

World Maritime Day 2010

Year of the Seafarer

In today's global economy, hundreds of millions of people all over the world rely on ships to transport the great multitude of commodities, fuel, foodstuffs, goods and products on which we all depend. Yet, for most of them, shipping, not to mention the huge range of related maritime activities that, together, go to make up what is loosely termed 'the shipping industry', do not register a particularly strong echo on their personal radar



The very nature of shipping makes it something of a 'background' industry. For most people, most of the time, ships are simply 'out of sight and out of mind'. And the same, as a consequence, can be said of the seafarers that operate the world's fleet, despite the fact that the global economy depends utterly on their presence. Seafarers are, in effect, the lubricant without which the engine of trade would simply grind to a halt.

Shipping usually only comes to greater prominence when, as inevitably happens from time to time, the bleaker side of the industry rears its head, when an accident or

pollution occurs. This, obviously, tends to sway public perception negatively. Yet the truth is that, over many decades, shipping has actually become much safer and much cleaner, not to mention more cost-effective. Indeed, you could argue that it is something of a testimony to the ever-improving safety and environmental record of the industry that it is able to go about its business so quietly, largely untrumpeted and unsung and generally unheralded.

Shipping is able to boast a history and a tradition that few others can match. And yet it remains as relevant to the modern world

as it ever has been – perhaps even more so because, without it, today's global economy simply could not exist and be sustained. The legacy that seafarers hand down to one another is one of pride in a job well done, of attention to detail, of skills diligently learned and painstakingly applied; in short, of seamanship.

It is, of course, a sad truth that many workforces are largely unrecognized and more or less taken for granted. When we switch on a light, we do not, generally, pause to think of all those who have laboured in the various sectors of the power generation and

transmission industries to make it happen. Nor, when we sit down to eat, do we pause to think who brought the food to our table. Nor, when faced with a severe winter, do we pause to think who carried the oil or coal that heats our homes or brings the fuel on which we all so much depend these days. This paper will try to redress that balance by shedding some light on the role played by seafarers, the unique challenges they face and what IMO and others are doing to help improve their situation.

The changing life at sea

The importance of sustaining and developing a high-quality manpower resource for the shipping industry's future cannot be overestimated and, in this context, it is worth reflecting on some of the fundamental changes that have taken place over the last 30 years. For there can be no doubt that,

culturally and socially, shipping today is a world apart from the industry of the 1970s and those changes must be acknowledged and understood if shipping is to strengthen and maintain its ability to recruit new people of the right calibre.

In the 1970s, the multi-national crew was the exception rather than the rule. Very often, a ship's officers would come from one of the traditional shipping nations, while the crew might come from developing regions.

Before containers came to dominate general cargo shipping and large tankers were forced to use offshore terminals, life for seafarers centred much more around time spent in port. A general cargo ship might call at ten or more European ports before setting off for, say, the Far East. Each port call might last two or three days, perhaps even a week (or more in the case of bulk carriers), depending on the cargo to

be loaded and the facilities available. And without regular, daily communication at sea via satellite, the port became the focus for receiving and sending mail, for contact with home and family, as well as with the company and its management ashore.

It was a challenging, exciting and slightly exotic life, in which individuality and an independent spirit were important elements. It was relatively well rewarded too; and it was, all in all, a more sociable existence. With as many as 30 to 35 people on board a ship and fairly normal regular working hours, at least while in port, there was plenty of opportunity for seafarers to, quite literally, see the world.

Life for seafarers today is more pressurized in almost every way. With crew numbers pared down to perhaps twelve or fifteen persons, the sheer demands of work are immense. And, with so few people on board, a ship can be a lonely place during



the off-duty hours. Port stays are periods of intense activity and, for commercial reasons, the pressure is always on to turn around as quickly as possible, with little or no time available for shore leave. And, today, seafarers often work for manning agencies rather than shipping companies, so there may be very little time to settle into the comfort of a routine and to establish the sort of working relationships that most people are entitled to develop and enjoy.

There are other factors, many of them unique to seafaring, that add to the difficulties of the job; the fact that, at the end of a long and stressful day, there is usually no return home to the family; no evening with friends at a restaurant or pub; no change of scenery; no chance to properly relax, unwind or de-stress. Just the relentless drone of the diesels and the never-ending movement of the vessel that

is not only your place of work but also your home, 24 hours a day, seven days a week, for weeks and often for months on end; and, ever-present in the back of your mind, the possibility of both natural and other, invidious hazards, such as pirate attacks, unwarranted detention, denial of shore leave and abandonment in foreign ports.

Nevertheless, and on the up side, a modern ship can be a technologically advanced and highly comfortable workplace. Gone are the days of the old-fashioned ship's wheel with its spokes and handles (except for decorative purposes!). A modern ship is more likely to be controlled by a single joystick and a mouse-ball in the arm of the helmsman's seat: the chief engineer will probably have clean hands and the calluses on his or her fingers will be from tapping a keyboard rather than wielding a spanner. The crew accommodation will be

clean, light and airy; the food will be good; and, increasingly, crew members are readily able to exchange emails with their family at home via a satellite communications system.

