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IFSMA NEWSLETTER

The Shipmasters' International Voice

MV *Beijing*, registered in Valetta
In the Lamma Channel, with Hong Kong Island in background
Departing Hong Kong, 3rd November 2023

UNITY FOR SAFETY AT SEA
IFSMA

International Federation of Shipmasters' Associations (IFSMA)

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Secretary General's Report

Well, another year is drawing to a close and yet again I have been involved in two cases of unfair criminalisation and in both cases I have to thank the ITF for their help in assisting of two shipmasters from MV *Grace Felix* in Durres, Albania, and the MV Berge Torre in Adana, Türkiye.

Grace Felix was arrested in February 2023 on the charge of attempting to smuggle Russian oil and the Shipmaster spent the next two months in an Albanian jail with the ship under arrest in Durres. The Shipmaster and crew were supported by the Greek owner, management company and P&I Club, but they were unable to make progress with the courts.

The crew were allowed to be rotated, but after the initial two months, the Shipmaster was confined to the ship. IFSMA was made aware of this case in October this year. As soon as IFSMA brought this to the attention of the ITF, arrangements were made for the attendance of an ITF Inspector and within four days the Shipmaster was released and he returned home to his family.

A month later MV *Berge Torre* was arrested after an inspection by police and Customs authorities in Türkiye who discovered drugs in one of the chain lockers despite a full inspection, including sniffer dogs, prior to leaving Colombo with a cargo of coal. The Management Company, a member of the Federation, notified IFSMA immediately and we were able to alert the ITF who had an inspector onsite 48 hours later. This ensured there was a proper investigation undertaken by Türkiye's authorities which resulted in the crew of 22 being released, along with the ship, apart from the Chief Officer, a 3/0 and two ABs who were bailed to remain in the port of Adana pending further investigation.

They are being supported by the management company and the P&I Club. These two cases highlight the benefits of being a member of IFSMA and also a seafarer union as we have excellent contacts with all the Flag States' national maritime administrations involved.

It is worth noting that in the case of the *Grace Felix*, the Shipmaster was not a member of an IFSMA association or a union, but still we got immediately involved as soon as the Shipmaster wrote to us as a last resort for help. I have written to ITF to thank them for their immediate help and the enormous influence they have around the world in both cases.

You will have seen the recent security problems in the Red Sea with the hijacking of the MV *Galaxy Leader* by the State-backed Houthis terrorist organisation in the last week of November.

The President of CESMA wrote to the European Union and IFSMA worked with the ICS to give a combined statement to the IMO Assembly meeting. The statement can be seen on our website and ICS used this as a press release. It should be noted that it was only because of the standing of IFSMA and ICS that we were allowed to make this statement which was given full support by the Assembly. Make sure to check the IFSMA and ICS website for further advice on transiting these waters.

All these cases highlight the need for Shipmasters to be extra vigilant to ensure that the cargoes they carry are legitimate and that all appropriate security measures are taken in well-known high risk ports and sea areas.

On that rather gloomy note, please take care in port and at sea and do not take short cuts in security and legality of cargo measures. Be quizzical of all your paperwork and do not be afraid of asking questions of your owner, management company or charterer. I hope that you all have fair winds and following seas.

Jim Scorer
Secretary General

From the News Editor

BP Shipping Pictorial: The Golden Years 1945-1975

This a softback book by Ray Solly, published by Whittles Publishing of Dunbeath, Caithness, Scotland KW6 6EG with 192 pages and over 160 photographs.

