

IMO NEWS

The magazine of the International Maritime Organization

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mandatory
Polar Code
agreed in
principle



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The plan for the development of the Pearl River Delta (2008-2020) gave Guangdong province new roles, as a comprehensive business centre, particularly for the shipbuilding industry.

Ship owners have moved to South China as to leverage on lower cost, thus bring ship building and repairs opportunities to South

China. Key shipyards like CSSC Guangzhou Huangpu Shipbuilding, CSSC Guangzhou Longxue Shipbuilding and 22 other shipyards are located in the vicinity of Guangdong province. The port of Guangdong province is currently the largest comprehensive hub port in South China, and located in a strategic location within close proximity to the South China Sea, flourishing with the impetus from the fast growing economy.

Guangdong province is growing with a population of 120 million and thriving with rapidly expanding shipbuilding activities. Do not miss this opportunity to connect, establish contacts and penetrate the growing market in Guangdong province.

Key Supporting Associations

- People's Government of Guangdong Province
- China State Shipbuilding Corporation
- Guangdong Ship owner's Association
- China Association of the National Shipbuilding Industry
- Chinese Society of Naval Architects and Marine Engineers
- The Guangdong Society of Naval Architects and Marine Engineers
- Guangdong Association of Shipbuilding Industry
- Guangzhou Port Authority and many more

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The unique challenges posed by ship operation in polar waters will be addressed by the new mandatory Code (pic: Concordia Maritime)



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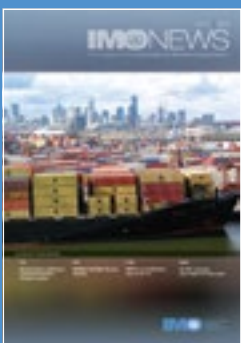
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SHIP MANAGEMENT INTERNATIONAL

Issue No. 46 November/December 2013



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SHIP MANAGEMENT INTERNATIONAL

IMO conventions: effective implementation



A message from Secretary-General Mr Koji Sekimizu

What is the point of working for months, even for years, to develop and adopt an international convention if that convention doesn't enter into force? What is the point of all the technical work, the debates and discussion, the negotiations and compromises required to create an instrument that can be universally adopted if that instrument does not then become part of the international legal framework?

The answer, of course, is that there is very little point at all. It's like writing a book that nobody reads, or making a film that nobody sees. It's only half the job. Less than half, in fact, when it comes to IMO conventions.

The adoption of an IMO convention sometimes feels like the end of a process. A conference is held, the text agreed, there are handshakes all round. But it's not the end of the process, or at least it shouldn't be. It should be just the end of the beginning. Because an IMO convention is only worth anything if it is effectively and universally implemented. All those man-hours spent refining the text, all that technical expertise that has been brought to bear, count for nothing unless the end result has a tangible impact. And, for that to happen, ratification, entry into force and widespread implementation are all necessary.

Over the years, IMO has built up an enviable track record for developing and adopting new international conventions. There are some 53 in all. Collectively, they are aimed either at the prevention of accidents, casualties and environmental damage from ships; at mitigating the negative effects of accidents when they do occur, or at establishing a mechanism for ensuring that those who suffer the consequences of an accident can be adequately compensated.

While most are in force and have done so much to make shipping safer, more efficient and more environment friendly, there are still several conventions for which a slow pace of ratification and a lack of implementation are serious causes for concern.

This is why I believe that the theme selected for World Maritime Day 2014 – namely “IMO conventions: effective implementation” – is so important. Through it, we shine the spotlight on those IMO treaty instruments which have not yet entered into force, as well as those for which ratification by more States would lead to more effective implementation.

In particular, it is worth mentioning the Ballast Water Management Convention that was adopted 10 years ago. Though the required number of Member States have ratified the convention, we are still a little short in terms of the tonnage requirement. A decade after the adoption the convention which will protect the marine environment from the transfer of species through ballast

water, it is time that we give the convention the effect we intended! And this is only one example...

Implementation of IMO measures is the responsibility of the Member States – and the forthcoming mandatory audit scheme for Member States will be an important tool for assessing Member States' performance in meeting their obligations and responsibilities as flag, port and coastal States under the relevant IMO treaties.

But the Organization itself, including the Secretariat, also has a role to play. The extensive technical cooperation programme, in which we identify particular needs among Member States that may lack resources, expertise or both, and match them to offers of help and assistance from others, is a key element in this respect, helping States to meet their obligations fully and effectively.

A convention that just gathers dust on a shelf offers no benefit to anyone. Not only that, it risks creating a situation in which some authorities feel motivated to take action to try to enforce measures that would go beyond IMO regulations or impose additional requirements, even before such IMO regulations enter into force. This is against the spirit of cooperation at IMO and damages the credibility of the Organization.

It is my strong hope that, during the course of this year, our theme will enable us to make genuine progress towards ratification, entry into force and implementation of all IMO conventions – but especially those which have yet to be widely accepted. Because this is what IMO is really all about.

The world outside the maritime community must continue to have confidence in IMO. If we have agreed to deliver a solution to a problem, we should not just agree to do so in words, but we must take the necessary actions to give what we agreed the necessary effect.

A handwritten signature in white ink, which appears to be the signature of Koji Sekimizu, the Secretary-General of IMO. The signature is stylized and cursive, written on a dark blue background.

“an IMO convention is only worth anything if it is effectively and universally implemented”

SOLAS, MARPOL amendments entered into force on 1 January 2014

A number of amendments to the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL) and the 1988 Load Lines Protocol entered into force or took effect from 1 January 2014

The amendments cover passenger ship safety (in relation to safe return to port after a flooding casualty); the testing of free-fall lifeboats; minimum safe manning levels; prohibition of blending onboard; the revised MARPOL Annex III; the United States Caribbean Sea Emission Control Area; and the Winter Seasonal Zone off the southern tip of Africa.

2012 May SOLAS amendments

The SOLAS amendments which entered into force on 1 January 2014 include the following:

- amendment to SOLAS regulation II-1/8-1, to introduce a mandatory requirement for new passenger ships for either onboard stability computers or shore-based support, for the purpose of providing operational information to the Master for safe return to port after a flooding casualty;
- amendment to SOLAS regulation III/20.11.2 regarding the testing of free-fall lifeboats, to require that the operational testing of free-fall lifeboat release systems shall be performed either by

Operational testing of free-fall lifeboats is covered in new SOLAS amendments



- free-fall launch with only the operating crew on board or by a simulated launching;
- amendment to SOLAS chapter V to add a new regulation V/14 on ships' manning, to require Administrations, for every ship, to establish appropriate minimum safe manning levels following a transparent procedure, taking into account the guidance adopted by IMO (Assembly resolution A.1047(27) on Principles of minimum safe manning); and issue an appropriate minimum safe manning document or equivalent as evidence of the minimum safe manning considered necessary;
 - amendment to SOLAS chapter VI to add a new regulation VI/5-2, to prohibit the blending of bulk liquid cargoes during a sea voyage and to prohibit production processes on board ships;
 - amendment to SOLAS chapter VII to replace regulation 4 on documents, covering transport information relating to the carriage of dangerous goods in packaged form and the container/vehicle packing certificate; and
 - amendment to SOLAS regulation XI-1/2 on enhanced surveys, to make mandatory the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code, resolution A.1049(27)).

2010 October MARPOL amendments

The MARPOL amendments which entered into force on 1 January 2014 include a revised MARPOL Annex

III Regulations for the prevention of pollution by harmful substances carried by sea in packaged form, to include changes to the Annex to coincide with the next update of the mandatory International Maritime Dangerous Goods (IMDG) Code, specifying that goods should be shipped in accordance with relevant provisions.

United States Caribbean ECA now effective

The United States Caribbean Sea Emission Control Area (SO_x, NO_x and PM) came into effect, under MARPOL Annex VI, on 1 January 2014, bringing in stricter controls on emissions of sulphur oxide (SO_x), nitrogen oxide (NO_x) and particulate matter for ships trading in certain waters adjacent to the coasts of Puerto Rico and the United States Virgin Islands.

The ECA was designated under MARPOL amendments adopted in July 2011. There are now four designated ECAs in effect globally: the United States Caribbean Sea ECA and the North American ECA; and the sulphur oxide ECAs in the Baltic Sea area and the North Sea area.

Winter Seasonal Zone moved south under amendments to LL Protocol

Amendments to regulation 47 of the 1988 Protocol to the International Convention on Load Lines (LL), 1966 to shift the Winter Seasonal Zone off the southern tip of Africa further southward by 50 miles, came into effect on 1 January 2014.