And many of the advantages that a career at sea has always offered remain the same – although, with changing global economic patterns, their appeal has gradually shifted to the developing nations.

Shortage of seafarers

In this, the “Year of the Seafarer”, attention has re-focused on the pressing need for the shipping industry to come to grips with its long-predicted labour-supply shortage – a shortage that may have been temporarily alleviated by the recent downturn in global trade but which, nevertheless, remains ever-present.

If shipping is to continue to serve global trade, while maintaining and improving standards, it cannot afford to ignore the current shortage of good entrants to the industry. It has been widely predicted that, unless something is done rapidly, shipping will soon face a manpower crisis; there simply will not be enough properly qualified officers to run a world fleet that continues to increase in size.

The evidence clearly suggests that, today, not enough young people, particularly in the western hemisphere, seem to find seafaring an attractive and appealing career. It is imperative that shipping finds a way to re-launch itself as a career of choice for the high-calibre, high-quality young people of today.

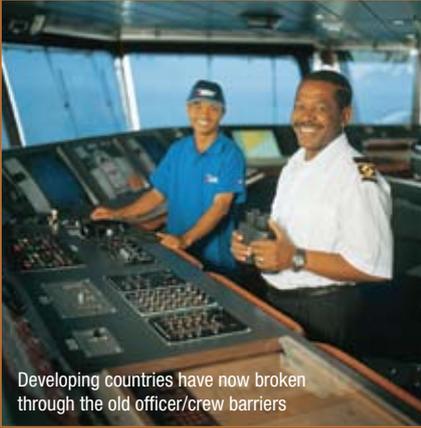
The BIMCO/ISF Manpower Updates, first conducted in 1990, are regarded as the most comprehensive assessment of global supply of, and demand for, seafarers. The most recent one was published in 2005 and, worryingly, revealed a continuing shortage of qualified officers, projected to rise, by 2015, to around 27,000 in number or 5.9 per cent of the total, along with a significant surplus of ratings.

However, it concluded that, in practice, the overall officer shortfall is probably more problematic than the data might suggest, bearing in mind the obstacles preventing surpluses of some nationalities from compensating shortages elsewhere. The barriers identified included cultural and language differences, lack of international experience and seafarer nationality restrictions imposed by some flags.

BIMCO and ISF have concluded that now, more than ever, current economic difficulties facing the industry and the increasing pressures being placed on seafarers, such as piracy and criminalization, make it timely to conduct a new survey to identify what needs to be put in place for the future to secure a healthy pool of seafarers



A bulk carrier passes through downtown Shanghai: although undoubtedly more sanitised than in the past, seafaring can still provide an exciting and slightly exotic lifestyle (photo: Lee Adamson)



Developing countries have now broken through the old officer/crew barriers

in the short, medium and long term.

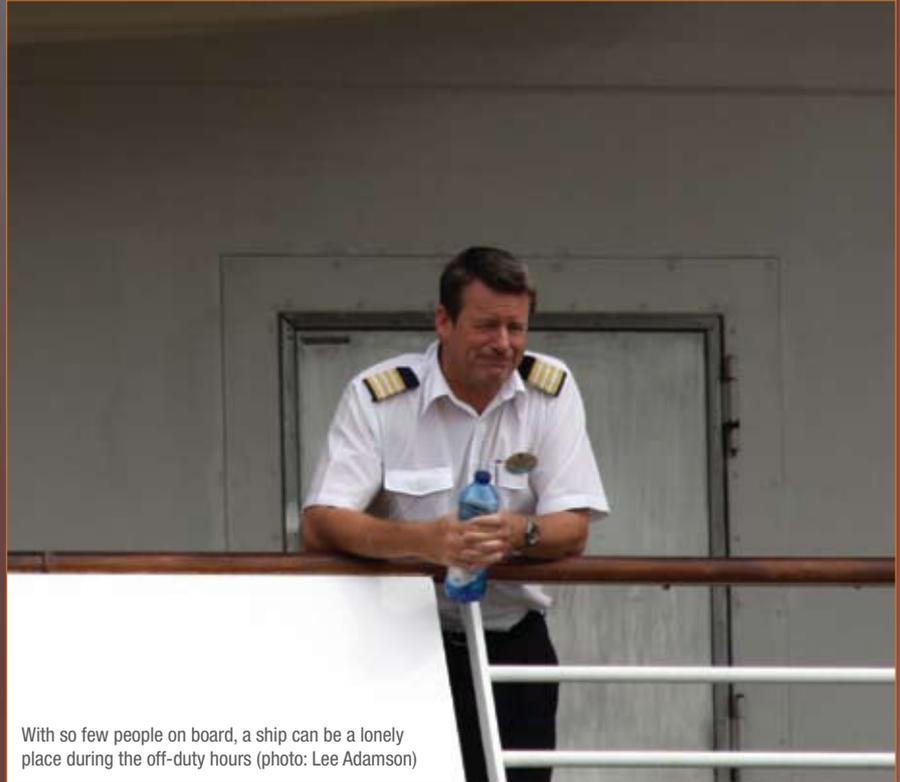
The 2010 BIMCO/ISF Manpower Update will be published towards the end of this year and the entire shipping community awaits its outcome with keen interest.

