkation of persons rescued at sea;
• It should also be ensured that any operations and procedures such as screening and status assessment of rescued persons that go beyond rendering assistance to persons in distress are to be carried out after disembarkation to a place of safety;
• All parties involved (for example, the Government responsible for the SAR area where the persons are rescued, other coastal States in the vicinity or in the planned route of the rescuing ship, the flag State, the shipowners and their representatives, States of nationality or residence of the persons rescued, the State from which the persons rescued departed, if known, and the United Nations High Commissioner for Refugees (UNHCR)) should co-operate in order to ensure that disembarkation of the persons rescued is carried out swiftly, taking into account the master’s preferred arrangements for disembarkation and the immediate basic needs of the rescued persons. The Government responsible for the SAR area where the persons were rescued should exercise primary responsibility for ensuring such co-operation occurs. If disembarkation from the rescuing ship cannot be arranged swiftly elsewhere, the Government responsible for the SAR area should accept the disembarkation of the persons rescued in accordance with immigration laws and regulations of each Member State into a place of safety under its control in which the persons rescued can have timely access to post rescue support;
• All parties involved should co-operate with the Government of the area where the persons rescued have been disembarked to facilitate the return or repatriation of the persons rescued; and
• International protection principles as set out in international instruments should be followed.

Electronic access to ships’ certificates and documents

A correspondence group’s report on the possible methodology and features needed to archive online access to ships’ certificates and documents was discussed and the Committee reiterated its view that that online access to certain certificates and documents was still a long-term project and objective.

The correspondence group was re-established to consider the implementation aspects of a simpler procedure, in which a ship would hold electronic copies of certificates and documents and send them electronically to the port with one of its pre-arrival messages, and to advise the Committee at its next session on the strengths, weaknesses, opportunities and threats of such a system.

Carriage of IMDG Code class 7 radioactive material

The Committee agreed to continue the operation of the ad hoc mechanism within the Secretariat to co-ordinate efforts to resolve speedily difficulties in the carriage of IMDG Code class 7 radioactive materials, whereby the Secretariat will monitor, facilitate and co-ordinate the resolution of such difficulties.

The IMO Secretariat would receive notification of any difficulties (such as when carriage has been denied or been delayed); would investigate the incident; would provide facilitation/mediation/action with relevant parties involved; and, finally, would record each incident in a database according to success/no success, to ensure it is brought to closure. The IMO Secretariat has been cooperating with the International Atomic Energy Agency (IAEA), International Labour Organization (ILO), International Civil Aviation Organization (ICAO) and other United Nations bodies on issues surrounding the delays and denials of shipments of class 7 radioactive materials.

An IMO/IAEA/ICAO Denials Database has been established with more than 100 reports filed to date.
COMSAR finalizes revised MSI manual

A draft revised edition of the Joint IMO/International Hydrographic Organization (IHO)/World Meteorological Organization (WMO) Manual on Maritime Safety Information (MSI Manual) was agreed by the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR), for submission to the Maritime Safety Committee (MSC), for approval.

The revision of the Maritime Safety Information (MSI) Manual is the first, critical step in the further, holistic review of all World-Wide Navigational Warning Service (WWNWS) documentation, following the adoption of amendments to Assembly resolutions A.705 and A.706 by MSC 85 last December.

The MSI service of the Global Maritime Distress and Safety System (GMDSS) is the internationally and nationally co-ordinated network of broadcasts containing information necessary for safe navigation, which is received in ships by equipment that automatically monitors the appropriate transmissions, displays information which is relevant to the ship and provides a print capability.

Navigational warnings are issued under the auspices of the IMO/IHO WWNWS, and meteorological forecasts and warnings are issued under the patronage of the WMO.

Arctic MSI Services – further work needed

The Joint IMO/IHO/WMO Correspondence Group on Arctic Maritime Safety Information (MSI) Services reported on developments to date in expanding the WWNWS into Arctic waters, including testing of the Arctic NAVAREAs/METAREAs and provision of technical assistance to train the new Arctic NAVAREA Coordinators and the METAREA Issuing Services.

The Sub-Committee endorsed a proposed time scale which would see the live testing of the Arctic NAVAREA/METAREA operations to be in the 2009 and 2010 time frame, with a milestone goal of “Full Operational Status” being declared at COMSAR 15 in 2011. The Correspondence Group was re-established to further the work, including the monitoring of the testing of the Arctic NAVAREAs/METAREAs.