Goal-Based Standards (GBS) verification process is underway

IMO audit teams will shortly be established to verify construction rules for bulk carriers and oil tankers of classification societies which act as recognized organizations (ROs), following the receipt of requests for verification by the 31 December 2013 deadline.

A new SOLAS regulation II-1/3-10 on Goal-based ship construction standards (GBS) for bulk carriers and oil tankers was adopted by IMO's Maritime Safety Committee (MSC), at its eighty-seventh session in May 2010, by resolution MSC.290(87). This regulation, which entered into force on 1 January 2012, requires that all oil tankers and bulk carriers of 150m in length and above, for which the building contract is placed on or after 1 July 2016, satisfy applicable structural requirements conforming to the functional requirements of the International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers (GBS Standards) (resolution MSC.287(87)).

Under the GBS Standards, construction rules for bulk carriers and oil tankers of classification societies which act as recognized organizations (ROs) or national Administrations will be verified, based on the Guidelines for verification of conformity with goal-



based ship construction standards for bulk carriers and oil tankers (resolution MSC.296(87)) (GBS Guidelines). According to the timetable approved by MSC 87, the deadline for the receipt by IMO of initial verification requests from classification societies was 31 December 2013.

New construction rules for bulk carriers will be assessed by IMO teams

In support of the Committee's request that the verification process should be conducted as efficiently as possible, the International Association of Classification Societies (IACS) has delivered its Common Package 1 comprising various IACS requirements to support the requests from its member societies.

Based on the requests for verification audits, the IMO Secretariat will establish GBS Audit Teams as soon as possible, to conduct audits for verification of

the subject construction rules. The outcome of the audits will be submitted to the MSC in May 2016 at the latest and, if approved by the MSC, those construction rules will be applied to bulk carriers and oil tankers to be built on or after 1 July 2016.

On 20 December 2013, IMO Secretary-General Koji Sekimizu met the Chairman of International Association of Classification Societies, Mr Roberto Cazzulo, Chairman of RINA Services, who confirmed that

the IACS Council had adopted new harmonised Common Structural Rules (CSR) for oil tankers and bulk carriers, which will be presented to IMO for GBS verification as its Common Package 2, by the end of June 2014.

Commenting on the above developments, Mr Sekimizu expressed his satisfaction with the timely and efficient manner in which the GBS verification process was being progressed, as instructed by the MSC Committee.

“IMO conventions: effective implementation” 2014 World Maritime Day theme launched

IMO Secretary-General Koji Sekimizu has launched this year's World Maritime Day theme, “IMO conventions: effective implementation”, expressing the hope that the year would see genuine progress towards effective and global implementation of all IMO conventions.

Speaking at a reception to mark the launch of the theme, at the end of the first day of the first session of the Sub-Committee on Ship Design and Construction (SDC), Mr Sekimizu said the theme provided an opportunity to shine a spotlight on those IMO treaty instruments which have not yet entered into force, as well as wider and more effective implementation of measures already agreed or in place.

Key targets identified

Treaties still to enter into force include the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004; the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009; the Nairobi International Convention on the Removal of Wrecks, 2007; the 2010 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS); and the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels.

“The sooner these conventions enter into force, the sooner the benefits would be received by us and the international community. During the course of this year,

under the banner of the World Maritime Day theme, we will do all we can to encourage the ratification and implementation of all these instruments,” Mr Sekimizu said.

“As well as conventions yet to enter into force, the wider and more complete implementation of measures already in place will also be a major element of this year's theme. Energy efficiency measures for ships, the availability of fuel oil to meet increasingly stringent sulphur content requirements, and the verification of goal-based ship construction standards are all important activities for which we wish to make significant progress in the Organization's work this year and will all contribute towards

wider and more effective implementation of measures already agreed or in place,” Mr Sekimizu said.

Mr Sekimizu noted that implementation of IMO measures was, ultimately, the responsibility of the Member States and the industry, while the forthcoming mandatory audit scheme for Member States would be an important tool for assessing Member States' performance in meeting their obligations and responsibilities as flag, port and coastal States under the relevant IMO treaties. The Organization and the Secretariat also had a role to play, specifically through IMO's extensive technical cooperation programme.



Secretary-General Sekimizu launched the 2014 World Maritime Day theme with a plea for accelerated ratification of several important conventions

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PRESIDENT & CEO,
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Joint initiative helps establish Africa's new coastguard network

by Salma Hassam

Safeguarding human life, enforcing maritime laws, improving security and protecting the environment are all vital elements of the coastguard function. Delivering them requires infrastructure and expertise. But what happens in countries that don't have the appropriate resources? IMO's Salma Hassam reports on an initiative undertaken by IMO in Africa to help build the necessary capacity

Establishing the basis for a successful coast guard requires cohesion and co-ordination. Sometimes new structures need to be established; sometimes the parts are already in place and it is just a question of joining the dots. In 2006, IMO and the Maritime Organization for West and Central Africa (MOWCA) conceived a joint initiative to establish a sub-regional integrated coastguard function network. Two years later, a Memorandum of Understanding (MoU) to establish the network was adopted in Senegal and this has subsequently been signed by 15 of MOWCA's 20 coastal States.

The objective of the network is to initiate joint efforts to safeguard human life, enforce laws and improve the security, safety and protection of the environment, otherwise referred to as 'coastguard functions'. Being responsible for implementing these coastguard functions, national agencies need to coordinate their efforts effectively in order to reinforce law-enforcement activities such as the suppression of piracy and armed robbery against ships, the prevention of illegal, unreported and unregulated (IUU) fishing and countering the trafficking of drugs, weapons and people. To achieve this, a phased approach to capacity building is required in order to foster cooperation within and among States.

This need for a phased methodology has led IMO to engage with Member States at the national level to promote 'joined-up' Government, and more specifically, a joined-up solution to maritime security and maritime law-enforcement issues.

Since July 2012, the Maritime Safety Division (MSD) at IMO has been running a series of 'table-top exercises' or, to give them their more formal title, contingency planning projects, in west and central Africa.

The buzzwords of these confidential table-top exercises are collaboration, cooperation and communication. Senior personnel, with decision-making authority, from a variety of Government

Table-top exercises have established a firm basis for collaborative efforts



departments, are guided through scenarios, ranging from the deceptively simple to the extremely complex, and are invited to explain how their respective agency would respond if it were confronted with unexpected activities at sea. By the end of the exercise, both IMO and the host country have a reasonably accurate picture of the predominating gaps and inconsistencies in that country, and where IMO, (in partnership with other agencies where appropriate), could potentially offer technical assistance to enhance that country's coastguard function capabilities.

To date, IMO has conducted table-top exercises in a total of 10 countries in three languages, with a further seven planned for 2014. Thanks to funding from the Government of Norway, table-top exercises will be offered to Angola, Benin, Cameroon, Cape Verde, Guinea, Nigeria and Togo during the course of 2014.

It is important to stress that such support is at the request of the Member State. Indeed, as a direct consequence of a table-top exercise conducted in Monrovia in late 2012, MSD is presently collaborating with the Liberia Maritime Authority to help it to operationalise its national maritime security strategy. Other states have also expressed an interest in working with IMO to bolster their maritime security as a direct result of the table-top exercises.

The most recent such exercise was hosted by Gabon, in Libreville, towards the end of 2013. Alain Régis Gnambault Kaka, advisor to the Director General on maritime security, has been instrumental in all aspects relating to the implementation of the International Ship and Port Facility Security Code (ISPS) in Gabon since 2003. He has supervised the installation of the requisite port facilities, organised programmes to train Port Facility Security Officers (PFSOs) and has overseen the implementation of measures to facilitate inspections and audits by external experts.

Mr Gnambault Kaka admitted there was certainly room to improve the prevailing inter-agency co-ordination and collaboration which he described as 'compartmentalised'. Surprisingly, IMO learned that this was the first time that major Government departments had come together round the same table and that certain key personnel had come face to face with each other, let alone discuss matters of national security. Mr Gnambault Kaka went on to say that he hoped that the table-top exercise would encourage the authorities "...to put in place a regulatory framework that would make 'l'action de l'état en mer' a reality." Effective coordination, reflection and action were required, he said.

The concept of Action de l'Etat en mer (AEM) is a French system of action at sea which is coordinated by the Prime Minister and involves all the competent Government departments which have the resources pertinent to, and jurisdiction over, the maritime domain. Today, AEM boasts a number of missions around the globe involving at least ten French Departments whose competences are similar to the coastguard functions outlined above.