Despite the numerical decline in officer-level entrants, shipping remains an exciting, rewarding and fulfilling career – a career that can take people almost anywhere, both in geographical terms and in terms of the sort of work they may finally find themselves doing.

Seafaring is not only a satisfying and worthwhile career choice in itself, it is also a passport to a huge variety of related jobs ashore for which experience at sea will make one eminently qualified. Indeed, there now seems to be a greater awareness that, after a seagoing career in a responsible and demanding job, there are many opportunities ashore in related industries that rely on the skills and knowledge of those with seafaring expertise. This is something the industry and its supporters need to stress.

The many dedicated professional seafarers who, having served their early years at sea, now hold positions as managers and superintendents in shipping companies, maritime pilots, vessel traffic service and rescue coordination centre operators, advisers to Ministers and executives in shipping-related activities (such as insurance companies and classification societies, professors and teachers at maritime academies and colleges), scattered throughout all parts of the industry, are shining examples of what can be achieved – not to mention those shipmasters and engineers who have become shipowners themselves.

No doubt, to a certain extent, the unique hazards confronting seafarers – pirate attacks, unwarranted detention and abandonment, to reiterate some of them – serve to discourage new recruits. Yet, despite the challenges it presents – or perhaps because of them – time spent at sea offers a series of enticing advantages and unique opportunities. The potential for good wages, early responsibility, opportunities to travel, good long-term career prospects, long



With so few people on board, a ship can be a lonely place during the off-duty hours (photo: Lee Adamson)

holidays and the sense of doing something very different from just working in an office, have a universal and timeless appeal to many young people embarking on a career.

That is why any initiatives to boost the image of the shipping industry and to support cadet recruitment, including the recruiting of female cadets, should be welcomed and encouraged.

It is certainly true that developing countries have broken through the old officer/crew barrier now, and today it is by no means unusual to find competent and experienced officers from outside the traditional shipping nations in charge of the most modern vessels. As the industry looks to enhance its attractiveness, it is in these newer markets that its efforts are most likely to bear fruit.

How the shortage affects seafarers' attitudes

The seafarer shortage has both quantitative and qualitative aspects. Purely in terms of numbers, the point has not yet been reached when ships are unable to sail and cargoes remain on the quayside due to lack of qualified crew being available. At the moment, the shortfall is being absorbed by the existing workforce – but not without some extreme measures being adopted.

According to reports, officers are working longer hours and, occasionally, not taking their holiday entitlements. Some are awarded exemptions to enable them to serve in positions for which they may not be fully qualified. Training periods

are being shortened, hastening the early promotion of younger seafarers, who may lack the necessary experience to shoulder the responsibilities of higher ranks. Ships may receive short-term permits to sail with fewer than the required minimum crew complement. Meanwhile, the demand/supply imbalance is forcing salaries up, which has the effect of enticing older officers out of retirement, thus raising the age profile of the seafarer, and giving rise to some undesirable developments.

The cumulative impact of all this can only be detrimental to the quality of service provided. In any workplace there is a direct relationship between the quantity of work required, the resource available to do it and the quality of the output. Unreasonable demands lead to stress, fatigue and a fall-off in performance. No-one is immune, least of all ships' officers, whose jobs are challenging and demanding enough at the best of times.

By way of an insight into the motivations and perceptions that have influenced seafarers' career choices, a recent survey of seagoing personnel carried out by a recruitment company revealed that pay, although, relatively speaking, good, was not the most popular reason for going to sea. The most quoted reason was that seafarers actually wanted a career at sea; next, proving that, even in the age of air travel, romance is still alive, came 'a desire to see the world'. Only after these, came the financial considerations.

Even more instructive were the responses to questions about the negative



aspects of a seagoing career. These centre around, on the one hand, 'quality of life' issues, with 'time spent away from family and friends', 'time spent away from children' and 'difficulties in keeping in contact with home' all ranking highly; and, on the other hand, 'quality of work' issues – such as 'too much paperwork', 'fatigue', 'fear of being treated like a criminal' and 'on-board living conditions'.

