

INTERNATIONAL SYMPOSIUM ON SAFER SHIPPING IN THE APEC REGION

SYDNEY, 6-7 March 2001

REPORT ON PLENARY PROCEEDINGS

Introduction

The International Symposium on Safer Shipping in the APEC Region was held in Sydney, Australia, 6-7 March. The Symposium was organised by the Australian Department of Transport and Regional Services on behalf of the APEC Transportation Working Group. Funding for the Symposium was provided in part by APEC and in part by the Australian Department of Transport and Regional Services. Symposium organisation was undertaken by the Department of Transport and Regional Services and the Australian Maritime Safety Authority.

The Symposium was attended by 86 delegates from Australia; Canada; China; Chinese Taipei; Denmark; Hong Kong, China; Japan; Korea; Netherlands New Zealand; Russia; Singapore; United Kingdom; the United States of America. Representatives from the IMO, the OECD, the ITF, Fairplay Publications, Lloyd's Register, Bureau Veritas, the International Commission on Shipping (ICONS), the International Chamber of Shipping, Intercargo, China Classification Society, Class NK and the Baltic Exchange were among those present for the Symposium.

Continuing the Dialogue

The Symposium was convened in order to continue the international dialogue on safer shipping which has been ongoing in Europe for several years and was continued in Singapore in 2000 to specifically focus on the Asia-Pacific Region. An innovative working group format was adopted with six working groups. The work of these groups was facilitated by the APEC Experts Group on Maritime Safety (EGMS).

Keynote addresses at the Symposium were made by Mr William O'Neil, Secretary-General of the IMO and Mr Peter Morris, Chairman of the International Commission on Shipping.

Mr O'Neil spoke of the need to maintain a global system for regulating international shipping rather than developing regional approaches and highlighted the fact that IMO is a member-driven organisation in which all APEC members have the ability to shape the future of IMO activities in relation to international shipping. Mr O'Neil drew attention to the disappointing number of members that had completed flag State Self Assessment Forms (SAF) and encouraged all members to demonstrate their intention to carry out their

responsibilities as flag States. Mr O'Neil also noted the recent increased focus on human factors in the work of the IMO, the need to ensure the quality and training of those entrusted with management and operation of the vessels and the proper investigation of accidents. Mr O'Neil canvassed recent developments in relation to the STCW Convention and the publication of the "White List", and the future extension of the ISM Code to all ships. Progress in development of the global port State control network was also mentioned, including the achievements of the Tokyo MOU. Mr O'Neil then highlighted the priorities for action by the IMO as being:

- The vetting of the balance of the countries which have made submissions under STCW;
- The implementation of the ISM Code on the remainder of the world's fleet and assessment of the effectiveness of the Code so far, on the first tranche of ships;
- The review of all aspects of large passenger vessels' safety to ensure that the rules match the fact that the size of passenger ships and the number of people on board has increased dramatically;
- The revision of standards for bulk carriers;
- Additional matters related to the human element such as fatigue;
- Ports of refuge; and
- The questions of piracy and illegal migration by sea.

Mr Peter Morris made the first public presentation of the findings of the International Commission on Shipping, and released its report entitled, "Ships, Slaves and Competition". Copies of the report and the executive summary and recommendations are available from the ICONS website <http://www.icons.org.au>. Mr Morris outlined the process the Commission had undertaken in the past year to research and report on the issue of safer conditions for seafarers. Mr Morris highlighted the following as the most frequent issues raised both in submissions and discussions:

- Criticism of the performance of classification societies and the failure of flag States to carry out their responsibilities;
- Ill treatment and underpayment of crew, port State control, crew competency, crew availability and fraudulent certificates;
- The failure of IMO members to support IMO in the performance of its duties;
- An almost unanimous call for full transparency of information in the industry;
- Criticism of the STCW white list process;
- Workers without maritime qualifications being recruited to go abroad, travelling on an ordinary passport, to take up a position on board a merchant ship or fishing vessel ("passport holders");
- Non-compliance with ILO conventions;
- The horrors of the international fishing industry; and
- The failure to give adequate recognition to quality shipping.