ISBN: 978 1 184995 474 7. Price £18.99

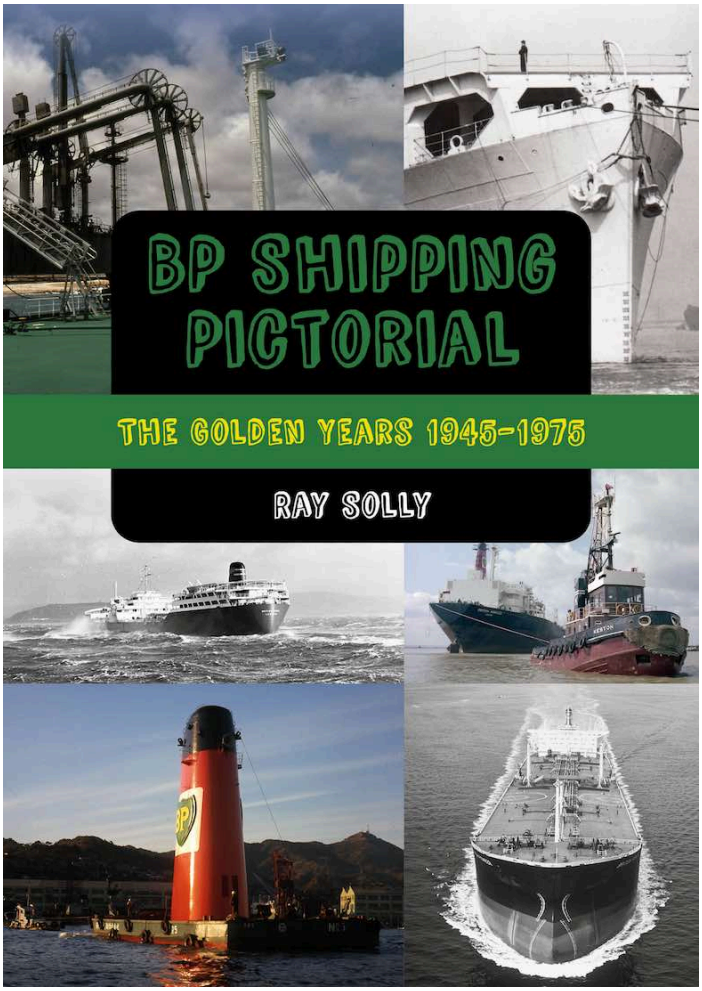
For more information of Whittles' titles readers are invited to see here:
https://www.whittlespublishing.com/

Here is an authoritative examination of the thirty-year post-Second World War period that covers significant changes in the history of the British Petroleum Tanker Company (BPTC). It features a major period of prosperity prior to the development of the company's fleet into VLCC-class ships.

These major changes were vital to the development of the company's fleet from modest 12,000 summer deadweight tonnage vessels to the Very Large Crude Oil (VLCC) class ships which ranged up to *British Respect* with her capacity of 277,746 dt.

The author, a former navigating officer who served in deep-sea dry cargo vessels and supertankers with the Merchant Navy, starts with a concise history of BP from its beginnings around 1915, including early developments in the design and construction of tankers. Solly went on to a career as a schoolmaster and away from that he taught coastal navigation and radar to the Royal Navy at its School of Maritime Operations, HMS *Dryad*. He is an established writer on maritime topics.

Losses totalling fifty tankers (company-owned and managed vessels with 675 ships' staff killed) during the Second World War were countered by developments in conversion of vessels for wartime duty and the construction of new tonnage. Post-war, and after considerable losses, the drive to repair vessels and build new tankers was paramount and led to the growth of the 1950s.



In many areas, BP was instrumental in designing and implementing safety rules long before they were adopted internationally and the effects of these changes are considered in detail. Also featured is the recovery of the fleet following the ravages of the Second World War which was influenced by an unprecedented world demand for oil. There were also numerous political upheavals that had a direct influence on ship routeing and fluctuations in the growth of the parent company, BP International, which affected the shipping arm, BPTC.

In 1948 an international conference in Geneva adopted a convention formally establishing IMO (the original name was the Inter-Governmental Maritime Consultative Organization, or IMCO, but the name was changed in 1982 to IMO).

The IMO Convention entered into force in 1958 and the new Organization met for the first time the following year.

One of IMO's tasks was to adopt a new version of the International Convention for the Safety of Life at Sea (SOLAS), the most important of all treaties dealing

with maritime safety. This was achieved in 1960 and IMO then turned its attention to such matters as the facilitation of international maritime traffic, load lines and the carriage of dangerous goods, while the system of measuring the tonnage of ships was revised.

This UN organization became a major innovator with a suite of consultative documents which eventually led to numerous protocols and conventions, leading the marine transport industry and the tanker industry in particular to becoming the most widely-regulated form of transport in the world.