When the same survey delved a little deeper to find out what motivated seafarers to stay at sea, it is instructive to note that job satisfaction, career-related ambition and job security all scored highly and, collectively, outscored purely financial considerations. And the idea that the shipping industry can provide the basis for a fulfilling and satisfying life-long career is borne out by the responses to whether a career at sea was viewed as a job for life: the overwhelming majority replied that they either expected to spend all their working lives at sea or that seafaring would provide them with the necessary experience and qualification for a related job ashore. All of which would tend to suggest that recruitment, rather than retention, is the nub of the problem.

'Go to sea!' campaign

In November 2008, in association with the International Labour Organization (ILO); BIMCO; the International Chamber of Shipping/International Shipping Federation; the International Association of Dry Cargo Shipowners; the International Association of Independent Tanker Owners; and the International Transport Workers' Federation, IMO launched a campaign called "Go to Sea!" specifically to address the global shortage of seafarers, and officers in particular.

The campaign calls on Governments, industry and IMO, supported by ILO and other international organizations, to take specific actions, within their areas of influence, to increase the recruitment of seafarers to tackle the problem.

Amongst the specific calls for action, the shipping industry is urged to take the lead and do more to promote itself through the media. The industry should continue to provide support for and endorse campaigns aimed at improving its image and use key industry figures as examples of career progression. It is also urged to do more to

make life on board and away from home more akin to the life enjoyed by others ashore; to encourage women to work in the seafaring profession; and to promote the industry at non-maritime-related events.

Governments are asked to give greater prominence to the maritime perspective, by doing more to support and encourage the shipping industry in any initiatives it takes to enhance its image and to remove adverse actions that may damage that image. Maritime training facilities need to be resourced adequately (both in financial and human resource terms) to ensure a supply of competent seafarers. Governments could do much to promote a wider take-up of a sea career through, for example, recognition of sea service instead of compulsory military service, training of jobless persons and promoting shipping as a career for women.

IMO itself has developed a page on its public website highlighting information about the types of career paths available to seafarers, through links to industry sites. While on missions abroad, where practicable, the Secretary-General visits

maritime and non-maritime training facilities and seafarer organizations to express support and address both maritime and non-maritime Government departments to promote shipping and seafaring.

Seafarers – cost or asset?

For shipowners, the seafarer represents something of a double-edged sword. It is with the seafarer that lies the ultimate stewardship of the shipowners' prime business assets – the ships. But employment costs remain the most significant variable operating cost for shipping companies – a factor which assumes particular importance during periods of economic difficulty.

The shipping arm of international accountancy firm Moore Stephens has developed a benchmarking tool for ship operating costs. Designated 'OpCost' it provides an annual snapshot of how the various elements of vessel operating costs are changing, both in relation to each other and over time. OpCost 2009 (which reports on the financial year 2008) shows an annual average increase of 15.8 per cent in total operating costs for the range of vessel types covered by the survey. But the average rise in crew wages over that period peaked at 21.4 per cent, the highest level since OpCost was first published, in October 2000, and more than double the increase (10.3 per cent) recorded the previous year. In almost every vessel category, crew costs accounted for the single largest increase in expenditure. For bulkers and tankers, the average increase in crew costs was between 22 and 23 per cent.

Drewry, the specialist maritime industry consultancy, publishes its own Ship Operating Costs Annual Review and Forecast. Reinforcing the points made in the Moore Stephens survey, Drewry's 2009 review observes that "manning, of course, remains the single largest operating cost element and one causing the most concern as the predicted shortage of officers and skilled crew sends panic waves through the industry. Officer wages have been escalating at an unprecedented rate over the last year. At the same time differentials for the same rank and nationality have widened... a hint of further trouble to come."

The need to source, recruit, train and retain a growing seagoing requirement (and to fill related onshore positions) has never been greater. Owners and managers will need to find some way of ensuring that the current wages 'free for all' gives way to something more manageable and sustainable.

Whether a seafarer is viewed primarily as an asset or an operating cost depends largely on the shipowner's point of view. Those at the "quality" end of the market will clearly put

the emphasis on the benefits to be gained from employing seafarers who are properly qualified, trained and have the competence they need to manage today's ships efficiently and safely. Some have shown just how much they value their workers by working together with shipping registries to create training institutions in the developing countries that are now supplying the bulk of the world's seagoing labour force.

STCW amendments

It is because of this pivotal role played by the seafarer that the International Convention on Standards of Training, Certification and Watchkeeping (STCW), which is designed to make sure that the global human resource available to the shipping industry meets the required standards, is considered one of the most important measures to have been developed by IMO.

The original STCW Convention, adopted in 1978, was the first internationally-agreed measure to address the issue of minimum standards of competence for seafarers. In 1995, it was completely revised and updated to clarify the standards of competence required and provide effective mechanisms for enforcement of its provisions.

Earlier this year, in what can be considered as the pinnacle of IMO's efforts on the regulatory front to make a tangible difference in the Year of the Seafarer, major revisions to the STCW Convention and its associated Code were adopted at a Diplomatic Conference in Manila, the Philippines, thereby

ensuring that the necessary global standards will be in place to train and certify seafarers to operate technologically advanced ships for some time to come.