Mr Morris then provided details of issues covered in relation to class, flag States, port State control, crew abuse and ill treatment, and transparency.

The Commission's recommendations are in 2 main blocks – the welfare of the people in the industry and their families and port State control activities - which the Commission believes is practical, achievable and will eliminate most substandard shipping. Mr Morris noted that most of the recommendations are matters for decision by individual administrations, do not need further international agreements and can be implemented in 12-18 months; others can be implemented within five years.

Mr Morris described the Commission's recommendations as an action plan for full transparency and public accountability. The recommendations include:

- Stronger supervision of classification societies by the European Commission and tougher policy application by the societies to their clients;
- Improved flag State performance;
- Tighter port State controls and implementation of reward systems for quality ships;
- More rigorous inspections for ISM compliance;
- Severe penalties for charterers and major shippers using substandard ships;
- Establishment of a confidential ship safety incident reporting system;
- Deterrent financial penalties on owners of detained ships;
- Reduction in multiple inspections of ships;
- Stricter control of manning agencies and prohibition of blacklisting of seafarers;
- Ending the abuse and ill treatment of seafarers and their families;
- Support for abandoned seafarers and seafarers welfare organisations;
- Raising training and qualification standards and ending fraudulent practices on crewing;
- Support for international agencies such as IMO and ILO; and
- Designation of ports of distress.

Mr Morris then called on the Symposium and APEC members to take the lead in implementing the recommendations of the Commission.

Working Groups

The Symposium broke into 6 working groups as follows:

Working Group 1 : Integration of Global Port State Control Network
Chaired by John Mansell, Maritime Safety Authority of New Zealand

Working Group 2: Flag State Responsibility in Achieving Quality Shipping
Chaired by Mr Lee Seng Kong, Maritime and Port Authority of Singapore

Working Group 3: International Maritime Forums and the Delivery of Safer Shipping Outcomes by APEC Economies
Chaired by Mr Danny Scorpecci, Maritime Transport Committee, OECD

Working Group 4: The Human Element – Education, Training and Welfare
Chaired by Mr Li Kejun, China Classification Society

Working Group 5: Improving Maritime Administration and Resources
Chaired by Dr Jung Ook Lee, Korean Maritime Institute

Working Group 6: Engaging Other Maritime Related Organisations and the Power of the Media
Chaired by Mr Alan Gavin, Lloyd's Register.

On the second day of the Symposium, reports were presented to the Plenary from each of the 6 working groups. The individual reports from those Working Groups are available from the Symposium website

<http://www.apec.dotrs.gov.au/outcomes.htm>.

The following recommendations arising from those Working Group reports and discussion during the Plenary session, were adopted by the Plenary session of the Symposium and are submitted for consideration by APEC Transportation Ministers.

APEC Transport Ministers are asked to consider these recommendations and agree to take action in response to them.

Integration of Global Port State Control Network

APEC Transportation Ministers are asked to:

1. Encourage the development of uniformity of inspections by APEC economies and throughout all regional MOUs by:
 - Development of model PSC inspection procedures and standards
 - Development of standard training programmes and inspection guidelines for all MOUs
 - Implementation of an assessment/audit programme to ensure uniformity within the Tokyo MOU and across MOU boundaries
 - Development of an international “white list” of administrations which have satisfied assessment/audit requirements for acceptance of inspections by other administrations.
2. Support the concept of targeting of high risk vessels.