Although safety was and remains IMO's most important responsibility, a new problem began to emerge: pollution. The growth in the amount of oil being transported by sea and in the size of oil tankers was of particular concern and the *Torrey Canyon* disaster of 1967, in which 120,000 tonnes of oil was spilled, demonstrated the scale of the problem.

The 218,814 dt British Prospector launched by Mitsubishi's Nagasaki yard in 1971. After a change of ownership to the Liberia-flag the vessel was sold for demolition in 1983.

Photo: BP Plc ©.

During the next few years IMO introduced a series of measures designed to prevent tanker accidents and to minimize their consequences. It also tackled the environmental threat caused by routine operations such as the cleaning of oil cargo tanks and the disposal of engine room wastes – in tonnage terms a bigger menace than accidental pollution.

The most important of all these measures was the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto otherwise known as MARPOL 73/78).

IMO's activities included professional certification across all ranks of seafarers, helping to correct numerous problems which affected crews during this thirty-year period.

Tank construction and ship stability problems are discussed along with a major overhaul of the International Regulations for Preventing Collisions at Sea. Other issues confronted during this period include preliminary work which would later be extended to include ballast water transference worldwide and air pollution, and so forth.

All this is brought together in eight chapters with conclusions, bibliography, acknowledgements and a ship index of approaching two hundred vessels mentioned in the text. Additional there are a number of general arrangement drawings and tank plans. The wealth of photographs shows tanker development over the three decades and the high standard of accommodation and features aspects of shipboard life.

Of importance, too, are the various references to the political scene down the years: tensions in the Middle East in 1948; the Persian Gulf in 1951; closure of the Suez Canal in 1956 and 1967; nationalisation or commandeering of assets in Libya in 1972; the OPEC oil price hike the following year; the 1970s oil boom in the North Sea. Each hazard was ridden by an effective and resilient company that continues to grow.

BP Shipping Pictorial: The Golden Years 1945-1975 is a valuable shipping company history.

The IMO Digest

A summary of some of the news received with grateful thanks from the excellent IMO Media service in recent weeks.

Illustrations per www.imo.org ©

Promotion of IMO's technical assistance

New brochure issued

On 17 October IMO announced the issue of a new IMO brochure detailing key priorities and the Organization's programme of technical assistance to support Member States, particularly those categorized as Small Island Developing States (SIDS) and Least Developed Countries (LDCs). More than a third of IMO's 175 Member States are classified as SIDS or LDCs.

With the title *All Hands on Deck* the publication is available as a booklet and online. To download a copy readers are invited to see here: https://tinyurl.com/4b35d9uu

Launching the publication at the conclusion of the first day of the 73rd session of the Technical Cooperation Committee (TC) IMO Secretary-General Kitack Lim commented: '*For the first time, IMO has brought together all the different elements that we prioritise…A single technical cooperation strategic framework to illustrate, in a visual form, our key priorities and strategies for supporting Member States to meet their international obligations, and to promote their commitment to sustainable maritime development.*

'*Member States can see the type of assistance available to them, and our donors and implementing partners are able to see where and how they can*

contribute to moving Member States along the capacity building pathway.'

IMO is committed to supporting safe, secure and efficient shipping, and to preventing marine and atmospheric pollution from ships, in line with the UN 2030 Agenda for Sustainable Development.

The IMO technical cooperation programme sets the strategic framework to assist Member States meet their international maritime responsibilities.

Barbados

Boosting oil spill preparedness skills

A comprehensive, up to date and tested National Oil Spill Contingency Plan (NOSCP) is the foundation for an effective and sustainable oil spill preparedness and response framework. It also ensures effective implementation of the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) Convention[1].

Barbados workshop mid-October

Against this backdrop, an in-person national workshop took place in Bridgetown, Barbados from 17 to 19 October. It was aimed at twenty-two senior managers and administrators involved in responding to oil pollution incidents, to ensure they have the requisite knowledge to respond to oil spill incidents effectively and efficiently.

Many players

Through lectures and case studies delivered by a team from the Regional Marine Pollution Emergency, Information and Training Centre – Caribe (RAC/REMPEITC-Caribe)[2] and IMO consultants, participants discussed the impacts of oil pollution and its effect on the marine environment, the need for rapid decision-making, and the interface between national groups/agencies with other countries and the international community.