For the last four years, Wilfrid Obame Nze has



been stationed in Moyen-Ogooué, central Gabon, working as Regional Director of Maritime Affairs and as a Maritime Security Inspector. He is responsible for inspecting vessels and port facilities to check their security compliance with ISPS regulations. His work includes conducting annual compulsory checks and unannounced inspections as well as undertaking security evaluations.

When asked why Gabon had extended the invitation to IMO, he replied that Gabon was keen to host a table-top exercise as it would give them an opportunity to explore various scenarios to test their preparedness to respond to an infringement of maritime security, something they had not been able to do since the ISPS Code was introduced in the country. IMO's timing coincided perfectly with the restructuring and streamlining of all agencies involved in the maritime security domain that is currently underway. To this end, it was envisaged that the table-top exercise would assist them in creating a common framework whereby all the agencies concerned could join forces to share and exchange information more effectively, possibly even establish a central coordination centre, which would not only enable Gabon to make decisions rapidly and thus intervene appropriately, but that ultimately, the Government could benefit financially by saving costs. Despite this awareness that Gabon needs to take action, Mr Obame Nze stressed that it was imperative that the dialogue and thinking continue after the exercise so that a suitable structure could be put in place.

All in all, there is no doubt that the table-top exercise had a positive outcome and that the officials displayed a palpable will to improve the safety and security of their national coastal waters.

A 2013 exercise in Gabon is helping to address a compartmentalized approach to maritime security

“Officials displayed a palpable will to improve the safety and security of their national coastal waters”

Mr Gnambault Kaka (below left) has been instrumental in ISPS Code implementation in Gabon

“Dialogue is imperative” stresses Mr Obame Nze (below)





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IMO Assembly adopts mandatory audit scheme

The IMO Assembly, meeting for its 28th session in London, adopted key resolutions and amendments relating to the Organization's mandatory audit scheme, paving the way for the scheme to come into effect by 2016 once amendments to mandatory instruments have entered into force

The mandatory audit scheme is seen as a key tool for assessing Member States' performance in meeting their obligations and responsibilities as flag, port and coastal States under the relevant IMO treaties and then offering the necessary assistance, where required, for them to meet their obligations fully and effectively.

The Assembly adopted the IMO Instruments Implementation Code (III Code), which provides a global standard to enable States to meet their obligations as flag, port and/or coastal States; the Framework and Procedures for the IMO Member State Audit Scheme; the 2013 non-exhaustive list of obligations under instruments relevant to the III Code; and a resolution on transitional arrangements from the voluntary to the mandatory scheme.

The Assembly also adopted amendments to the International Convention on Load Lines, 1966; the International Convention on Tonnage Measurement of Ships, 1969; and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, to make the use of the III Code mandatory in auditing Member States to determine how they give full and complete effect to the provisions of those Conventions to which they are party.

Following this, the Organization is expected, during 2014, to adopt similar draft amendments (which have already been approved by the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC)) to the International Convention for the Safety of Life at Sea, 1974, as amended; the Protocol of 1988 relating to the

Delegates from IMO Member States, the shipping industry, environmental groups and inter-governmental organizations packed IMO's 28th Assembly





Secretary-General Sekimizu introduced delegates to a busy agenda for the 28th IMO Assembly

International Convention on Load Lines, 1966; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended; and Annexes I to VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and its 1997 Protocol, as amended.

The adoption of the various amendments and their entry into force will form the basis for an institutionalized audit scheme.

Strategic plan and budget

The Organization's updated strategic and high-level action plans and the related results-based budget for 2014 to 2015 were adopted by the Assembly. The Assembly approved a budget of £64,304,000 for 2014 to 2015, comprising an appropriation of £31,686,000 for 2014 and £32,618,000 for 2015.

Adoption of resolutions

The Assembly adopted a number of resolutions submitted by the various IMO Committees and by the Council's 27th Extraordinary Session. The topics covered by such resolutions included:

- prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea;
- guidelines on the preservation and collection of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of persons affected;
- revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations;
- revised guidelines for a structure of an integrated system of contingency planning for shipboard emergencies;
- guidelines to assist investigators in the implementation of the Casualty Investigation Code;
- fair treatment of crew members in respect of shore leave and access to shore-side facilities;
- recommendations for the training and certification of personnel on mobile offshore units (MOUs);
- application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004;
- entry into force and implementation of the 2012 Cape Town Agreement on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977;
- implementation of the Convention on Facilitation of International Maritime Traffic (FAL);
- voluntary application of the IMO Ship Identification Number Scheme to fishing vessels of 100 gross tons and above;
- amendments to the survey guidelines under the Harmonized System of Survey and Certification (HSSC);
- guidelines for the designation of special areas under MARPOL;
- amendments to the International Convention on Load Lines, 1966 (1966 LL Convention), to shift the Winter Seasonal Zone off the southern tip of Africa further southward by 50 miles;
- recommendation on the use of adequately qualified deep-sea pilots in the North Sea, English Channel and Skagerrak; and in the Baltic Sea; and
- recommendation on the use of national tonnage in applying international conventions.

Council 111th session

The Council met for its 111th session on 4 December, and re-elected Mr Jeffrey G. Lantz (United States) as its Chairman and Mr Dumisani Ntuli (South Africa) as its Vice-Chairman.

Assembly background

The 28th Assembly of IMO met in London at IMO Headquarters from 25 November to 4 December 2013. It was attended by more than 1,100 representatives from 159 Member States and two Associate Members; one non-Member; the World Meteorological Organization (WMO) and the Food and Agriculture Organization of the United Nations (FAO); and from 12 intergovernmental organizations with which agreements of cooperation have been concluded, 31 international non-governmental organizations in consultative status, and the World Maritime University (WMU).

All 170 Member States and three Associate Members are entitled to attend the Assembly, which is IMO's highest governing body. The intergovernmental organizations with which agreements of cooperation have been concluded and international non-governmental organizations in consultative status with IMO are also invited to attend.

The Assembly normally meets once every two years in regular session. It is responsible for approving the work programme, voting the budget and determining the financial arrangements of the Organization. It also elects the Organization's 40-Member Council.

His Excellency Mr Eduardo Medina-Mora, Former Ambassador Extraordinary and Plenipotentiary of Mexico and outgoing President of the IMO Assembly, addresses the meeting



Draft mandatory Polar Code and amendments agreed in principle

The draft text of the mandatory international code for ships operating in polar waters (Polar Code) and proposed draft amendments to IMO's safety and pollution prevention treaties to make it mandatory, were agreed, in principle, by the Sub-Committee on Ship Design and Construction (SDC), which was meeting for its first session (following the restructuring of IMO Sub-Committees).

The draft Polar Code covers the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to ships operating in the inhospitable waters surrounding the two poles.

The draft Polar Code includes mandatory measures covering safety part (part I-A) and pollution prevention (part II-A) and recommendatory provisions for both (parts I-B and II-B).

The Code would require ships intending to operate in the defined waters of the Antarctic and Arctic to apply for a Polar Ship Certificate, which would classify the vessel as a *Category A ship* – ships designed for operation in polar waters at least in medium first-year ice, which may include old ice inclusions; a *Category B ship* – a ship not included in category A, designed for operation in polar waters in at least thin first-year ice, which may include old ice inclusions; or a *Category C ship* – a ship designed to operate in open water or in ice conditions less severe than those included in Categories A and B.

The issuance of a certificate would require an assessment, taking into account the anticipated range of operating conditions and hazards the ship may encounter in the polar waters. The assessment would include information on identified operational limitations, and on plans or procedures or additional safety equipment necessary to mitigate incidents with potential safety or environmental consequences.

Ships would need to carry a Polar Water Operational Manual, to provide the owner, operator, master and crew with sufficient information regarding the ship's operational capabilities and limitations in order to support their decision-making.

The chapters in the Code each set out goals and functional requirements, to include those covering ship structure; stability and subdivision; watertight and weathertight

integrity; machinery installations; operational safety; fire safety/protection; life-saving appliances and arrangements; safety of navigation; communications; voyage planning; manning and training; prevention of oil pollution; prevention of pollution from noxious liquid substances from ships; prevention of pollution by sewage from ships; and prevention of pollution by discharge of garbage from ships.

The Sub-Committee agreed, in principle, to a draft new chapter XIV "Safety measures for ships operating in polar waters", of the International Convention for the Safety of Life at Sea (SOLAS), to make the Code (Introduction and part I-A) mandatory, for forwarding to the Maritime Safety Committee (MSC), which next meets in May, for consideration.

Also, proposed draft amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL), to make the Polar Code (Introduction and part II-A) mandatory under Annexes I (prevention

of pollution by oil), II (noxious liquid substances), IV (sewage) and V (garbage) were also agreed, in principle, for forwarding to the Marine Environment Protection Committee (MEPC), which next meets end of March/beginning of April.