ITU maritime radiocommunication matters

Liaison statements to the International Telecommunication Union (ITU), International Association of Lighthouse Authorities (IALA), International Electrotechnical Commission (IEC) and CIRM on Automatic Identification Systems (AIS) Search and Rescue Transmitters (AIS-SARTs);
proposed new “DSC Class H” of DSC portable radio intended primarily for distress alerting and communication; the regulatory status of AIS frequencies; and the implementation of Resolution 355 (World Radiocommunication Conference (WRC)-07), concerning the MSI Manual, were approved for endorsement by MSC 86.

The preliminary draft IMO position relating to the relevant WRC-11 agenda items was further developed. With regard to the possible need for additional channels for satellite detection of AIS, and which conditions should apply, the majority of delegations were of the view that there was a need for a policy decision from the MSC first, before the matter could be further discussed by the Sub-Committee.

The Joint IMO/ITU Experts Group was re-established to discuss common IMO/ITU areas of interest and prepare the draft IMO position paper for consideration by COMSAR 14.

Guidance on distress alerts agreed
Proposed amendments to the draft revised flow diagram on simplified operating guidance on initial distress calls and the development and issuance of a new COMSAR Circular on Guidance on distress alerts were agreed for endorsement by MSC 86.

AIS safety-related broadcast messages – draft circular agreed
The Sub-Committee agreed a circular on AIS safety-related messages which points out the limitations of using predefined distress text messages in distress situations. It notes that distress messages transmitted through the GMDSS system are immediately reacted upon by a Maritime Rescue Coordination Centre, while safety-related messages transmitted through the AIS system might not be received, since the AIS system is not offering continuous listening watch of the AIS frequencies.

The circular recommends that AIS manufacturers and/or users should delete any preconfigured AIS safety-related messages that could be used to indicate distress.

IAMSAR Manual draft amendments agreed
Draft amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual were agreed for submission to MSC 86, for approval. The amendments include: in volume II, the replacement of examples of message formats in appendix B; and in volume III, the improvement of the section on “track spacing” to cover “sweep width, track spacing, and coverage”.

Measures to protect the safety of persons rescued at sea
The Sub-Committee debated issues relating to the safety of persons rescued at sea and invited further submissions to the Sub-Committee on Flag State Implementation (FSI), MSC 86 and the next COMSAR session.

A number of delegations referred to the large numbers of persons rescued at sea. During 2008, Spain rescued 10,375 persons; Italy rescued more than 36,000 persons; and Malta rescued 2,775.

The Sub-Committee noted that the Facilitation Committee at its 35th session had approved a circular on Principles relating to administrative procedures for disembarking persons rescued at sea.
Significant progress made on comprehensive STCW review

Significant progress was made with the comprehensive review of the STCW Convention and Code, when the Sub-Committee on Standards of Training and Watchkeeping (STW) met for its 40th session. Further work will continue at STW 41 in January 2010, with a view to adopting the amendments by a Diplomatic Conference of STCW Parties in the Philippines in June 2010.

The Sub-Committee prepared the preliminary draft text of:

- chapter II Master and deck department, in particular, new or amended provisions relating to celestial navigation, ARPA and radar requirements, marine environment awareness training and VTS training;
- chapter III Engine department, in particular, new or amended provisions relating to harmonization of near coastal requirements and marine environment awareness training;
- chapters IV Radiocommunications and Radio Personnel and VII Alternative certification;
- chapter VI Emergency, occupational safety, security, medical care and survival functions, in particular, new or amended requirements for maintaining professional competence in areas where training cannot be conducted on board and security training; and
- chapter VIII Watchkeeping, in particular, relating to new or amended requirements for the prevention of drug and alcohol abuse; provisions for maintaining a safe anchor watch; bridge and engine room resource management and harmonization of hours of rest and work.

Significant progress was also made with the preparation of the preliminary draft text of chapter V Special training requirements for personnel on certain types of ships.

Enhancement of seafarers’ awareness of counter-piracy measures

The Sub-Committee agreed that there was an urgent need to include appropriate provisions in the STCW Convention to ensure that seafarers are properly educated and trained to face situations whereby their ship is under attack by pirates. Member Governments and international organizations were invited to submit proposals for consideration to STW 41.