Among the amendments adopted, there are a number of important changes to each chapter of the Convention and Code, including:

- improved measures to prevent fraudulent practices associated with certificates of competency and strengthen the evaluation process (monitoring of Parties' compliance with the Convention);
- revised requirements on hours of work and rest and new requirements for the prevention of drug and alcohol abuse, as well as updated standards relating to medical fitness standards for seafarers;
- new certification requirements for able seafarers;
- new requirements relating to training in modern technology such as electronic charts and information systems (ECDIS);
- new requirements for marine environment awareness training and training in leadership and teamwork;
- new training and certification requirements for electro-technical officers;
- updating of competence requirements for personnel serving on board all types of tankers, including new requirements for personnel serving on liquefied gas tankers;

The shipping industry can provide the basis for a fulfilling and satisfying life-long career



- new requirements for security training, as well as provisions to ensure that seafarers are properly trained to cope if their ship comes under attack by pirates;
- introduction of modern training methodology including distance learning and web-based learning;
- new training guidance for personnel serving on board ships operating in Polar Waters; and
- new training guidance for personnel operating Dynamic Positioning Systems.

The amendments, known as 'The Manila amendments to the STCW Convention and Code', are set to enter into force on 1 January 2012 under the tacit acceptance procedure and are aimed at bringing the Convention and Code fully up to date, and enabling them to address issues that are anticipated to emerge in the foreseeable future.

Corporate social responsibility

In recent years, shipping has worked hard, and successfully, to improve its safety record and its environmental credentials – prompted, in no small part, by the increasingly comprehensive regulatory regime adopted by IMO. Yet this is not proving enough to promote seafaring as an attractive and appealing career. There is a growing understanding that evolutions in the technical and regulatory arenas within which shipping operates need to be complemented by the simultaneous development, within the industry, of a sense

of corporate social responsibility if shipping is to address the seafarer shortage properly.

Indeed, there can be little doubt that issues of staff morale and motivation, brand loyalty and reputational risk and environmental sustainability are increasingly widely recognized as key drivers of competitive advantage. Corporate social responsibility has come to mean more than just charity or philanthropy. It has moved from the margins to the mainstream of corporate strategy as the awareness grows that economic, social and environmental objectives can be pursued as common, interlinked objectives.

There has, of late, been a significant and genuine change in the way many companies within the shipping industry approach the environmental and social issues related to their operations. Many are now coming around to the view that good environmental and social stewardship actually makes good business sense.

Today, environmental considerations, the fair treatment of workers and the duty of care businesses have towards their customers, are of increasing concern. The status of the employee as a "sensitive asset" has led companies to perceive the value of creating workplace environments that are attractive to applicants and corporate values that are aligned to wider social interests.

Shipping is no different from any other industry in that, both collectively and individually, shipowners and operators need to protect their brand image. They need to be confident that they can demonstrate, to a whole variety of audiences – such as

politicians, banks, investors, charterers, insurers, corporate customers and environmental activists, not to mention potential recruits – that their ships and their operations are safe, secure and environmentally sound.

IMO and the human element in shipping

As well as addressing seafarer training through the STCW Convention, IMO has long been concerned with wider labour force issues which it addresses under the banner of "the human element". The human element in shipping embraces not only seafarers serving aboard ships but also the entire spectrum of human activities performed by ships' crews, shore-based management, regulatory bodies and others. Since the 1980s, IMO has increasingly addressed human element issues in its work.

At its 20th session in November 1997, the IMO Assembly adopted resolution A.850(20) setting out a vision, with principles and goals, for the Organization with regard to the human element.

The resolution recalled a previous resolution (A.680(17)) which invited Governments to encourage those responsible for the management and operation of ships to develop, implement and assess safety and pollution prevention management systems and another (A.772(18)), concerning fatigue factors in manning and safety, which aims at increasing awareness of the complexity of fatigue and encourages all parties involved in ship operations to take these factors into account when making operational decisions.

The resolution acknowledged the need for increased focus on human-related activities in the safe operation of ships, and the need to achieve and maintain high standards of safety and environmental protection for the purpose of significantly reducing maritime casualties.