Broad programme

Topics covered included an overview of response policies, management and structure, NOSCPs, roles and responsibilities, international co-operation, regulations and conventions, and liability and compensation.

The workshop incorporated table-top and discussion-based exercises. These are used to build capacity and test response systems so that necessary improvements to the Barbados NOSCP can be identified.

Clear objectives

Key objectives of the training were that participants developed a clear understanding of the importance of an effective national plan to respond to oil spills, including communication procedures, and an awareness of the roles and responsibilities that should be addressed prior to, and during, an oil spill.

Stakeholder collaboration

Of particular importance was effective collaboration amongst numerous stakeholders, and the workshop provided an opportunity for participants to build their networks to enhance that collaboration and stimulate a cooperative approach to oil spill preparedness and response.

Draft action plan

To facilitate ongoing development of an effective national oil spill preparedness and response framework, workshop delegates during the training drafted an action plan. The workshop utilised the RETOS tool[3] for assessing levels of oil spill preparedness. Its use will assist Barbados identify any gaps in their levels of preparedness and response.

IMO's Integrated Technical Cooperation Programme

The workshop was delivered through IMO's Integrated Technical Cooperation Programme (ITCP), in collaboration with Barbados, through its Ministry of Environment and National Beautification, Green and Blue Economy; and the Ministry of Tourism and International Transport, through RAC/REMPEITC-Caribe.

Hosted by the Government of Curaçao, and with activities largely funded by IMO, UNEP and the United Nations Development Program (UNDP), this programme assists countries to implement international conventions created to reduce pollution from ships.

1. https://tinyurl.com/549fh3kw
2. https://tinyurl.com/28kynzty
3. https://arpel.org/library/publication/341/

Maritime decarbonisation

IMO trains port stakeholders

The role of ports in supporting maritime decarbonisation and the transition to greener energy was the focus of the Port Actions for a Green Shipping workshop held in Mumbai from 10 to 12 October.

Following IMO GHG Strategy

The aim of the workshop was to provide participants with specialised training on emission reduction opportunities in ports, in line with the objectives of the 2023 IMO GHG Strategy and IMO's resolution MEPC.366(79), which encourages voluntary cooperation between the port and shipping sectors to contribute to the reduction of GHG emissions from ships.

Indian-Norwegian collaboration

The event was organized by the IMO GreenVoyage2050 Project, in collaboration with the Directorate General of Shipping of India (DGS), the International Association of Ports and Harbours (IAPH), and the Royal Norwegian Consulate General Mumbai. It was hosted at the Indian Register of Shipping (IRS) with the support of the Institute of Marine Engineers India (IMEI).

More than fifty port stakeholders representing port/terminal executive management, harbour masters, national authorities and coast guards from the GreenVoyage2050 partnering countries attended the three-day workshop. Delegates came from: Azerbaijan, India, Kenya, Malaysia, Solomon Islands and Sri Lanka.

Examination of analyses

Participants could choose to join one of two workstreams. The Onshore-Power Supply (OPS) workstream covered how ports might explore OPS, and key issues to be considered. It included examination of the analyses – for example, fleet and port call analyses – which should be undertaken to assess feasibility and potential usage before any investment or implementation decisions are made.

Alternative marine fuels considered

Those who took part in the workstream focused on the port perspective of alternative marine fuels were familiarised with the alternative fuels that will likely play a key role for ships in coming decades and how to prepare for them. They identified opportunities for future development, looked at drivers for the uptake of various future fuels and how ports can assess their readiness, and prepare, for the provision of zero and near-zero GHG fuels.

Safe and efficient bunkering

This workstream also learned about practical tools that have been developed by the IAPH Clean Marine Fuels Working Group[1] for ports that facilitate safe and efficient bunker operations in ports for all existing and upcoming clean marine fuels.

Reducing emissions in port

The workshop addressed low-cost measures to reduce emissions in ports, the greening of domestic harbour craft, and included a knowledge session on Norwegian maritime clusters that bring the public and private sectors together to catalyse innovation and the implementation of zero emissions pilot projects.

Sharing experiences

Experiences in port decarbonisation from around the world were shared by representatives from IAPH, the World Port Climate Action Programme (WPCAP), and by representatives of the ports of Singapore and Yokohama.