Review of the principles for establishing the safe manning levels of ships

The Sub-Committee approved a draft framework for determining minimum safe manning for inclusion in the draft revised resolution on Principles of safe manning (resolution A.890(21)).

The proposed draft framework, intended to assist Administrations and companies in determining minimum safe manning, is based on four main steps which would involve:

- submission from the company;
- evaluation by the Administration;
- maintenance of minimum safe manning; and
- compliance monitoring.

The Sub-Committee prepared a preliminary draft revised text of resolution A.890(21).

It was agreed that the preliminary draft revised resolution on safe manning should be reviewed by the Sub-Committee on Safety of Navigation (NAV) at its 56th session in 2010 for consideration in relation to operational aspects.

Emergency training will be covered in chapter VI of the revised STCW Convention.
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Every year the winner of IMO’s prestigious International Maritime Prize is invited to submit a paper on a subject of his or her choice for publication in IMO News. Here, 2006 winner Alfred Popp recounts the history of one of the Organization’s principal committees.

The origins and evolution of the IMO Legal Committee

By Alfred Popp, Winner, 2006 International Maritime Prize

The Legal Committee really had rather humble origins. It started off as an ad hoc body of the IMO Council, set up in the wake of the Torrey Canyon incident more than forty years ago. Over the years, the Committee has evolved from those simple beginnings to its present status as one of the principal Committees of the Organization. Additionally, it has become an important organ for the development of international maritime law conventions.

While the main focus of its work has been to provide internationally applicable rules governing liability and compensation of shipowners, over the course of its 40-year history it has tackled other aspects of maritime law. While the Legal Committee does not have exclusive jurisdiction to deal with the development of international maritime law conventions – other international bodies have also, from time to time, been active in the field, notably, the United Nations Commission on International Trade Law (UNCITRAL) and the United Nations Conference on Trade and Development (UNCTAD) – nevertheless, it has become the most important forum for the development of international maritime law conventions.

The matter was brought to the attention of the IMO Council in an urgent note from the United Kingdom. It was observed that the incident gave rise to both technical and legal issues, in the latter case of both a public and private law nature. It was recognized that these issues needed to be addressed on an international basis and that the IMO was the appropriate organization to tackle them.

The development of international maritime law, until then, had been largely left to the Comité Maritime International (CMI), an organization set up in 1897 under the auspices of the Belgian government with the task of promoting international uniformity in maritime law by the development of international conventions. The CMI, with more than 60 years experience, had a significant number of international conventions to its credit. It was logical, therefore, to request the CMI to assist the recently created Legal Committee in its task of developing, urgently, international rules to deal with the consequences of spills, such as the Torrey Canyon.


2 For a summary of the legal issues raised by the incident, see Alfred Popp, O.C., “Developments in Civil Liability in Maritime Law,” Dreams and Dilemmas, Economic Friction and Dispute Resolution in the Asia-Pacific Region, published by Seike University on the occasion of the 50th Anniversary International Conference, p.309, specifically at p.345.

3 See Dr. Balkin, ibid, at p.292.

4 The 1910 Conventions on Collision and Salvage, various conventions on limitation of liability of shipowners and the rules governing the carriage of goods by sea, to name but a few.
The close co-operation between the Legal Committee and the CMI, established in those early days, continues to this day. As already noted, the incident gave rise to issues of both a public and private law nature. With its rich experience in private international law, the CMI was requested to develop rules governing liability and compensation in such cases, for approval by the Legal Committee, while the Legal Committee itself, largely composed of government representatives, concentrated on public international rules relating to the intervention of coastal States against foreign flag vessels on the high seas that threaten their coasts and coastal interests. The result of the work of the two Committees was the development of two draft international conventions – the Convention on Intervention on the High Seas in cases of Oil Pollution Casualties (Intervention Convention) and the Convention on Civil Liability for Oil Pollution Damage (CLC). The conventions were adopted by a diplomatic conference in Brussels in November 1969, to be followed two years later by another conference, again in Brussels, to adopt the 1971 Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (IOPC Fund Convention). The development and adoption of these three instruments was a remarkable achievement, demonstrating the ability of States to act promptly when the need was sufficiently urgent.