While its core principles remain valid, it was updated by resolution A.947(23) on Human element vision, principles and goals for the Organization, adopted by the 23rd Assembly in November-December 2003. The principal elements of this resolution are as follows:

Vision

- to significantly enhance maritime safety and the quality of the marine environment by addressing human element issues to improve performance;

Principles

- the human element is a complex multi-dimensional issue that affects maritime safety and marine environmental protection. It involves the entire spectrum of human activities



Seafaring is a passport to a huge variety of related jobs ashore for which experience at sea will make one eminently qualified – coast guard officer, for example

performed by ships' crews, shore-based management, regulatory bodies, recognized organizations, shipyards, legislators, and other relevant parties, all of whom need to co-operate to address human element issues effectively;

- the Organization, when developing regulations, should honour the seafarer by seeking and respecting the opinions of those that do the work at sea;
- effective remedial action following maritime casualties requires a sound understanding of human element involvement in accident causation. This is gained by a thorough investigation and systematic analysis of casualties for contributory factors and the causal chain of events;
- in the process of developing regulations, it should be recognized that adequate safeguards must be in place to ensure that a "single person error" will not cause an accident through the application of these regulations;
- rules and regulations addressing the seafarers directly should be simple, clear and comprehensive;
- crew performance is a function of individual capabilities, management policies, cultural factors, experience, training, job skills, work environment and countless other factors;
- dissemination of information through effective communication is essential to sound management and operational

decisions; and

- consideration of human element matters should aim at decreasing the possibility of human error as far as possible.

Goals

- to have in place a structured approach for the proper consideration of human element issues for use in the development of regulations and guidelines by all Committees and Sub-Committees;
- to conduct a comprehensive review of selected existing IMO instruments from the human element perspective;
- to promote and communicate, through human element principles, a maritime safety culture and heightened marine environment awareness;
- to provide a framework to encourage the development of non-regulatory solutions and their assessment based upon human element principles;
- to have in place a system to discover and to disseminate to maritime interests studies, research and other relevant information on the human element, including findings from marine and non-marine incident investigations; and
- to provide material to educate seafarers so as to increase their knowledge and awareness of the impact of human element issues on safe ship operations, to help them do the right thing.

A further important element in IMO's "human element" work has been the development

of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code). The ISM Code is intended to improve the safety of international shipping and to reduce pollution from ships by impacting on the way shipping companies are managed and operated. The ISM Code establishes an international standard for the safe management and operation of ships and for the implementation of a safety management system.

The genesis of the ISM Code lies in a number of very serious shipping accidents that occurred during the late 1980s. They were manifestly caused by human errors, with management faults also identified as contributing factors.

In October 1989, IMO adopted resolution A.647(16), Guidelines on Management for the Safe Operation of Ships and for Pollution Prevention. The purpose of these Guidelines was to provide those responsible for the operation of ships with a framework for the proper development, implementation and assessment of safety and pollution prevention management in accordance with good practice.

The objective was to ensure safety, to prevent human injury or loss of life, and to avoid damage to the environment, in particular, the marine environment, and to property. The Guidelines were based on general principles and objectives so as to promote evolution of sound management and operating practices within the industry as a whole. They recognized the importance of existing international instruments as the most important means of preventing maritime casualties and pollution of the



Cadets aboard the UK training ship *Foudroyant* gain a valuable insight into the seafarer's life (photo: Lee Adamson)

sea and included sections on management and the importance of a safety and environmental policy. In 1993, after some experience in the use of the Guidelines, IMO adopted the ISM Code, which became mandatory in 1998.

The ISM Code establishes safety management objectives and requires a safety management system (SMS) to be established by "the Company", which is defined as the shipowner or any person, such as the manager or bareboat charterer, who has assumed responsibility for operating the ship. The Company is then required to establish and implement a policy for achieving these objectives. This includes providing the necessary resources and shore-based support.

Every company is expected "to designate a person or persons ashore having direct access to the highest level of management". The procedures required by the Code should be documented and compiled in a Safety Management Manual, a copy of which should be kept on board.

Joint IMO/ILO work on seafarer employment issues

If the global pool of competent, properly qualified and efficient seafarers is to be increased, then seafaring must be seen as a viable career choice for people of the right calibre. This clearly dictates that efforts should be made to ensure that the employment conditions for seafarers should be at least comparable with those found in other industries. The obvious impact that the quality of the shipping industry has on safety at sea means that employment issues play an important part in the work of IMO. As a result, IMO and ILO, the International Labour Organization, have established joint working groups on seafarer issues to tackle such matters from a united perspective.

For example, it is a sad fact that seafarers sometimes become abandoned in foreign ports, often as a result of financial problems on the part of the shipowner. If a shipowner defaults on a payment or some other business transaction, arrest of the ship is often the only recourse open to creditors. And if the shipowner goes out of business, the ship may simply be abandoned. Either way, it is usually the crew that bears the brunt. Seafarers abandoned in foreign ports often suffer severe hardships, including lack of food, medical care, and other necessities of life, as well as delays in their repatriation. Compensation for injury or death is sometimes subject to delay, there is also a perception that, in some cases, there has been pressure to reduce the amount of claims in return for an expedited settlement.

These are serious problems involving a human and a social dimension. Given the global nature of the shipping industry,

there can be little doubt that seafarers need special protection. As a result, joint IMO/ILO guidelines relating to financial security to cover claims from seafarers in cases of abandonment, personal injury and death and on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers, have been developed. The plan is for these to be made mandatory through amendments to the ILO's Maritime Labour Convention (see below), once this Convention enters into force.