IMO GreenVoyage2050 Project now extended

The IMO GreenVoyage2050 Project was established in May 2019 to support developing countries, including Small Islands Developing States (SIDS) and Least Developed Countries (LDCs), in meeting their commitment towards relevant climate change and energy efficiency goals for international shipping.

GreenVoyage2050, which is funded by the Government of Norway, was recently extended to run

until 2030[2] and will support developing countries in achieving the Levels of Ambition set out in the 2023 IMO GHG Strategy[3].

[1] https://tinyurl.com/38h86uvt
[2] https://tinyurl.com/393dwcxh
[3] https://tinyurl.com/9y55zkbv

IMLI Malta

IMO S-G inaugurates refurbished facilities

On 9 October the IMO Secretary-General Kitack Lim inaugurated the newly modernized lecture hall and refurbished student accommodation at the IMO International Maritime Law Institute (IMLI) in Malta. Mr Lim, who is Chair of the IMLI Governing Board, also formally opened the Institute's academic year 2023-2024 during his visit.

Speaking at the inauguration ceremony held in the modern well-equipped lecture hall, Mr Lim welcomed IMLI's 35th generation of maritime professionals and wished them success in their academic journey. He highlighted that many successful IMLI graduates go on to hold high-level positions in government and the private sector.

Mr Lim thanked the Government of Malta for its continued funding and support for IMLI, and the Government of the Republic of Korea which financed the IMLI refurbishment work through the IMO Voyage Together Trust Fund. He commented: '*I am sure that a better study environment, along with enhanced living premises, will greatly improve the students' quality of life during their studies at IMLI*.'

Mr Lim and the Honourable Dr Stefan Zrinzo Azzopardi, Malta's Minister for Public Works and Planning, unveiled a plaque to mark the inauguration of the improved student accommodation. Mr Lim and Dr Zrinzo Azzoprsdi joined Professor Dr Norman Martínez Gutiérrez, the new Director of IMLI, in marking the opening of the lecture hall with the cutting of a ceremonial ribbon.

IMLI was established in 1988 by agreement between IMO and the Government of Malta to train officers, principally from developing countries, in international maritime law. The 2023-2024 intake of students includes 64 who are beginning the Mastes Degree programme and seven who are enrolled in the Advanced Diploma programme.

The Secretary-General's address is available here: https://tinyurl.com/58ts5jpv

Revision of IMO instruments

LSA and related equipment

ISWG

On 13 October IMO reported that experts in ship construction, operations and survival at sea had met for the second session of the Intersessional Working Group on the Revision of SOLAS Chapter III[1] and the LSA Code (ISWG-SOLAS III-LSA)[2].

Gaps in provisions of SOLAS

The aim of the meeting in Hamburg, Germany held from 9 to13 October was the establishment of a set of high-level goals and requirements to fill gaps in the provisions of SOLAS chapter III and the International Life-Saving Appliance (LSA) Code.

Survival at sea studies

Furthermore, the idea is that those who have been taking part – for example life-saving appliance manufacturers, naval architects, flag Administration representatives, medical experts, surveyors and master mariners – should identify and rank in matrix form hazards relating to survival at sea in incidents of ship abandonment.

Reporting to March 2024

The Sub-Committee on Ship Systems and Equipment agreed at its meeting in February/March 2023 (SSE 9)[3] that the Intersessional Working Group should hold a second session to advance work begun at its first in October 2022. The Group will submit its report to SSE 10 to be held from 4 to 8 March 2024.

Federal German host

Approximately twenty participants from eight Member States and four observer international organizations attended the October meeting held in Germany. That meeting was co-chaired by Stephan Assheuer and Rainer Hamann (Germany) and hosted by the Federal Ministry for Digital and Transport of Germany at the premises of the Federal Maritime and Hydrographic Agency of Germany.

[1] https://tinyurl.com/yc627ws5
[2] https://tinyurl.com/2b8pdc66
[3] https://tinyurl.com/5frfr8ys

New IMO e-Learning course

Training the auditors

A new online course has been launched which aims to provide maritime administration officers and trainees with the tools and knowledge required to conduct audits under the IMO Member State Audit Scheme (IMSAS)[1]. *Training for auditors under the IMO Member State Audit Scheme (Self-paced E-learning)* can be accessed via the IMO e-Learning platform[2].