The draft chapter of the Polar Code relating to training and manning will be referred to the Sub-Committee on Human Element Training and Watchkeeping (HTW), which meets in February, for further review, while the draft chapters on fire protection/safety and life-saving appliances will be referred to the Sub-Committee on Ship Systems and Equipment (SSE), which meets in March. The draft chapters on Safety of navigation and Communication will be referred to the Sub-Committee on Navigation, Communication and Search and Rescue (NCSR) in June/July. All three Sub-Committees will report on their work to the MSC and MEPC.

Work in developing the mandatory Polar Code followed the adoption by the IMO

Ships operating in ice will fall into one of three categories, according to the Code



Safety measures for offshore construction vessels were under consideration at SDC 1



Assembly, in 2009, of recommendatory Guidelines for ships operating in polar waters (Resolution A.1024(26)).

The main work on this code has been carried out by IMO's Sub-Committee on Ship Design and Construction (SDC), taking over from the Sub-Committee on Ship Design and Equipment (DE), which since 2010 has dedicated a substantive portion of its annual meeting to the matter. In between meetings, a polar code correspondence group has been progressing the work. An intersessional meeting of the Polar Code Working Group was held in October 2013.

Draft unified interpretations to the 1969 Tonnage Measurement Convention agreed

The Sub-Committee agreed draft unified interpretations to the International Convention on Tonnage Measurement of Ships, 1969, intended to clarify the application of the Convention.

The circular, which will be forwarded to the MSC for approval, includes detailed interpretations related to definitions and calculations used to determine the gross tonnage of a ship. The draft interpretations update and supersede the previous circular, issued in 1994 as TM.5/Circ.5.

The meeting also discussed the development of a reduced gross tonnage parameter for accommodation spaces, and agreed to further work on this matter at the next session.

Draft guidance for offshore wind farm vessels developed

The Sub-Committee reviewed and further developed draft *Guidelines for offshore*

service craft (OSC), intended to provide safety construction and other measures for OSC engaged in support and service for the construction and maintenance of offshore renewable-energy installations or structures and their related infrastructures; and draft *Guidelines for offshore construction vessels (OCV)*, intended to provide guidance for the design and construction of new offshore wind farm construction vessels, with a view to promoting the safety of such vessels and their personnel, recognizing their distinct and innovative design features and service characteristics.

A correspondence group was established to finalize both sets of guidelines ahead of the next SDC session.

Draft definition for industrial personnel developed

The Sub-Committee noted a draft definition of "industrial personnel", developed by a working group, to mean "all persons who are not passengers or members of the crew or children of under one year of age and who are transported or accommodated on board for the purpose of offshore industrial activities". The aim in developing the definition is to address the carriage of more than twelve industrial personnel on board vessels engaged on international voyages, in order to harmonize the current industry practice and differing national domestic requirements with the international regulatory framework.

The Sub-Committee invited the correspondence group on offshore wind farm vessels to develop guidance on how the definition of industrial personnel should be used in practice and agreed to

recommend to the MSC that a definition of industrial personnel could, for now, be included in the proposed guidelines for offshore wind farm vessels.

IMO mandatory instruments do not define industrial personnel, although the non-mandatory *Guidelines for the Design and Construction of Offshore Supply Vessels, 2006*, and the 2008 Special Purpose Ship Code, restrict the carriage of industrial personnel on an international voyage to not more than twelve. More than twelve industrial personnel on board a vessel would, if considered in the context of the SOLAS Convention, require a passenger ship standard. The lack of a clear definition for industrial personnel and appropriate categorizations leads to different national interpretations.

Amendments to SOLAS chapter II-1 agreed

The Sub-Committee agreed, in principle, to the proposed amendments to SOLAS chapter II-1 subdivision and damage stability regulations, noting that further work was still needed in relation to some of the requirements.

Following discussion in a working group with regards to proposals to increase the required subdivision index "R" for new passenger ships, the Sub-Committee agreed in principle to a moderate phase-1 increase, taking into account the number of people on board a ship.

The required subdivision index "R" is a formula used to determine the probability of survival of a ship, and is dependent on ship size, number of passengers or other factors. Important considerations are the probability of flooding each single compartment and each possible group of two or more adjacent compartments; and the probability that the stability after flooding a compartment or a group of two or more adjacent compartments will be sufficient to prevent capsizing or dangerous heeling due to loss of stability or to heeling moments in intermediate or final stages of flooding.

The harmonized SOLAS regulations on subdivision and damage stability, as contained in SOLAS chapter II-1, are based on a probabilistic concept which uses the probability of survival after collision as a measure of ships' safety in a damaged condition. The current revision of the regulations is taking into account a number of recent studies, such as the EU-funded GOAL based Damage Stability project (GOALDS).

A previous comprehensive revision of the regulations was completed in 2006 and those amendments entered into force on 1 January 2009. The focus of the current revision is on some of the calculations used

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to determine the probability of survival, particularly for passenger ships.

Safe return to port guidance and regulations discussed

The Sub-Committee further considered matters related to safe return to port and agreed that a stepped approach should be taken on developing guidance for the approval of damage stability modules for safe return to port. In addition, the Sub-Committee agreed on the list of action items to be considered when further developing above guidelines. To progress the work intersessionally, the Sub-Committee established a correspondence group to further develop draft guidelines for the approval of damage stability modules for safe return to port, for consideration at SDC 2.

Expansion of mandatory passenger evacuation analysis to all passenger ships agreed

Following a review of current regulations relating to evacuation analysis for passengers, the Sub-Committee agreed that more time was necessary to consider matters related to the development of amendments to SOLAS to make the application of evacuation analysis to new and existing passenger ships mandatory.

SOLAS regulation II-2/13.7 mandates the conduct of evacuation analyses for ro-ro passenger ships, and for other passenger ships. The relevant regulations and guidelines are only applied on a voluntary basis or sometimes in the case of alternative design.

To expedite the consideration of this important issue, in light of the **Costa Concordia** accident, several delegations stated that they intended to submit a proposal to MSC 93 to expand the existing work on this matter, to include development of amendments to SOLAS to make evacuation analyses mandatory for all passenger ships.

Protective location criteria for LNG fuel tanks endorsed

The Sub-Committee endorsed draft protective location criteria for liquefied natural gas (LNG) fuel tanks, for inclusion in the draft international code of safety for ships using gases or other low-flash point fuels (IGF Code). The IGF Code is currently being developed, under the coordination of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (formerly the Sub-Committee on Dangerous Goods, Solid cargoes and Containers (DSC)).

Development of second-generation intact stability criteria continued

The Sub-Committee continued its work on developing second-generation intact stability criteria and agreed an updated action plan. The aim is to finalize draft second-generation intact stability criteria at the next session, so that they can be circulated, to encourage Member States to apply them and submit the experience gained to the Sub-Committee.

The correspondence group was re-established to further the work, including finalize the draft text of amendments to the 2008 Intact Stability (IS) Code regarding vulnerability criteria and standards. The 2008 IS Code provides both mandatory requirements and recommended provisions relating to intact stability.

Unified interpretations agreed

The Sub-Committee agreed draft unified interpretations, for submission to the MSC for approval, relating to the application of the *Performance standard for alternative means of corrosion protection for cargo oil tanks of crude oil tankers* (resolution MSC.289(87)); and the application of the *Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (PSPC-COT) (resolution MSC.288(87)).

SUB-COMMITTEE ON POLLUTION PREVENTION AND RESPONSE (PPR) | 1ST SESSION | 3 – 7 FEBRUARY 2014

Diesel engine guidelines agreed

Two sets of draft guidelines concerning the implementation of regulation 13 “Nitrogen oxides” of MARPOL Annex VI were agreed by the Sub-Committee on Pollution Prevention and Response (PPR), when it met for its 1st session. The regulation requires marine diesel engines installed on ships constructed before 2000 to meet the emission limits and for an approved method for that engine to be certified by an Administration of a Party.

The Sub-Committee agreed, for adoption by MEPC 66, draft 2014 *Guidelines in respect of the information to be submitted by an Administration to the Organization covering the certification of an Approved Method as required under regulation 13.7.1 of MARPOL Annex VI* (relating to “Marine Diesel Engines Installed on a Ship Constructed Prior to 1 January 2000”); and draft 2014 *Guidelines on the Approved Method process*.

