

## THE FAILURE OF THE IMO

The manning levels on ships are fundamental to dealing with many of the accidents on board. To my recollection, we have been calling for this for at least 30 years with absolutely no response from the IMO.

Indeed with the introduction of the security regime and the manpower requirements of this, the situation has become worse. Under the 'watchful' eye of the IMO the manning certificate has become a worthless piece of paper with manning levels on ships decided by the owners, the manning regulations completely ignored by the flag states, including our own, and fatigue caused by this appalling disregard now having a major impact on ship operation both in port and at sea with, of course, those at sea blamed for any incident.

However the causes of this go deeper. The IMO was formed in 1948 in Geneva and came into force in 1959 with the 1960 convention. This all came from SOLAS established in 1914 as a result of the Titanic disaster. This convention was updated in 1974 and it is this convention that with the continuing updates that forms the basis of the IMO today.

Alongside this is UNCLOS, the United Nations Convention on the Law of the Sea, which provides the legal framework within which all activities in the oceans and seas must be carried out. In article 94 it states that flag states "**shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag**".

This includes the safe manning of ships registered under their flags.

While not stated, it is now accepted that the effective oversight for the implementation of UNCLOS by the Flag States lies within the jurisdiction of the IMO and the precedent for this is the fact that several provisions in the Convention refer to the "competent international organization" in connection with the adoption of international shipping rules and standards in matters concerning maritime safety, efficiency of navigation and the prevention and control of marine pollution from vessels and by dumping.

So what has the IMO done to ensure that UNCLOS is complied with? The answer is nothing. The flag states treat UNCLOS as if it does not exist.

The principle that there be a "genuine link" between a ship's owners and its flag state is completely ignored by both flag states and the owners. The flag states now sell their registrations like postage stamps with no intention of complying with UNCLOS even if they could, which many island flag states cannot. This means that the seafarers on their registered ships and the now many millions of passengers have no recourse to regulation, justice or diligent investigation of incidents or crime on these ships.

Now this would be disputed by those employed by these states in their marine administrations by stating that they follow the IMO legislation, but they don't even do that. Coming back to the manning levels, the International ship and port security code clearly states that the flag states are to reassess the manning levels to ensure that the ships can comply with the code while being safe manned. No flag state has done this.

Is it not ironic that seafarers who offend against the laws of the flag states can be imprisoned, yet those in the administrations of the flag states who break the laws of UNCLOS and ignore the legislation of the IMO do so with impunity?

But what about these IMO legislative acts? Fatigue hours are defined but no requirement for ports to provide layby berths for ships to go to for rest before sailing. Ridiculously low manning requirements for ships are specified and approved when the manning legislation requires '*The number of qualified and other personnel required to meet **peak workload situations and conditions**, with due regard to the number of hours of shipboard duties and rest periods assigned to seafarers.*'

This is completely ignored by every shipping company and by all those who inspect these ships whether port state control, coastguard or class surveyors on behalf of the flag states. After all, who is going to bite the hand that feeds them?

What about enclosed spaces? No design changes, training requirements or equipment, not even an oxygen meter yet in the past month we have seen several deaths in these spaces. No reaction from the IMO except to state that we should not go into

spaces with oxygen content below 21%. This means that no ship should ever sail as the bridge, all the cabins and even open air is below that!

Cruise ships steaming around with only 75% lifeboat capacity and even those are certified for more than they can hold. Lifejackets that at best are poor and at worse dangerous, and totally unrealistic criteria for abandonment, but again, no reaction from the IMO except to have senior officials wandering around claiming the appalling 'new' idea of the ship is a lifeboat which, incidentally, didn't do those on the Costa Concordia or the Sewol much good. If that is so then why require any lifeboats at all?

So why can this organization continue to ignore essential safety requirements and watch seamen dying because of this indifference?

It is very simple. Money. Seamen don't have it, the ship owners do. Imagine that legislation is proposed that cruise ships should have 100% lifeboat capacity. The Marine Minister of an island flag state is approached by the cruise ship owner who states his objection to the legislation reminding the Minister that his twenty ships can change flags overnight if that flag state approves this. And by the way, here is a little something for the children's education fund. It is obvious what that flag state will vote for. This is what is happening to much safety legislation that will benefit safety at sea at the expense of the owners and why the IMO is now so ineffective and disenfranchised from those at sea.

To it's shame, it has become a ship owners organization at the expense of the lives of seafarers and while purporting to uphold safety at sea enacts ineffective legislation which becomes advice by the constant use of the word 'should' instead of 'must' while silently watching those at sea being blamed for circumstances that are beyond their control while those who should be blamed go unpunished and unrepentant.

The IMO came to us many years ago and said hand over your marine safety administrations to us and we will govern. We will establish standards and legislation to ensure that safety at sea is enhanced and continually improved. We will look after UNCLOS and ensure it's compliance. So we all handed over our governance

forgetting that this organization had no wish to enforce compliance. How can you make laws without the ability to enforce them?

Those at sea have a right to be angry at what has happened and that is why the manning regulations will never be followed or change for the better until the basic attitudes of the administration of this organization can change back to that which the founders conceived and make effective and sensible safety legislation regardless of the influence of the ship owners.

The IMO needs to take a good hard look at what it has become and perhaps a good breeze of fresh air from the sea in its halls would not go amiss, as now, it is not just the lives of the seamen of the world in their hands, but that of twenty million passengers who also have a right to be protected and who are not receiving the consideration they are entitled to at present.

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