For those conducting internal audits

The training is targeted at officials who are involved in conducting internal audits of their administrations and who, following completion of this training, may be nominated as auditors under IMSAS. It is part of IMO's work to assist Member States improve their capabilities and to facilitate effective implementation of applicable IMO instruments.

The audit standard

The mandatory Implementation of IMO Instruments (III) Code provides guidance for Member States on implementing and enforcing the requirements of IMO instruments. The Code serves as the audit standard for IMSAS to verify the level of States' implementation of flag, coastal and port State obligations.

Use of animation

Delegations attending seventh session of the Joint Working Group on the Member State Audit Scheme (JWGMSA7, of 12 October) watched a presentation on the new training course which uses animation and consists of modules that include case studies and interactive role-playing scenarios. The course also incorporates self-paced e-exercises and e-quizzes.

The content is based on an existing five-day auditors' training course provided as regional training to officials of maritime administrations nominated by their Member States.

IMO-WMU collaboration

IMO developed the training in collaboration with the World Maritime University (WMU) within the IMO-WMU e-Learning pilot project framework. The development of the project was funded by the Kingdom of the Netherlands and the Technical Cooperation (TC) Fund.

Distance learning, the key

Distance learning is a key way for IMO to meet changing educational needs and enhance the outreach of relevant content, so the Organization is offering students and maritime professionals around the world the possibility to boost their understanding of key maritime issues with a series of courses through the IMO e-learning platform[2].

[1] https://tinyurl.com/4bawe4kj
[2] https://lms.imo.org/moodle310/

IMO Technical Cooperation Committee (TC)

73rd session, 16-19 October

Highlights of the S-G's opening remarks

On 16 October the 73rd session of the Technical Cooperation Committee commenced and we publish below highlights of the opening remarks by Kitack Lim, Secretary-General, IMO:

'*I am pleased to welcome you all to the seventy-third session of the Technical Cooperation Committee.*

'*It is with great sadness that we have learned of the passing of Captain David Bruce, who represented the Republic of the Marshall Islands at IMO, as Permanent Representative, since 2002 – but whose links with IMO go back nearly 50 years.*

'*Captain Bruce was a great friend to IMO and to all of us. His deep insights into maritime issues were guided by his long experience at sea since the late 1950s and onshore with maritime administration and ship registries since 1972.*

‘*Over the decades, his input at IMO meetings has been truly remarkable. Captain Bruce was involved with nearly every aspect of shipping rules and standards developed at IMO, for safety, security, and environmental performance of international shipping. We will all miss his knowledge, expertise, and wisdom.*

‘*I convey my deepest condolences, and those of the entire IMO family, to Captain Bruce's family, to the Government of the Marshall Islands and to his colleagues and friends.*

‘*Our sincere condolences also go to the family of Mrs Mandana Mansoorian for the loss of our great friend and Vice-Chair of your Committee, who represented the Islamic Republic of Iran at IMO, as Deputy Permanent Representative, since 2015. Mandana was very active in her IMO duties, ably representing her country and in her excellent work as the Vice-Chair of the Committee.*

‘*Over the years, her considerate, dedication, good collaboration, and constructive approach have been a source of inspiration to many and to me, personally. Mandana was committed to the ideals of the Organization and to raising the profile of IMO, its regulatory work and its many different projects.*

‘*I would like to invite you to observe a minute’s silence in memory of Captain Bruce and Mrs. Mandana Mansoorian.*

(Delegates observed a minute’s silence.)

‘*Key maritime developments continue to influence our technical cooperation focus and priorities. Decarbonisation of shipping to address climate change is at the forefront of the global agenda; and digitalization is a driving force that offers new and transformative opportunities for shipping and port activities.*

‘*These developments bring an unprecedented need to support our Member States with capacity development and technical assistance so they can respond to the changing landscape and achieve the maritime aspects of the UN 2030 Agenda for Sustainable Development.*

‘*It is therefore with great pleasure to announce the launch of our new IMO Technical Cooperation brochure, which sets out IMO's strategic framework and priorities for supporting Member States to meet their international obligations, as well as strategies for enhancing our important partnerships with donors and implementing partners. I trust that this important foundation will play a key role in navigating IMO on its technical cooperation journey into the future.*