Definition for emissions of black carbon from international shipping discussed

The Sub-Committee discussed the report of a correspondence group relating to the impact on the Arctic of emissions of black carbon from international shipping. Following discussion in a working group, the Sub-Committee noted that two possible technical definitions had been discussed, namely, equivalent Black Carbon (eBC) – which could be defined as “*equivalent Black Carbon (eBC) derived from optical absorption methods, that utilizes a suitable mass-specific absorption coefficient*” and Light-Absorbing Carbon (LAC) – which could be defined as “*light absorbing carbonaceous compounds (LAC), resulting from the incomplete combustion of fuel oil*”. The Sub-Committee also noted a number of appropriate measurement methods that could support the above-mentioned proposed definitions.

Future control measures and how they would be implemented would depend on the agreed definition and measurement methods. The whole issue was referred to the Marine Environment Protection Committee (MEPC) for further discussion and guidance.

Reclassification of high-viscosity PIB agreed

Following the decision in the Evaluation of Safety and Pollution Hazards (ESPH) Working Group to recommend the reclassification of high-viscosity PIB (Polyisobutylene) the Sub-Committee agreed to a new entry in chapter 17 of the IBC Code for poly(4+)isobutylene, as a pollution category X, for carriage by ship, thereby prohibiting the discharge of cargo residues into the sea, and approved the addition of “Highly Reactive Polyisobutylene” as a synonym in chapter 19 of the IBC Code.

Previously, PIB was classified as a ‘category Y’ material but there was no differentiation between high or low viscosity grades. Low-viscosity PIB will remain as a ‘category Y’ product.

The ESPH working group, during the PPR session, also discussed issues related to the discharge of high-viscosity and persistent floating products and noted that further evaluation was needed, with respect to issues such as definitions of these substances, effectiveness of stripping operations and availability/adequacy of reception facilities.

Meanwhile, the Sub-Committee approved the report of the Evaluation of Safety and Pollution Hazards (ESPH) Working Group, including the evaluation of eight new products and 25 cleaning additives.

Development of a new offshore support vessels chemicals code

The Sub-Committee continued its work on developing a draft *Code for the Transport and Handling of Limited Amounts of Hazardous and Noxious Liquid Substances in Bulk in Offshore Support Vessels (OSV Chemical Code)* and agreed to refer relevant sections dealing with stability, cargo transfer and fire fighting to the Sub-Committees on Ship Design and Construction (SDC) and Ship Systems and Equipment (SSE) for their input.

The aim is to develop a consistent regulatory framework for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels with a single certification scheme, taking into account

Control of black carbon emissions was a key topic of discussion at PPR 1



the complex and continued evolution of the offshore industry as well as the unique design features and service characteristics of these vessels.

Further Ballast Water Management (BWM) Convention guidance developed

The Sub-Committee agreed, in principle, to the draft *Guidance on stripping operations using eductors*, for further consideration by MEPC 66, with a view to approval.

The Sub-Committee also noted, with appreciation, the financial support provided by Canada and Denmark for the development of manual on “Ballast Water Management – How to do it” and the offers

of support from other delegations. It is intended that a first draft of the manual will be submitted to the next session (PPR 2) for consideration.

Pollution preparedness and response guidance reviewed

The Sub-Committee reviewed the work of the OPRC-HNS Technical Group, which develops guidance and discusses matters related to pollution preparedness and response to oil and hazardous and noxious substances and will, in future, conduct its work in the framework of the PPR Sub-Committee. It agreed to establish a correspondence group to complete the draft part III of the IMO Dispersant Guidelines and develop a draft part IV of these Guidelines; and draft *Guidelines on International Offers of Assistance*.

Future work will include the development of a Guide on Oil Spill Response in Ice and Snow Conditions; revising section II of the Manual on Oil Pollution Contingency planning; and finalization of the IMO Dispersant Guidelines.

Draft circular on products requiring oxygen-dependent inhibitors agreed

The Sub-Committee agreed a draft MSC-MEPC circular on products requiring oxygen-dependent inhibitors, for submission to MEPC 66 and MSC 93 for approval. The draft circular relates to proposed amendments to SOLAS and the IBC Code with respect to the application of inert gas when carrying low flashpoint cargoes and would require the *Certificate of Protection* to state “whether the additive is oxygen-dependent and if so, the minimum level of oxygen required in the vapour space of the tank for the inhibitor to be effective”.



A regulatory framework for the carriage of chemicals aboard offshore support vessels is under development

Guidance on security certification for seafarers agreed

Guidance on training and certification requirements for ship security officers and seafarers with designated security duties has been agreed by IMO, to address practical difficulties seafarers have reportedly experienced in obtaining the necessary security certification under the 2010 Manila amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and STCW Code.

The guidance recommends that, until 1 July 2015, relevant training under section 13 (*Training, drills and exercises on ship security*) of the International Ship and Port Facility Security (ISPS) Code should be accepted as being equivalent to that required under the STCW Convention and Code.

The guidance was agreed by the Sub-Committee on Human Element, Training and Watchkeeping (HTW), meeting for its first

session from 17 to 21 February 2014, which expressed its concern that large numbers of seafarers were reportedly unable to have access to approved training courses or were unable to be issued certification of security-related training in accordance with the STCW regulations.

The Sub-Committee approved an STCW circular on *Advice for port State control officers, recognized organizations and recognized security organizations on action to be taken in cases where seafarers do not carry certification required in accordance with regulation VI/6 of the STCW Convention and section A-VI/6, paragraphs 4 and 6 of the STCW Code after 1 January 2014.*

It also approved an STCW circular on *Advice for port State control officers, recognized organizations and recognized security organizations clarifying training and certification requirements for ship security officers and seafarers with designated security duties*, which agrees that ship security officer (SSO) training encompasses the competence requirements of the STCW Code (section A-VI/6). Therefore, holders of SSO certificates should not be required to undergo further training and obtain certification.

STCW revisions to accommodate Polar Code developed

The Sub-Committee made progress in developing draft amendments to update certification and training requirements for officers and crew serving on board ships operating in polar waters in chapter V of the STCW Convention and Code, to reflect training requirements in the draft mandatory Code for ships operating in polar waters (Polar Code).

Meanwhile, the Sub-Committee endorsed chapter 13 on training and certification for ships operating in polar waters of the draft Polar Code. The draft Polar Code is expected to be finalised and adopted during 2014.

Guidance for training on board ships using gases or low flash-point fuel endorsed

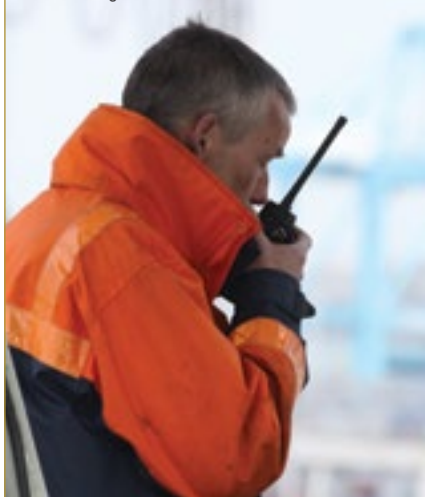
The Sub-Committee endorsed interim guidance on training for seafarers on board ships using gases or other low flashpoint fuels, for approval by the MSC. The guidance is intended as interim, pending the entry into force of the International Code of Safety for ships using gases or low-flashpoint fuels (IGF Code). The draft IGF Code is expected to be finalised this year.

Draft amendments to the STCW Convention, part A of STCW Code and part B of STCW Code were also agreed, to provide the mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code.

Review of passenger-ship specific training initiated

The Sub-Committee began a review of passenger-ship specific safety training, in the light of the **Costa Concordia** accident. A correspondence group was established, to prepare draft amendments to the STCW Convention and Code providing revised requirements for passenger-ship specific safety training, taking into account a proposal submitted to the Sub-Committee for the development of basic emergency training for all personnel working on board passenger-ships to facilitate seafarer communications with passengers, as well as specific training for those having specific responsibility for the safety of passengers in emergency situations.