3. Encourage a culture of qualitative rather than quantitative inspections amongst MOUs and administrations.
4. Promote the implementation of a world-wide well-publicised Concentrated Inspection Campaign (CIC) on the ISM Code by **all** port State control MOUs to a standard set of guidelines for a three month period from 1 July 2002. The guidelines could be used as a model for ongoing ISM focussed PSC inspections. As this CIC would apply to all eligible ships it should also be used to measure the appropriateness of the existing 2.5 yearly audit interval under ISM.
5. Encourage the formalisation of regular IMO hosted meetings of MOU Secretariats and Database managers which report to the appropriate IMO committee. The IMO committee should also have a standing agenda item to receive reports on co-operation between MOUs.
6. Encourage the establishment of standard inter-MOU data exchange systems which could eventually contribute to a single accessible transparent global PSC Inspection database.
7. Encourage closer links between the Tokyo and Vina del Mar MOUs through participation by all APEC economies in the Tokyo MOU.
8. Encourage the APEC members of the Vina del Mar MOU to promote inclusion of ILO 147 within their MOU.
9. Support the concept of appropriate organisations such as IACS being accepted as Observers at PSC committee meetings.

Flag State Responsibility in Achieving Quality Shipping

APEC Transportation Ministers are asked to:

10. Give their strongest support for advancing the work of the IMO Subcommittee on Flag State Implementation (FSI), especially in developing measures to ensure flag States give full and complete effect to the IMO and other relevant conventions to which they are party so that the ships of all flag States meet international rules and standards.
11. Demonstrate this support by:
 - Making a commitment to upgrade their level of representation at the IMO FSI Subcommittee,

- Making a commitment to submit their IMO flag State Self-Assessment Form (SAF), if not already done so, to the IMO,
- Making the results of the SAF public, and
- Authorizing the IMO to enter the data in its SAF database.

12. Request the IMO to identify those States that have submitted their SAFs
13. Encourage the identification and establishment of benchmarks, by the IMO in cooperation with other international organizations, of the elements of the best practices of Flag States, Administrations, Registers, Recognized Organizations, Classification Societies, Shipowners, Insurers and Shippers.
14. Agree, as Flag States, to rigorously apply IMO Assembly Resolutions A.739(18) and A.789(18) concerning the monitoring of their Recognized Organizations. Undertake to provide the required resources to their maritime administrations, to audit their Recognized Organizations (RO), and establish appropriate sanctions for identified deficiencies.
15. Encourage shipowners, through their membership on classification societies' boards and committees, to influence these organisations to uniformly apply international standards and cease to act as RO for consistently under-performing flag States.
16. Encourage flag States that cannot meet their international obligations, to close their ship Registers until such as time as they can meet their obligations as flag States.
17. Agree that a substandard ship is one that is not in accord with current international IMO and ILO standards.
18. Agree to investigate any port State control detention of each ship flying its flag. If any of its ships are involved in an accident, casualty or reportable incident on board, this should be investigated and reported to the IMO.
19. Accept their responsibility to encourage further development of a safety culture within their maritime administrations, and by owners and charterers.
20. Agree, as flag States, where they do not have their own arrangements, to delegate to their RO the task of checking the application of national laws concerning crew working conditions and labour contracts.
21. Support the ILO project to consolidate and modernise its maritime labor conventions and standards through governmental involvement with a view to achieving generally accepted standards.

22. Encourage subscription to the Maritime Industry Charter on Quality
23. Encourage ship safety information data providers to make their data available in a compatible format to a common data base, such as Equasis, to facilitate the ability to identify quality and substandard ships.
24. Emphasise the necessity to ensure the primacy of global institutions in establishing standards for international shipping and avoid unilateral and regional approaches.