The two Organizations have also jointly developed and adopted Guidelines on fair treatment of seafarers in the event of a maritime accident, in response to several high-profile cases in which seafarers had been summarily incarcerated following accidents in which their ship had been involved. The implementation of these Guidelines, along with those on abandonment, are currently being monitored by IMO's Legal Committee.

Another very welcome development in the context of seafarers' welfare was the adoption, in 2006, of the ILO's consolidated Maritime Labour Convention, which deals specifically with seafarers' working conditions. This has been hailed as the "fourth pillar" of the international regulatory regime for quality shipping, complementing three key IMO Conventions, namely the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), by adding, to the topics these three treaties address, the all-important social dimension. Its wide and effective implementation will

certainly boost the attractiveness of seafaring as a profession.

Seafarer fatigue has frequently been found to be a contributory factor to accidents at sea and to ensure seafarers are adequately rested has long been recognized as having an important role in preventing casualties. IMO has developed guidance on fatigue, while the Maritime Labour Convention also contains provisions covering this issue. These were reinforced earlier this year at the aforementioned Manila Conference by the adoption of an important new text on fitness for duty and hours of rest, which will create better conditions for seafarers to be adequately rested before they undertake their on-board duties.

Under the Manila Amendments to the STCW Convention, all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than a minimum of 10 hours of rest in any 24-hour period and 77 hours in any 7-day period. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and then intervals between consecutive periods of rest shall not exceed 14 hours.

At the same time, in order to ensure the continued safe operation of ships in exceptional conditions, the Conference unanimously agreed to allow certain exceptions from the above requirements for the rest periods. Under the exception clause, parties may allow exceptions from the required hours of rest provided that the rest period is not less than 70 hours in any 7-day period and that certain clear conditions are met.



It's not all glamour: basic maintenance can be hum-drum so it helps to keep a cheery smile



Time spent at sea offers enticing advantages and unique opportunities, while the sense of doing something very different from just working in an office has a universal and timeless appeal

These provisions were the result of intensive negotiations between regulators and the shipping industry and represent a well-balanced solution of the issue.

Conclusion

There have been massive changes in the supply side of the shipping industry's human resource in recent years, in particular a fundamental shift towards new labour markets concentrated in developing countries. The development of open registries for ships has given the shipping industry the flexibility to recruit its manpower from alternate sources, with the result that developing and newly industrialized countries now provide the majority of seafarers for the entire global fleet – not just for the ships flying their own country's flag.

The Philippines leads the way in this respect, with some 250,000 to 300,000 Filipino seafarers making an immense contribution to the country's balance of payments and providing a major source of foreign currency. In December 2009, the

Trade Union Congress of the Philippines reported that the amount of cash sent home by overseas Filipino sailors had risen by US\$108 million or 4.51 per cent to a new record of US\$2.501 billion in the nine months to September last year, from US\$2.393 billion over the same period in 2008.

China, Indonesia and India are also major suppliers of seagoing manpower, and the picture is repeated in many countries, albeit mostly on a smaller scale, throughout the world.

There can be no doubt that transport and communication are crucial for sustainable development in the global environment, not least in view of the vital role played by maritime transport in terms of poverty alleviation and the economic growth of developing countries.

Against this, it must also be recognized that seafarers shoulder enormous risks in the execution of their daily tasks and duties, in an often hostile environment, while spending long periods of their professional life at sea away from their families and friends.

There have been far too many reported instances in which seafarers have been unfairly treated when their ships were involved in accidents; abandoned in foreign ports; refused shore leave for security purposes; and subjected to serious risks while their ships were sailing through piracy-infested areas and to potentially harmful treatment while in the hands of pirates. IMO has urged action from Governments, shipping organizations and companies and all other parties concerned, to address these issues.

The magnitude of the service provided

by the global population of some 1.5 million seafarers to the estimated 6.7 billion citizens of the world is difficult to express or to conceptualize. What is beyond dispute is that seafarers deserve our respect, recognition and gratitude – not just in this, the 'Year of the Seafarer', but into the future, too.

To this end, the Manila Conference adopted a resolution designating 25 June as 'Day of the Seafarer' in order to mark the unique contribution made by seafarers from all over the world to international seaborne trade, the world economy and civil society as a whole. The date chosen was that on which the Manila amendments to the STCW Convention and Code were adopted and acknowledges their significance for the maritime community and those who serve it on board ships. Governments, shipping organizations, companies, shipowners and all other parties concerned are encouraged to duly and appropriately celebrate and promote the Day of the Seafarer.

The theme of this year's World Maritime Day was chosen in order, first of all, to provide the maritime community with an opportunity to pay tribute to seafarers from all over the world for their unique contribution to society and in recognition of the vital part they play in the facilitation of global trade. It is also providing an excellent opportunity to convey to the seafarers of the world the message that the entire shipping community appreciates them and their indispensable services; is aware of the conditions under which they operate; shows compassion for the sacrifices they make; and really does care for them.