ISPS Code training is to be considered equivalent to STCW training as an interim measure



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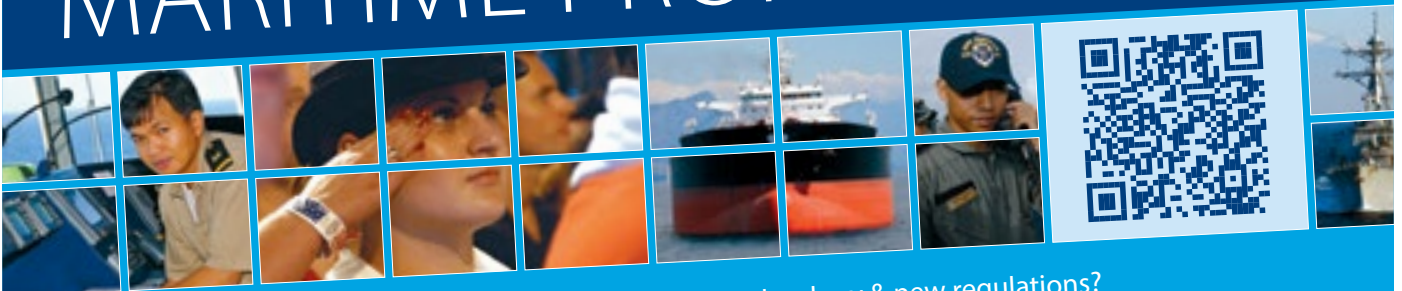
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IMO and the protection of the marine environment – part one

Thomas A. Mensah

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, 2013 winner Thomas A. Mensah, former President of the International Tribunal for the Law of the Sea and Assistant Secretary-General of IMO, shares his views on IMO's work to protect the marine environment. The views expressed are those of the author and do not represent IMO position or policy

The International Maritime Organization (IMO) is rightly recognized as one of the organizations of the United Nations system that have played a major role in the development of international environmental law. It has been responsible for the adoption of a large body of international conventions and instruments for the protection of the marine environment, particularly the prevention and control of marine pollution from ships. Rather paradoxically, the development of environmental law or the adoption of environmental conventions was not one of the objectives that the founding fathers of IMO (IMCO) had in mind when the organization was first conceived, and the prevention and control of pollution did not feature in the purposes and functions of IMO when it was established by the 1948 IMCO Convention (The Convention on the Inter-Governmental Maritime Consultative Organization). Indeed it was not until 1975 that specific reference to "the prevention and control of marine pollution from ships" was formally introduced into the Constitution of the organization (the IMO Convention).

In spite of this, IMO has played a truly significant role in the development of international environmental law, and it has made important contributions to the law for the protection and preservation of the marine environment. According to the 1982 United Nations Convention on the Law of the Sea, protection and preservation of the marine environment involves, among others, adoption of "measures to prevent, reduce, and control pollution of the marine environment" as well as "implementation and development of law relating to

responsibility and liability for the assessment of and compensation for damage, and the settlement of related disputes and, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds". In all these areas, IMO has been instrumental both in the adoption of measures and in the development of the law.

IMO (as IMCO) first met in 1959 but international efforts to address marine pollution preceded that date



In establishing and operating its programme of work, IMO has made important contributions to the development and clarification of international law, especially the law for the protection and preservation of the marine environment.

IMCO and pollution of the sea

The process of harnessing international cooperation to prevent marine pollution from ships actually commenced sometime before IMO (IMCO) started operations in 1959. A conference convened by the Government of the United Kingdom in 1954 had adopted regulations to deal with the problem posed by discharges of oil and oily wastes from ships into the territorial seas of States. The conference adopted the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, (the 1954 Oil Pollution Convention). Depository and related functions under the 1954 Convention were assigned to the Government of the United Kingdom, but on the understanding that these functions would be transferred to IMO (IMCO), when the new organization formally came into existence and commenced operations. The 1954 Oil Pollution Convention entered into force on 26 July 1958, soon after the entry into force of the IMCO Convention on 17 March 1958. At its first session in January 1959, the Assembly of IMCO agreed that the depository and related functions for the 1954 Convention should be performed by the new organization, and these functions were duly transferred to IMCO. Thus, IMCO became associated with the prevention of marine pollution from ships at the very beginning of its life as a functioning institution.

Although the 1954 Oil Pollution Convention went some way to deal with the problem of marine pollution by oil, the rapid growth in the trade in and transport of oil, as well as increasing developments in industrial practices, made it increasingly clear that further measures would be needed. However, there was not much enthusiasm among governments for any further measures at the time: the international community did not appear to be overly concerned about the risks posed to the marine environment by the increase in the maritime transport of oil. This attitude was to undergo a radical change in the late 1960s, largely as a result of the Torrey Canyon accident in 1967.

The Torrey Canyon incident

In the spring of 1967 the Liberian registered vessel, the Torrey Canyon, ran aground after entering the English Channel, spilling her entire cargo of 120,000 tons of crude oil



The Torrey Canyon incident of 1967 was a major catalyst for IMO's environmental work

into the sea. This resulted in the biggest oil pollution incident ever recorded at the time. The incident raised serious questions about, among others, the measures that a State could properly take when threatened with oil pollution by an accident involving a tanker, and also with regard to the party to be held liable for compensation for the damage caused, and the basis of such liability. The general view at the time was that the existing law was not adequate to deal with these issues.

In reaction to the incident, the Council of IMCO adopted a "plan of action" which included the development of technical and legal measures to tackle the problem in a comprehensive manner. A major part of this plan of action was to convene an international conference in 1973 to prepare a suitable international agreement that would place "restraints on the contamination of the sea, land and air by ships".

The 1973 Diplomatic Conference

As envisaged, a diplomatic conference was duly convened in 1973. The conference adopted the International Convention for the Prevention of Pollution from Ships, 1973 which was subsequently modified by a Protocol adopted in 1978. The 1973 Convention, as modified by the 1978 Protocol, is generally referred to as MARPOL73/78. MARPOL73/78, with its subsequent amendments, is widely recognized as the most important single treaty regime for the prevention of marine pollution from ship-borne substances. MARPOL contains regulations for the prevention, reduction and control of accidental and operational pollution of the sea by oil and other substances carried on

board ships, including chemicals, goods in packaged form as well as ship generated garbage and sewage. A later amendment has extended the scope of the Convention to cover air pollution from ships.

The Legal Instruments

In addition to MARPOL, IMCO developed two legal treaty instruments. These were intended to address the two important legal questions that had been raised by the Torrey Canyon incident. The first question related to the measures which a coastal state can legitimately take to protect its interests when a maritime casualty threatens serious pollution damage to its territory. The second question concerns issues of liability and compensation, in particular which party that should be obliged to pay compensation for environmental damage caused by such an accident, and how the compensation is to be calculated.

On the first issue, namely, what measures can legitimately be taken by a State to protect itself from the environmental consequences of a maritime casualty, the IMCO Council requested the newly established Legal Committee to prepare a draft international convention specifying the nature and limits of measures that a coastal State can take in such circumstances. A diplomatic conference convened in 1969 adopted the draft convention as the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. This Convention affirmed that a coastal state has the right to take reasonable measures of intervention to prevent or minimize pollution damage to its coastline and related interests from oil escaping or discharged from a ship following



MARPOL's most recent annex addresses air pollution

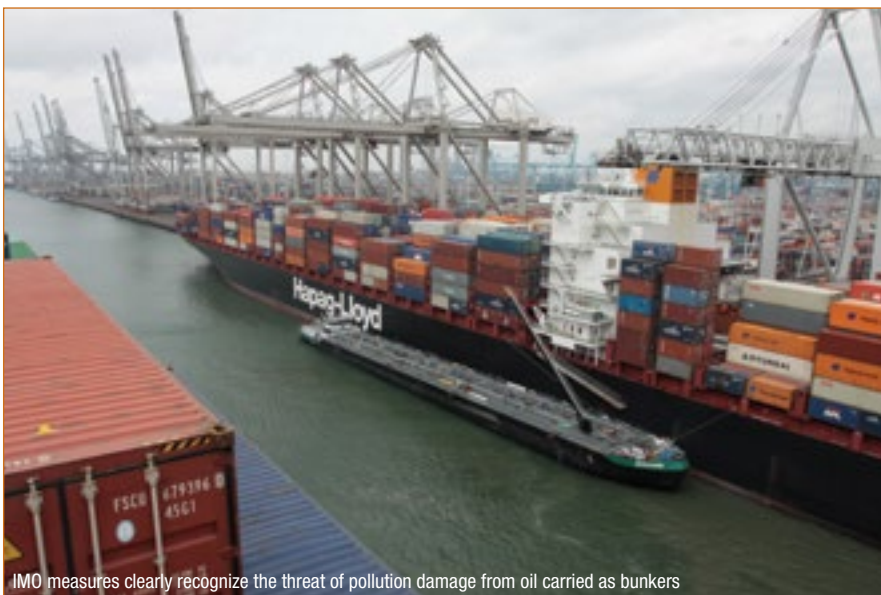
an accident. This provision of the 1969 IMO convention is now enshrined and recognized as a general principle of international environmental law under the 1982 United Nations Convention on the Law of the Sea (Article 221).