International Maritime Forums and the Delivery of Safer Shipping Outcomes by APEC Economies

APEC Transportation Ministers should:

25. Act to raise the profile of APEC within the IMO in order that issues of regional interest are adequately considered by that body. Specifically this could be done by:
 - a) The more developed APEC economies providing active support to those that are less developed to either participate in the IMO deliberations, or to participate in regional discussions to arrive at positions that could be promoted within the IMO.
 - b) Encouraging greater co-ordination within APEC on IMO matters where there are specific regional interests. This could be achieved through regional meetings, or where this is not possible because of cost considerations, through other consultative means such as the Internet.
 - c) Enabling some APEC economies to make submissions to the IMO reflecting the views of those that are unable to participate in the IMO meetings.
 - d) Considering the creation within the APEC Experts Group on Maritime Safety (EGMS) of a capacity to analyse and digest IMO documents prior to the meetings of the major IMO Committees. Alternatively, considering the option of rotating this function amongst the major APEC economies, perhaps in line with the rotation of the chair of the IMO Maritime Safety Committee.
26. Consider, where there is the capacity to do so, appointing permanent representatives to the IMO which would substantially raise APEC's profile at the IMO.

27. Agree to undertake peer reviews of flag State performance as a means of ensuring that its members are effectively discharging their responsibilities.

The information gathered from this process would also enable APEC to determine where assistance could be delivered in support of those member economies that lack the capacity to fully meet their obligations, and encouragement given to those that have sufficient capability, but are lagging in their performance.

By taking the lead in this way, APEC may also be in a position to assist the IMO in its own efforts to improve flag State performance.

28. Encourage members to draw on its common membership of a number of MOUs to share experiences and strive for more consistent application of international safety regulations. This commonality of membership should also be used to ensure a greater exchange of information between these MOUs.

29. Consider the effective implementation of the ISM Code to be of paramount importance.

In order to achieve this outcome, economies should take responsibility to control the quality of ISM audits that they undertake directly, or are undertaken on their behalf.

30. Support regional and international training initiatives that are aimed at producing more competent seafarers through uniform curricula and more consistent training standards.

31. Support national hydrographic services, and move to establish appropriate arrangements, where none exist, to ensure the availability of reliable paper and electronic charts.

The Human Element – Education, Training and Welfare

APEC Transportation Ministers should:

32. Ensure that the port State control mechanism throughout the region include random audits of ISM systems, particularly the continuous improvement element.

33. Ensure that flag States conduct ISM audits on ship operators which are thorough and focus on human factors.

34. Support the formation of a joint IMO/ILO body to focus on human elements including welfare issues and consider implementing the principles of ILO147 through the Tokyo Memorandum on Port State Control.
35. Encourage the APEC TPT-WG at its next meeting to commission research which establishes the costs and benefits of implementing best management practices with regard to the human element. They should also initiate a forum, through the Transportation Working Group, to be held during 2002, which seeks to identify the future needs for training, education and best practices for the wider maritime industry.
36. Encourage all APEC members to fully implement STCW95 with particular emphasis on improving seafarer competence, establish independent audit panels to suggest improvements to maritime administrations and Maritime Education and Training (MET) institutions.
37. Consider funding a demonstration/pilot MET and accident investigation benchmarking project as well as actively supporting and encouraging regional cooperation through mechanisms such as the Association of Maritime Education and Training Institutions in Asia Pacific (AMETIAP) and the Marine Accident Investigation Forum.
38. Encourage the APEC TPT-WG at its next meeting to consider commissioning research into determining the current competence of practicing seafarers and the most effective ways of ensuring competence throughout the seafarers' careers.
39. Ensure that accident investigations are extended to include management factors ashore and ensure that accident reports are disseminated to seafarers.
40. Recognise that fraudulent certificates remain a problem worldwide, and direct Marine administrations to ensure that the authenticity of Certificates of Competencies are checked with the issuing administration on each occasion a certificate is inspected or presented for an official purpose.
41. Recognising that the welfare of seafarers remains a critical issue, APEC Ministers are urged to implement the recommendations of the ICONS "Ships, Slaves and Competition" Report.