The CLC and the IOPC Fund Convention are among the mostly widely ratified IMO conventions. While they have been periodically amended, mainly to enlarge their scope and to increase the amount of compensation they offer, the basic concepts that they embody remain in place, attesting to the wisdom of the choices made at the time in addressing the consequences of catastrophic spills caused by oil tankers. The conventions represent a practical sharing of liability between shipowning interests and the oil industry that have served both industries well. In the case of shipowners, they have been able to preserve their right to limit their liability and secure insurance at reasonable cost. The oil industry, on the other hand, avoided direct individual responsibility, the scheme allowing it to make its contribution to compensation collectively by means of a fund.5

The terms of the conventions are too well known and have been extensively commented on over the years to bear repeating in detail for the purpose of this commentary. Nevertheless, three aspects of the conventions are worth specific mention. First, the registered owner is clearly identified as the liable party, thus relieving claimants of the arduous task of identifying who was actually responsible for the ship at the time of the incident. This represented a big step forward since a number of parties, located in different jurisdictions, might arise for consideration as parties to be pursued in addition to the registered owner, notably, the charterer, the operator and the manager. Second, the conventions clearly established which court would have exclusive jurisdiction to resolve disputes concerning claims regardless of where they arose, designating basically the court in a State Party to the convention where the limitation fund has been constituted.6 This is a particularly important aspect where the coast and coastal interests of several States may have been impacted by the incident, as demonstrated by the Torrey Canyon incident and in many others since that time. But perhaps the most significant breakthrough was the provision that requires identification of the insurer and allows claims to be brought directly against the insurer.7 This essentially did away with the basic principle of marine insurance law known as the “pay to be paid” rule.

Last but not least, the new scheme offered substantially more compensation for oil pollution damage than was available at the time. The shipowner’s limitation amount under the CLC was doubled over what was available under prevailing international rules governing limitation of liability of shipowners.”
"Tanker incidents have undoubtedly had a significant influence on the work of the Legal Committee. About 10 years after the Torrey Canyon incident, another tanker incident, the stranding of the Amoco Cadiz in 1978 off the coast of France, resulted in a major revision of the rules governing liability and compensation in respect of these incidents."

Through the mechanism of the new fund, compensation was significantly enhanced in the event that compensation from the shipowner was inadequate or not available. The durability of the relatively simple scheme devised to deal with tanker spills is demonstrated by the fact that it has served as the model for a number of other regimes. The most obvious example is the development of the 1996 Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention). In this case, too, the preparatory work for the new regime was done in the Legal Committee. Like the oil regime, it provides for shared liability between shipowning interests and cargo interests, except that in this instance the two pillars of the scheme – shipowner liability and a fund – have been combined in one instrument. This may be viewed in some respects as a disadvantage, since difficulties associated with the implementation of the fund have effectively prevented the adoption of a shipowner liability regime for HNS. The Convention was adopted in 1996 but has so far not attracted sufficient ratifications to bring it into force.8

Likewise the Bunkers Convention has been heavily influenced by the CLC. In 2001 a diplomatic conference under the auspices of the IMO adopted the Convention on Civil Liability for Bunker Oil Pollution Damage (Bunkers Convention). This convention had a rough start in the Legal Committee, since the prevailing view was that there was no need for such a convention. Moreover, bunker oil spills were different in origin in that they stemmed from spills of the ship’s bunkers and were thus closely associated with the operation of the ship rather than the carriage of oil as cargo. Nevertheless, a small group of nations, led by Australia, persevered with efforts to adopt a regime. Initially, they failed in their efforts to have bunker spills grafted on to the CLC/OPC Fund scheme. Eventually, however, they won over some, if not all, the sceptics in the Legal Committee, which ultimately endorsed the adoption of such a scheme as a free-standing convention.

The final shape of the convention bears a clear resemblance to the CLC with some notable differences, for example, the responsible party, being the registered owner in the two previous regimes discussed, was extended to include the bareboat charterer, manager and operator of the ship in recognition of the fact that these parties had a closer association with the operation and management of the ship and should, therefore, bear some responsibility for spills caused by bunkers.

As previously noted, the Legal Committee has not confined its work to liability and compensation. It has focused on other aspects of maritime law. Early in its history, in collaboration with the CMI, it embarked on a complete revision of the rules relating to the limitation of liability for maritime claims, resulting in the adoption of the 1976 Convention on the Limitation of Liability for Maritime Claims. Previous conventions on this subject, including the 1957 Convention on the Limitation of Liability of Owners of Sea-going Ships, were basically the work of the CMI. In this case, too, the initial work of developing a revised convention was done by the CMI, but finalization of the text was accomplished in the Legal Committee.