On the issue of liability and compensation, two new conventions were ultimately developed by IMCO. The first, the 1969 International Convention on Civil Liability for Oil Pollution Damage (1969 CLC), establishes a regime under which States and persons who suffer pollution damage can seek compensation for the damage suffered. The 1969 Convention provides that the owner of the tanker from which oil has been discharged or escaped is directly liable to pay compensation for pollution damage caused by the discharge

or escape. This liability is strict, with very limited exonerations. It also requires the owner to take and maintain insurance to cover his liability under the Convention, thus ensuring that compensation will in fact be available. IMO subsequently adopted a similar convention to cover liability for damage caused by the discharge or escape of oil from the bunkers of a ship.

The second convention adopted by IMCO was the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (1971 Fund Convention). Described as "supplementary" to the 1969 Civil Liability Convention, this Convention's purpose is to ensure that adequate compensation will be available to persons who suffer

pollution damage if compensation under the 1969 Convention is either insufficient to cover the damage caused or if, for some reason, a victim is unable to obtain any compensation under the 1969 Convention. The 1969 and 1971 treaties were amended in 1992 by two protocols (the Protocol of 1992 Relating to the 1969 Civil Liability Convention, and the Protocol of 1992 Relating to the 1971 Compensation Fund Convention). The main purpose of the 1992 Protocols was to increase the level of compensation payable to victims of damage and to establish a dependable mechanism for similar increases in the future. A Protocol adopted in 2003 establishes a further tier of compensation and thus increases the total amount of compensation available to victims of damage in the States which accept the Protocol.



IMO measures clearly recognize the threat of pollution damage from oil carried as bunkers

Areas of IMO's Contribution

IMO's contribution to the development of international law and procedures for the prevention and preservation of marine pollution has been in two main areas, namely,

- the development of international regulations, standards and procedures;
- the elaboration and clarification of international legal principles and norms.

Adoption of regulations for the prevention of accidental pollution

The IMO regime for the prevention of accidental pollution is not confined to the provisions of the conventions and regulations specifically described as intended to prevent marine pollution. An important and crucial component of the regime is in provisions of the conventions and other instruments intended to promote "safety of navigation". By helping to reduce the possibility of accidents to ships carrying cargoes and substances that can cause pollution, these "safety of navigation" regulations and standards constitute an essential part of the programme to protect the marine environment from pollution from the various substances that are carried on board ships. Among the "safety of navigation" conventions are

- the 1974 SOLAS Convention and its amendments;
- the 1966 Convention on Load Lines;
- the 1972 Convention for the Prevention of Collisions at Sea; and
- the 1978 Convention on Standards of Training, Certification and Watchkeeping of Seafarers

These conventions are supplemented by a large number of Codes, Guidelines and Recommendations adopted from time to time by the Assembly of IMO or its relevant technical committees.

Adoption of regulations for handling marine pollution emergencies

The second group of regulations developed by IMO prescribe measures to be taken when an accident has occurred, in order to prevent or minimize pollution. Member States of IMO recognize that the various measures adopted to prevent accidents to ships, and to manage cargoes on board, may not achieve a hundred percent success. Specifically they accept that some accidents will happen and they have, therefore, found it necessary and advisable to develop measures that States and relevant actors should take to prevent or reduce pollution of the marine environment when accidents do occur. For this purpose a number of international agreements and standards have been adopted by IMO. In general the conventions, agreements and

codes stipulate measures that States are authorized or required to take to deal with accidents which threaten pollution to the marine environment. They also impose obligations on various actors engaged in the operation and management of ships, including, in particular, owners of ships and members of the crews of ships which carry potentially polluting substances. The obligations imposed by these conventions and codes relate, inter alia, to the construction, equipment and manning of the ships, the handling of substances on board the ships, the maintaining of records of operations at sea, as well as arrangements and procedures to anticipate accidents to ships or on board ships, and to deal with emergencies arising from any such accidents.

Rights of coastal states

As noted above, one of the issues raised by the Torrey Canyon accident related to action that could legitimately be taken by a coastal state to prevent or minimize pollution resulting from shipping incidents. This question was partly answered by the provision in the 1969 Convention which affirmed the right of a coastal state to take such measures on the high seas as



Measures to enhance the safety of navigation make their own contribution to pollution prevention

may be necessary to prevent, mitigate or eliminate grave and imminent danger of pollution from a maritime casualty. The 1969 Convention applies only to incidents involving ships carrying oil, as defined in the Convention. It was soon agreed that this

restriction could not be justified so a new Protocol was adopted in 1973 to extend the scope of the Convention to cover accidents involving vessels carrying potentially polluting substances other than oil. A list of the substances within the scope of the Protocol



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was to be established and kept up to date by the Legal Committee of IMO, working in close cooperation with the Marine Environment Protection Committee (MEPC) of IMO.

Subsequently IMO found it necessary to consider further measures that States might take to deal with maritime accidents that threaten to cause pollution to the marine environment in general. To ensure that States and other entities would be adequately prepared to respond to such emergencies, it adopted the Convention on Oil Pollution Preparedness, Response and Cooperation, 1990. The purpose of this Convention is to ensure that coastal States are able, prepared and suitably equipped, to take the measures necessary to prevent, mitigate or avoid serious pollution from maritime casualties. Parties to the convention are required to establish measures or arrangements for dealing with pollution incidents, either individually or in cooperation with other countries. In particular, they are required to establish stockpiles of oil spill combating equipment, to hold oil spill combating exercises and to develop detailed plans for dealing with oil pollution emergencies.

Special obligations

The 1990 Convention also imposes special obligations on operators of ships. Among others, the Convention makes it mandatory for tankers to carry shipboard oil pollution emergency plans which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents. The masters and crews of ships are also required to report to the appropriate coastal states any incident of oil pollution involving their ship.

In addition to measures and prescriptions to prevent accidental pollution from ships, IMO has developed a number of standards and practices with a view to eliminating and reducing the possibility of damage to the marine environment from activities on board ships. These include practical procedures and practices to be adopted by oil tankers and other ships carrying substances that can cause pollution of the sea. Examples of these procedures and practices are:

- The system of “load on top” for the carriage of ballast water. Under this system oil taken on board a tanker as new cargo is loaded “on top” of any oily water mixture from previous carriage that may be in the cargo tank. The oily mixture can thus be retained in the tanks until it can safely be discharged into appropriate reception facilities at the next port of call. This obviates the need and temptation for the crew to dispose of the oily-water mixture at sea.
- Another procedure introduced to prevent “operational pollution” by oil was the method of “crude oil washing” by which oil tanks are cleaned not with sea water, as previously, but rather with crude oil. Residue from the cleaning is kept in the tank along with the new cargo taken on board. This means that there is no “oily-water” mixture which the crew might be tempted to get rid of at sea.
- Another measure adopted to avoid pollution from shipping operations is the requirement for states to provide for reception facilities in ports. The availability of reception facilities at ports provides an incentive to the crew to retain any oily-water mixtures on board until they reach the next port since they can expect to get rid of the mixtures at the next port and thus make room for new cargo to be taken on board.
- A major part of the MARPOL regime is the section dealing with the designation of “special areas” where the discharge of oil or oily-water mixtures is completely prohibited. MARPOL designated the Mediterranean Sea, the Black Sea, the Baltic Sea, the Red Sea and the Gulfs Area as “special areas”. Since then several other sea areas have been designated as “special areas” under MARPOL. These include the Oman Sea Area and the North West European Waters Area. The designation of special areas, coupled with the requirement that tankers should keep records on board for inspection at ports, provides a very powerful incentive to members of the crews to desist from discharging oily-water mixtures into vulnerable areas of the sea.

To be continued...



Preparing for and responding to oil spills is an integral element of the overall picture

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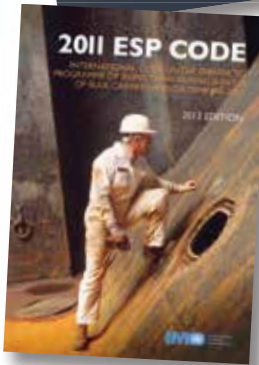
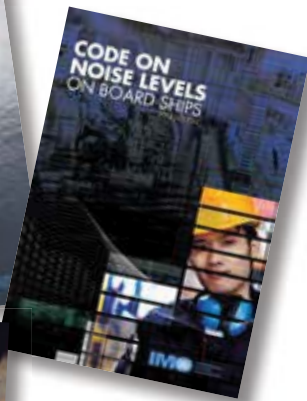
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IMO Awards for Exceptional Bravery at Sea 2013 go to American rescuers and a Chinese seafarer

American rescuers and a Chinese seafarer have been presented with the International Maritime Organization (IMO) Award for Exceptional Bravery at Sea 2013, during a special ceremony held on 25 November 2013 at IMO Headquarters in London.