Following the 2010 Manila amendments, simulator training is now enshrined in the STCW Convention

Genesis of the Nairobi wreck-removal convention

By David Sagar, IMO Legal Office

Historic wrecks fascinate us. An ancient Greek trireme; the Vasa, emerging ghost-like from Stockholm harbour; the celebrity status of the Titanic; and the grim wartime wrecks of the 20th Century that litter the ocean floor, many of them designated war graves. Most States have legislation governing the protection and removal of such wrecks

A more prosaic, but no less important kind of wreck has given serious concern in recent times. Despite modern navigation equipment, said to reduce many dangers of a fickle sea, ships continue to founder, especially in coastal or shallow waters, posing a serious hazard to navigation and pollution of the marine environment.

The world shipping community has had these wrecks in its sights for several decades and IMO first became seized of the problem in the early 1970s. The end result was the adoption of the Nairobi International Convention on the Removal of Wrecks, 2007

(WRC), still awaiting entry into force.

Despite the effort of Governments and industry to enhance safety in shipping operations, wrecks continue to pose acute problems for shipping worldwide. The number of wrecks in coastal waters was estimated a few years ago at some 1300 worldwide. War is just one cause: for example, after the Iran-Iraq war of 1980-88 and the first Gulf war in 1991, a survey of the Persian Gulf area assisted by IMO reported more than 200 wrecks along with heavy pollution.

Wreck removal conference in the making

The WRC didn't happen overnight. Its genesis, as with other IMO liability and compensation conventions, may be traced back to the dramatic wreck of the tanker **Torrey Canyon** on a reef off Land's End, United Kingdom (UK) in March 1967, threatening an environmental disaster.

Because, legally speaking, the wreck lay outside the UK's territorial sea, then three miles, questions arose as to the rights of the UK, as a coastal state, to take action under international law to protect its coastline and to intervene in relation to foreign flagged vessels. The issue was therefore brought to the attention of IMO by the UK and French Governments, with a request for assistance.

The immediate outcome of this request led to the adoption in 1969 of the Intervention Convention and the Civil Liability Convention, followed two years later, by the 1971 Fund Convention.

The subject of wreck removal started receiving the attention of IMO's Legal Committee in 1972, but work was deferred repeatedly, to enable priority to be given to the elaboration of other, more urgently needed, international instruments.

Further stimulus was given to the proposed WRC by the wreck of the **Mont Louis** on a sandbank off Zeebrugge, Belgium, in 1984, after a collision with a passenger ferry. Though outside Belgian territorial waters, a Belgian court ordered its removal by the ship owners. This incident, however, served to highlight the need to





establish, in international law, a coastal State's legal right to remove wrecks located outside its territorial limits, as well as to recover the costs of such removal.

After successive meetings of the IMO Legal Committee, the Convention was adopted, on 18 May 2007, at an IMO Diplomatic Conference held in Nairobi. It will enter into force twelve months after 10 States have become Parties to it.

In line with general principles of treaty law, the Convention will apply to wrecks occurring after its entry into force.

How the issues have been tackled

The main problems are:

- off-shore wrecks may constitute a hazard to navigation, potentially endangering other vessels and their crews;

- a wreck may cause substantial damage to the marine and coastal environments, depending on the nature of the cargo;
- at a time when goods and services are becoming increasingly expensive, costs involved in the marking and removal of hazardous wrecks is a major issue; and
- although many of the dangerous wrecks lie in shallow coastal waters, within the territorial sea, where the coastal State generally has the right to remove them, recovery of associated expenses may prove problematic, given that many of these wrecks have been abandoned by the shipowners.

The Convention addresses these issues in the following way:

- for wrecks in the Exclusive Economic Zone (EEZ) that pose a hazard (i.e. a threat to navigation or to the marine environment or coastline), affected States may take reasonable measures to remove the wreck;
- the master or operator of a ship, following a maritime casualty, has the duty to report the event to the affected State;
- following this, the affected State should take urgent measures to establish and to warn mariners of the precise location of the wreck;
- if the wreck is determined to be a hazard, the affected State should take steps to mark it; and consult with the owner with a view to its removal;
- with some exceptions, the owner is normally responsible for the costs of these actions;
- if the owner does not comply within a reasonable time, the coastal State may remove the wreck, at the owner's expense;
- owners of ships of 300 gross tonnage or above are required to maintain compulsory insurance or other financial security to cover their liability under the WRC, and carry on board at all times a certificate to that effect; and
- coastal States have the right to extend the application of the Convention to their territorial waters (the "opt in" clause), including the requirement for compulsory insurance.

The Nairobi Convention represents a major breakthrough since, once in force, it will provide the first set of uniform international rules enabling the removal of wrecks in coastal waters.