The fact that the Legal Committee was asked to take on this work was recognition of the fact that public authorities had a greater part to play in the development of these regimes. It was also in keeping with a more general trend to give public policy a greater role in treaty making, as evidenced by the creation of the United Nations and many specialized agencies operating under its auspices.

Tanker incidents have undoubtedly had a significant influence on the work of the Legal Committee. About 10 years after the Torrey Canyon incident, another tanker incident, the stranding of the Amoco Cadiz in 1978 off the coast of France, resulted in a major revision of the rules governing

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8 The principal of no direct responsibility of the oil companies, however, may have been eroded somewhat recently in the judgment handed down by the Tribunal de Grande Instance de Paris, January 16, 2008, which found that Totalfina bore some liability in the Erika incident (1999).

9 Article IX, paragraph 3 1992 CLC, and Article IX, paragraph 3 1969 CLC.

10 Article VI, 1969 CLC, and Article VII, 1992 CLC.

11 Negotiations are currently under way to remove the obstacles preventing ratification by the adoption of a protocol to the original convention. For a discussion of this subject, see the IMO Legal Committee, 94th Session, LEG 94/12 at paragraphs 4.1 to 4.71.
liability and compensation in respect of these incidents. In addition to providing the impetus for starting the work on a revision of the CLC/Fund Convention, resulting in the adoption of the 1984 Protocols, later to become the 1992 Protocols, the incident also focused attention on the prevailing rules governing the salvage of ships. These rules, as foreshadowed in the 1910 Convention on the Unification of certain rules of law relating to Assistance and Salvage (Salvage Convention), were considered to be inadequate in terms of providing sufficient incentive for salvors, usually paid on the basis of “no cure, no pay”, to intervene in tanker incidents where the prospects of saving the ship and her cargo were poor, if not non-existent, but where timely intervention might nevertheless significantly reduce harm to the environment.

Preparation of the 1989 Salvage Convention provided further evidence of the close collaboration between the Legal Committee and the CMI. A draft instrument revising the 1910 rules was adopted by the CMI at its Montreal Conference in 1981. The Legal Committee subsequently considered the draft over several sessions, engaging in some reformating of the instrument but making relatively few substantive changes to the CMI text. Significant changes in the new instrument included spelling out clearly the duties of the salvor, the owner of the ship and the master (Article 8) and specifying more clearly the criteria for fixing salvage awards (Article 13).

The most significant change, however, was the inclusion of a new provision specifying special compensation where the vessel or its cargo threatens damage to the environment, but the salvor is unable to earn a reward on the basis of “no cure, no pay”, i.e. the salvor is unable to save the ship or its property (Article 14). The aim was to provide salvors with a practical incentive to intervene to prevent or minimize damage to the environment.

While the initial focus of its work was undoubtedly the development of rules governing liability and compensation in pollution cases, the Legal Committee has, over the years, turned its attention to other aspects of maritime law. Early in this century, it focused on the rules governing liability and compensation for the carriage of passengers and their luggage by sea, embodied in the 1974 Athens Convention relating to the Carriage of Passengers and their Luggage. This convention did not enjoy widespread international support, its membership being largely confined to European States. Many, particularly in North America, viewed the compensation offered by the convention as completely insufficient. Efforts to improve the compensation offered by this regime were undertaken in the late 1980s and resulted, eventually, in the adoption of a protocol (the 1990 Protocol). While the new instrument provided improved compensation, this was still considered to be inadequate, with the consequence that the protocol never entered into force.

The Legal Committee took up the subject again resulting in a further protocol adopted at a diplomatic conference in 2003. This new protocol has made three significant changes. First, it established a two-tiered liability regime, in which the first tier is based on strict liability of the carrier and a second tier on presumed liability, unless the carrier can prove that the loss claimed was caused without its fault or neglect. Second, it introduced compulsory insurance, a standard feature of the pollution convention, discussed earlier. Last, the compensation package was substantially increased.