Aviation Survival Technician Second Class Randy J. Haba and Aviation Survival Technician Second Class Daniel J. Todd (below left) of the United States Coast Guard Air Station Elizabeth City, North Carolina, were nominated by the Government of the United States, for responding to a distress alert from HMS Bounty, during the pre-dawn hours of 29 October 2012, and overcoming the effects of cold, fatigue and ingesting sea water to deliver 14 crew members of HMS Bounty to safety, during Hurricane Sandy.

Mr Yang Jinguo, a crewmember on the ferry Tong Chang Qi Du 11, was nominated posthumously by the Government of China, for sacrificing his own life while trying to rescue a person in distress on the ferry, after it had collided with the cargo ship Shun Qiang 28. The winner's widow, Mrs Gu Meiying (below right), received the certificate and award on his behalf.

Mr Yang Jinguo

On 15 March 2012, the ferry Tong Chang Qi Du 11 collided with the cargo ship Shun Qiang 28 on the Yangtze river. The ferry's hull was damaged and, despite the assistance of two rescue ships, the vessel immediately began to sink. There were 33 persons on board, 31 of whom were subsequently saved during the search and rescue operation and transferred to a rescue ship. But one passenger was trapped. A lorry driver, whose vehicle had been severely damaged in the collision, was unable to force his way out of his truck.

But then, Mr Yang, aged 55, one of the crew members from the stricken ferry who had already been rescued and brought to safety, decided to act. Mr Yang

jumped back onto the sinking ferry and attempted, repeatedly, to prize open the jammed door of the truck in order to rescue the trapped passenger. Unfortunately, the ferry lost its stability and capsized. Mr Yang was unable to save the passenger's life and, in the process of trying, tragically gave up his own. Although he had the opportunity to escape at the last moment, he chose instead, at the cost of his own life, to stay and spend his final moments selflessly attempting to rescue the trapped passenger.

Two hours later, Mr Yang was found by an offshore rescue team in the Yangtze River.

On that fateful October night, Mr Yang displayed truly extraordinary bravery and concern for the passengers aboard his vessel. He is a worthy recipient of the 2013 IMO Bravery Award for his actions which went far beyond the call of duty, at great risk

and danger to himself, and eventually cost him the ultimate price.

ASTs Haba and Todd

On 29 October 2012, the replica sailing ship HMS Bounty became caught up in the deadly path of Hurricane Sandy. Shortly before first light, the ship was sinking, but the crew managed to put out a distress call – a call that was heard by the United States Coast Guard Air Station Elizabeth City, in North Carolina. Two rescue helicopters were immediately dispatched. Aboard them were aviation survival technicians Randy Haba and Daniel Todd.

After flying through the outer bands of Hurricane Sandy, in strong winds and torrential rain, they found the ship, partially submerged within a large debris field, and surrounded by life rafts.



AST Haba was the first to arrive at the scene. Descending into the stormy waters, he spent an hour battling strong currents and 10 metre waves, in driving wind and rain, taking survivors from the life rafts to the waiting rescue basket. Overcoming exhaustion and fatigue, AST Haba demonstrated the utmost determination and perseverance, performing two more rescues without the use of a mask. He exhibited exceptional strength and endurance throughout the entire rescue.

His colleague, AST Todd, arrived 30 minutes later and immediately deployed into the turbulent sea to begin the task of reaching another life raft. He began straight away to extract stricken survivors from the raft and deliver them to the safety of the rescue basket.

His strength and ingenuity expedited the rescue of the six survivors. By acting so promptly, he saved valuable time – time which he used to reposition himself to a second life raft, containing three additional survivors, whom he also successfully rescued.

Both men overcame the effects of cold, fatigue and ingesting sea water to deliver a total of 14 crew members of HMS Bounty to safety.

Highly commended nominees

In addition to the Award itself, certificates were also presented to the following “highly commended” nominees or their representatives:

- Captain Xinming Ning, Master of the container vessel Sheng Da 88, nominated by China, for rescuing the 2nd officer’s seven-month old baby, from the Sheng Da 88 which was sinking rapidly, having collided with the container vessel Jiang Xia Xing;
- The crew of the speedboat Zhongguo Yuzheng 44246, Dianbai Branch of Guangdong Fishery Administration General Brigade, nominated by China, for rescuing 11 crew members of the fishing boat Yuedianyu 53018, which had suffered engine failure, during a typhoon;
- Mr Fabian Higgins, paramedic and rescue diver, Western Cape Emergency Medical Services and Constable Heino Uhde, diver, South African Police Services Diving Unit, nominated by South Africa, for rescuing three passengers trapped under the capsized charter sightseeing catamaran Miroshga, during darkness and in freezing cold water;
- Captain Vladimir Safonov and the crew of the M/T DS Crown, nominated by the United Kingdom, for rescuing 24 crew members of the container vessel MSC Flaminia which had exploded and was ablaze;
- Lieutenant David A. Middleton, Lieutenant David M. Stern and AMT3 Andrew J. Witruke, Air crew of the helicopter CG 6502, Coast Guard Cutter Alex Haley, US Coast Guard Air Station San Francisco, nominated by the United States of America, for rescuing a crew member suffering severe chest pains, from the M/V Matsuura, in very demanding weather conditions; and
- Mr Damien Bolton, helmsman, Mr Matthew Main, crew member, and Ms Nicola-Jane Bradbury, crew member, Port Isaac Lifeboat Station, Royal National Lifeboat Institution, United Kingdom, nominated by the International Maritime Rescue Federation, for rescuing, at great personal risk, a father and son who had been swept off cliffs into an arc of semi-submerged rocks in very rough waters. The father, sadly, did not survive the ordeal.

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Global Initiative holds flagship oil spill response conference

The biennial Regional Conference of the Global Initiative for West, Central and Southern Africa (GI WACAF Project) was held in November 2013, in Swakopmund, Namibia, jointly organized by IMO, IPIECA (the global oil and gas industry association for environmental and social issues), and the Ministry of Works and Transport of the Republic of Namibia.

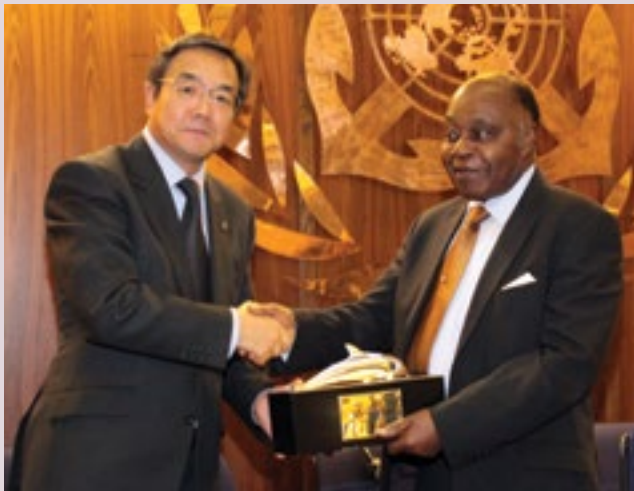
Oil spills are presenting new challenges to Central, Southern and Western parts of Africa, so the broad objective of the GI WACAF Regional Oil Spill Conference was to ensure an effective response to these challenges by promoting public/private partnership.

Industry and Government stakeholders from 22 west, central and southern African countries and several leading international oil spill preparedness and response experts attended the conference, which followed those held in Gabon (April 2006), Republic of Congo (December 2007), Cameroon (November 2009), and Nigeria (November 2011).

The Conference focused on capacity building, under the theme "Oil Spill Preparedness and Response Capability in West, Central and Southern Africa: Sustaining momentum in a changing world of oil spill risks".



International Maritime Prize presented



Dr Thomas A. Mensah of Ghana, former President of the International Tribunal for the Law of the Sea and Assistant Secretary-General and Director of the Legal Affairs and External Relations Division at IMO, receives the prestigious International Maritime Prize, for his significant contribution to the work of IMO from Secretary-General Koji Sekimizu.

Dr Mensah was nominated for the prize by the Government of Ghana for his contribution to the aims and objectives of the Organization throughout a distinguished career in international affairs, over many years a specialist in maritime and in environmental law.

The nomination highlighted Dr Mensah's long career at IMO (initially as head of the Organization's newly-formed Legal Affairs Division and then as Assistant Secretary-General) followed by his appointment as a Judge at the newly-established International Tribunal for the Law of the Sea (ITLOS), from 1996 to 2005. He was also elected as the first President of the Tribunal, from 1996 to 1999.

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