Improving Maritime Administration and Resources

APEC Transportation Ministers are asked to:

42. Recognise the advantages and incentives of having a developed maritime safety administrative structure in place in order to address maritime safety issues.
43. Recognise the current differences in standards and qualifications of marine inspectors/surveyors and the need for training in inspections and accident investigation.
44. Consider the development of cooperative training programs, in addition to the IMO Training program, which cater for regional needs and which are accredited across all APEC economies to ensure uniformity.
45. Acknowledge the need for closer cooperation between APEC economies and maritime forums such as the Marine Accidents Investigators Forum (MAIF), and PSC MOUs.
46. Support bilateral exchanges of surveyors/inspectors and other maritime personnel involved in safety issues.
47. Consider means of funding Maritime Administrations and their activities.
48. Agree that there should be no conflict between economic development and promotion of a safety culture and explicitly acknowledge that quality shipping and appropriately qualified crews are essential to the protection of the marine environment.

Engaging Other Maritime Related Organisations and the Power of the Media

APEC Transportation Ministers are asked to:

49. In relation to the power of the media to increase the general public's awareness of the industry:
 - (a) encourage all APEC economies to hold 'maritime days', which could be a national holiday (Japan – 20th July), when maritime matters are brought to the general public's attention.
 - (b) encourage all APEC economies to hold maritime related events, and encourage the industry to take part in established festivals. (UK Festival of the Seas to be held in August 2001)
 - (c) on maritime day, there should be port open days where the general public are encouraged to see the local port and perhaps allowed to make ship visits or tour maritime training venues. Marine industries could be

encouraged to support and sponsor these events, with participation by local and /or national governments, depending on the scale of the event.

50. In relation to the power of the media to broadcast the achievements of the industry encourage all relevant organisations to issue statements or press releases containing comparative information on the achievements of the industry designed to attract media attention and address public perception.
51. In relation to the power of the media in the event of a maritime incident:
 - (a) arrange for each APEC economy to appoint a single professional industry representative (not a media advisor) to be the spokesperson and that all substantially interested parties (coastal State, port State, flag State, shipowner, etc.) are encouraged to feed their relevant information to that central repository. The APEC economies might consider making the spokesperson the nominated central contact point for communication with spokespersons in other economies. In the event of an incident in a state's coastal waters, then the spokesperson for that incident should be from the coastal State and the flag State, if different, should be encouraged to provide information to, and support, that spokesperson;
 - (b) promote the spokespersons as champions in order to create an ongoing industry presence in the media; and
 - (c) encourage all organisations (port States, flag States, owner organisations etc) to pre-prepare press releases containing relevant trade specific information that can be used in the event of an incident. Such releases should also be used for general media education.
52. Encourage APEC economies to consider that the increased transparency that follows from a more prominent media presence could result in fewer accidents.
53. Encourage shipowner associations to adopt a quality statement and introduce effective membership control, in order to properly represent their membership and to be credible when engaging other industry organisations.
54. Encourage all APEC economies to set up national contingency plans that identify and set clear chains of responsibility related to sea areas, coastal regions and ports under their jurisdiction, including defining boundary issues.
55. Encourage all APEC economies to ensure pilot organisations and their authorities demonstrate the quality of service they provide and are subject to mandatory upgrading of training and other forms of continuing education.

56. Identify the agency in each economy responsible for monitoring terminal operations and setting standards for terminal operations. The agency should also monitor the terminal's compliance with the applicable standards.
57. Note that there could be benefit in naming the charterer and cargo owner to reduce sub-standard shipping. Noting the conclusions of the ICONS report that Shippers' Councils should develop best practice 'Codes of Conduct', actively encourage their members to adopt these Codes in the selection of ships.
58. Require all classification societies to comply with the relevant IMO resolutions (A.739 and A.789) to ensure a minimum uniform international standard on all ships.
59. Introduce quality standards for ship repair yards.
60. Recognise that there are many organisations that may have a responsibility for safer shipping, but that the involvement of these organisations should not lead to a dilution of the primary responsibilities of the owner, the flag State and the Classification Society.