Ever since the terrorist attacks on New York and Washington DC in 2001, there has been much international discussion about how to protect against terrorism. It was quickly recognized that ships and their cargos could be a target for terrorist activity.
Consequently, the overarching discussion also had an impact on the agendas of various bodies within the IMO, including the Legal Committee.

At the request of the governing bodies of the Organization, the Legal Committee was requested to review the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and its Protocol relating to Fixed Platforms located on the Continental Shelf. These instruments had been developed by a working group operating under the auspices of the Legal Committee in response to a terrorist attack on shipping, the Achille Lauro incident, and were adopted by a diplomatic conference in Rome in 1988.

Both the original treaties, as well as the review of them, represented unusual work for the Legal Committee, which hitherto had confined its activities to reform of maritime law. These instruments, however, were concerned much more with criminal law and only incidentally with maritime law. Additionally, there was the challenge of time, the Legal Committee being under strict instructions to complete its preparatory work within a very short time frame.

Happily, the Committee rose to meet those challenges. National delegations and observer delegations were expanded to include criminal and international law experts. Much of the groundwork was accomplished in a correspondence group and a working group operating under the auspices of the Legal Committee. All the work was accomplished in one year, a remarkable achievement for the Organization and for the Legal Committee, proving that the Committee could rise to such challenges, as it had already proved in the far-off days of the Torrey Canyon.

At a diplomatic conference in October 2005, two new protocols were successfully adopted, amending the original 1988 Convention and its Protocol, radically expanding the offences created under the original instruments. Significant new offences were included, aimed at preventing the proliferation of weapons of mass destruction, with particular reference to nuclear material. These offences proved to be controversial but in the end a large degree of consensus was achieved. It remains to be seen whether the new instruments will receive the same widespread support that has been achieved by the original instruments.

Having completed its work on the SUA instruments, the Legal Committee was able to return to its more traditional work of reforming international maritime law.

“While most States have rules governing the removal of wrecks in waterways within their territorial waters, there was a perceived void in relation to wrecks located outside territorial waters.”
A matter that had been in the work programme for a very long time concerned the desire of some States to develop rules that would govern the removal of wrecks located in international waters outside the territorial waters of coastal States. While most States have rules governing the removal of wrecks in waterways within their territorial waters, there was a perceived void in relation to wrecks located outside territorial waters. This resulted in States sometimes having to engage in costly projects for the removal of wrecks located in sea lanes or approaches to their harbors without a sound legal basis for doing so, and no identified, responsible party for cost-recovery purposes.

The development of a new convention on this topic had a long preparatory stage in the Legal Committee. It took some persuasion of States that such rules were necessary, the fear being that they would overlap with the rules in other conventions, such as the above-mentioned Intervention Convention. Also, the geographical scope of application proved to be a bone of contention – should the new rules apply only to wrecks located in the high seas, outside territorial waters, or should they extend also to wrecks located within the territory, including the territorial waters of a state.

In May 2007, at a diplomatic conference convened by the Organization in Nairobi, Kenya, a new convention on the removal of wrecks was finally agreed. The issue of geographic application was resolved by creating a “convention area”, being essentially the exclusive economic zone where the convention would primarily apply, but giving States the option to extend the application of the Convention to wrecks located within their territory, including the territorial sea.

The basic rules concerning the manner in which wrecks should be dealt with resemble closely the rules that many States have in their domestic law concerning the removal of wrecks, namely, there is provision for reporting wrecks, for marking them and for their removal by public authorities, if the owners fail to do so. The registered owner is primarily responsible for such removal and, for the purposes of assuming this responsibility, must take out insurance that allows the costs arising to be recovered directly from the insurer, reminiscent of provisions contained in other conventions discussed in this article.

Since the purpose of the Convention is not confined only to the removal of wrecks that pose dangers to navigation, but also to those that might have harmful consequences for the marine environment, the drafters have been careful to avoid that liability under the new Convention overlaps with liabilities created by a variety of other

“"The geographical scope of application of the Wreck Removal Convention proved a bone of contention"
conventions, notably the CLC, the HNS Convention and the Bunkers Convention. It is worth mentioning an ongoing obligation of the Legal Committee. Since any convention containing limitation of liability runs the risk of becoming outdated with the passage of time, it has become the practice of late to include in those conventions amendment procedures that allow limitation amounts to be increased. The mechanism, copied from the technical conventions of the Organization, can be triggered in the Legal Committee, thus avoiding the usual but cumbersome procedure for amending conventions by protocol which requires the convening of a diplomatic conference. As already mentioned, most of the work of the Legal Committee over the last 40 years has focused on various liability regimes. The Committee has, however, been active in other fields of maritime law. In the mid-1980s, the Committee supervised jointly with UNCTAD a working group of experts established to revise the rules relating to maritime liens and mortgages. The Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages (JIGE) met alternatively in London, at the IMO Headquarters, and in Geneva to accomplish its work, resulting in the adoption of the International Convention on Maritime Liens and Mortgages in 1993. The adoption of the new convention was followed by the adoption, in 1999, of a companion convention, namely, a new International Convention on Arrest of Ships. The two instruments represented revisions of older treaties of the same name that had become necessary, given the developments in international maritime transport since the original treaties were formulated. One of the chief challenges facing the drafters of the new instruments was to reconcile differences in approach of the Common Law and Civil Law traditions to the subject of maritime liens and mortgages and the arrest of ships. But, as the Deputy Secretary-General of UNCTAD pointed out in his opening address to the diplomatic conference for the new Arrest Convention, the work in developing the two instruments represented “good examples of successful co-operation between the two bodies of the United Nations”. In both projects, the significant contribution of the CMI should also be mentioned, as it continued the tradition of that organization to collaborate with intergovernmental bodies on projects aimed at reforming and updating international maritime rules.

The welfare of seafarers has been a growing concern within IMO over the last decade or so. Also of concern is the increasingly harsh treatment in some jurisdictions meted out to ships’ masters and officers in the aftermath of pollution incidents, often involving incarceration and lengthy detention. As has been pointed out in the trade press, and elsewhere, in the long run this is bound to have negative effects on recruitment and training of seafarers, since the risks associated with this profession are too great compared with other fields of endeavor, opening the door to substandard crewing in a day and age when we can ill afford it, given that the operation of ships has become highly complex and technical. The impact on international trade, where ships play a role of primary importance and will continue to do so in the future, cannot be underestimated. The Legal Committee, at the invitation of the governing bodies of the Organization, has responded to these concerns. For a number of years a working group, operating under the joint auspices of the Legal Committee and the International Labour Organization (ILO), has been studying issues related to liability and compensation in respect of death, personal injury and abandonment of seafarers. The objective of the working group is succinctly described in the report of the Legal Committee as follows: to ensure, through the operation of appropriate international instruments, the rights of seafarers when they are abandoned, often in foreign ports far from their countries of origin, by the owners or operators of ships on which they have been serving. Two resolutions and guidelines have resulted and have been in effect since January 1, 2002. The first resolution relates to financial security in case of abandonment of seafarers, and the second relates to shipowners’ responsibilities in respect of contractual claims for personal injury or death of seafarers. The working group has been assigned the ongoing task of monitoring the application of the guidelines and proposing necessary modifications.

A second working group, again under the joint auspices of the IMO Legal Committee and ILO, was established to study the issue of the fair treatment of seafarers in the context of maritime accidents. The group was set up in response to a growing tendency in certain jurisdictions to prosecute seafarers, particularly masters and senior officers, and to detain them for their alleged responsibility in causing accidents. This is often, but not exclusively, the case where the accident has resulted in major pollution. In many of these incidents, the seafarers, after lengthy proceedings and detention, have been completely exonerated. The work of the group has resulted in guidelines on fair treatment of seafarers in the event of marine accidents. These guidelines were considered and approved by the Legal Committee at its 91st session in April 2006 and subsequently, in June of the same year, approved and promulgated also by the ILO governing body. The task of reviewing the guidelines has been entrusted to the joint working group. There has been some suggestion that the guidelines have not always been properly applied. This article has demonstrated that the Legal Committee has come a long way from its humble beginnings, starting as an ad hoc body operating under the auspices of the Council, to one of the principal committees of the Organization. It has shown its ability to tackle a variety of maritime law subjects. It can be justly proud of its record in developing conventions that have contributed significantly to uniformity in international maritime law. The CLC/IOPC Fund scheme is probably the most successful international liability and

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* See Article 11: The new Convention, also, does not apply to measures taken under the Intervention Convention. See Article 4

* See, for example, the 1992 CLC and IOPC Fund Convention, the 1996 LLMC Convention and the HNS Convention. So far that procedure has only been triggered once, namely, in respect of the 1992 CLC and IOPC Fund Convention, where compensation amounts have been increased as of November 1, 2003.

* The group is known as the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

* IMO Doc. LEG 9/12 at paragraph 107.


* The group is known as the Joint IMO/ILO Ad Hoc Expert Working Group on Fair Treatment of Seafarers.

* In a recent article in Lloyd’s List, a number of these cases have been listed and discussed. See Michael Grey, Lloyd’s List, August 26, 2008, at p.7

* See Michael Grey, idem, who concludes that “there are a number of recent and current cases that seem to suggest that the guidelines are not being employed to treat seafarers fairly.”

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compensation scheme ever devised. But the question is: where does the Committee go from here?

In a recent speech in the context of a panel discussion “IMO into the future” to mark the 60th Anniversary of the Organization, the Secretary-General of the Organization, speaking about change, referred to the demise of some of our long-standing sub-committees or even committees as their work reaches a natural conclusion...

The Secretary-General was talking about technical matters – design, equipment and technological changes in the 21st century – that will change the work of the Organization. Nonetheless the observation might also contain a message for the Legal Committee.

The Committee has largely completed its work of developing comprehensive rules for liability and compensation for maritime claims. As the record shows, it has tackled other, related subjects in the field. It may well be that the work in this area has now reached “a natural conclusion” and that the time has come for the Committee, in order to remain relevant, to change its focus, with less emphasis on new rules, and more emphasis on implementing existing ones.

In the same panel discussion, referred to above, the Vice-Chairman of the IMO Council noted:

If…we consider the level at which instruments have been adopted and implemented, we would see that despite efforts, there are still huge imbalances...
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IMO publishes new IMDG Code

A new edition of the International Maritime Dangerous Goods Code, the standard guide to all aspects of handling dangerous goods and marine pollutants in sea transport, has been published by the IMO in hard copy, as a download and as an internet subscription. The new edition includes the changes in Amendment 34-08, adopted by the Maritime Safety Committee in May 2008.

The Code’s provisions are essential for a whole range of industries and services. Mariners, manufacturers, packers, shippers, feeder services such as road and rail, and port authorities will find reliable advice on terminology, packing, labelling, classification, stowage, segregation and emergency response action.

The new amendments to the Code are mandatory as from 1 January 2010 but may be applied by Administrations voluntarily from 1 January 2009.

The many detailed changes introduced by Amendment 34-08 include:

- in the Dangerous Goods List, 12 new UN numbers going up to 3481, with explosives going up to 0508;
- 5 UN numbers previously not listed in the IMDG Code because they were not regulated under it;
- new mandatory regulations involving appropriate training for shore-side staff and supervision and auditing of such staff;
- additional changes concerning marine pollutants, IMO tank instructions, excepted quantities, limited quantities and radioactive materials of class 7.

The IMDG Code two-volume set and Supplement are available in English, French and Spanish.

Also available are:

All these products are available from authorized distributors of IMO publications and via IMO’s online bookshop. For further information, please consult the IMO website at www.imo.org.

IMO law institute praised by UN General Assembly

The importance of the work of the IMO International Maritime Law Institute (IMLI) has been formally recognized by the UN’s highest representative body in a resolution adopted on the law of the sea.

On 5 December 2008, the United Nations General Assembly adopted Resolution A/Res/ 63/111 entitled “Oceans and the Law of the Sea”. The Resolution, which was adopted by 155 votes in favour, tackles the main aspects of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and related agreements including the Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stock (“The Fish Stocks Agreement”). It calls upon States and international organizations to co-operate towards the effective implementation of the provisions of UNCLOS.

The Resolution highlights the need for capacity-building for States to be able to achieve the aims set out in UNCLOS. Furthermore, the Resolution encourages capacity-building in the development of national maritime administrations and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities, to promote the effective compliance with, and effective implementation and enforcement of States’ responsibilities under international law.

The Resolution officially acknowledged the importance of IMLI’s work in the text of paragraph 13, which reads as follows:

“Recognizes the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, notes that the number of its graduates in more than 102 States confirms its effective capacity-building role in the field of international law, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute”.

IMLI was established by IMO in 1988 to ensure that governments would have trained maritime legal experts available to incorporate the often complex international maritime legal framework of rules, codes and standards into national legislation.
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