‘*This July, IMO adopted the 2023 Strategy on Reduction of Greenhouse Gas Emissions from Ships, with the ambitious goal to achieve net-zero GHG emission by around or close to 2050.*

‘*In this context, it is important to highlight the successful joint efforts of the Technical Cooperation Division, the Marine Environment Division, and the Department of Partnerships and Projects to facilitate the consensus-building and decision making through organizing various regional conferences in Africa, Asia and Pacific on the reduction of GHG emissions from shipping and the development of IMO’s technical and economic measures to achieve that goal.*

‘*I would also like to extend my gratitude to the Member States and organizations that contribute to the Multi Trust Donor Fund to support IMO's initiatives in this subject matter and those governments that hosted IMO's GHG Conferences.*

‘*Technical cooperation will continue to play a fundamental role in implementing IMO's 2023 GHG Strategy. As demonstrated during the recent IMO Green Shipping Conference in Latin America under the theme Implementing the 2023 IMO Green GHG Strategy by unlocking opportunities and investments and the establishment of Maritime Just Transition Task Force to enhance the skills of seafarers to competently manage safety and decarbonisation measures in the transition towards green and sustainable shipping.*

‘*As you carry out the important work this week to support the implementation of IMO conventions, it is also an opportunity to reflect on the achievements since the last session in 2022.*

‘*The continued expansion of our regional presence is a significant contributing factor to IMO’s implementation capacity, and I look forward to seeing the benefits in this respect with the ongoing establishment of the Pacific Regional Office and the Middle East and Northern Africa Regional Office.*

‘*The Technical Cooperation Division has also spearheaded the partnership between IMO and WMU on the e-Learning pilot project, launched in 2020, that is now constantly expanding.*

‘*IMO has also engaged in 36 new partnership arrangements since the last session, to support the delivery of our technical cooperation programme, bringing the total partnerships to 122, with an overall value of $141 million in contributions and pledges.*

‘*I would like to express my deepest appreciation and thanks to all those who have contributed generously to IMO’s technical cooperation work.*

‘*I remain convinced that the maritime sector will continue to be critical. It is therefore imperative that Member States and development partners continue to ensure that maritime development remains a high priority through productive dialogue and investment.*

‘*I am confident that the customary IMO spirit of cooperation will prevail during your deliberations and that you will reach agreement on the agenda items under consideration to enhance IMOs technical cooperation programme in the following months and years.*

‘*I wish you all a very successful meeting under your new leadership.* ‘*Thank you.*’

Container ship fire prevention, detection and containment

Experts meet at IMO

Addressing fires on container ships requires a comprehensive risk-based approach and prioritization of risk prevention and mitigation enhancement when developing amendments.

To support ongoing work on developing revisions to SOLAS or new regulations concerning detection and control of fires in cargo holds and on the cargo deck of containerships, experts in containership fires and Formal Safety Assessment (FSA)[1] met at IMO HQ in London from 23 to 26 October.

Introduction to CARGOSAFE

The aim of this meeting of the Formal Safety Assessment (FSA) Experts Group was to review the outcome of an FSA study called CARGOSAFE[2], which was commissioned by the European Maritime Safety Agency (EMSA).

The study examines the risks associated with fires in cargo spaces on container ships and evaluates measures to control these risks in terms of prevention, detection, firefighting, and containment.

Furthermore, the study follows the FSA structure for use in IMO rule-making process, based on the Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process (MSC–MEPC.2/Circ.12/Rev.2). The experts evaluated whether the CARGOSAFE study has been conducted in accordance with the Revised FSA Guidelines.

To IMO SSE March 2024

A report from the group will be submitted to the Sub-Committee on Ship Systems and Equipment (SSE), which meets for its tenth session from 4 to 8 March 2024.

The work on such fires follows a number of incidents on container ships, and subsequent submissions to IMO's Maritime Safety Committee (MSC), proposing a new agenda item on this matter.

Work in association with IMO CCC

The MSC agreed to include in the agenda of the SSE Sub-Committee, a new item on *Development of amendments to SOLAS chapter II-2 and the FSS Code concerning detection and control of fires in cargo holds and on the cargo deck of containerships*, with a target completion year of 2025, in association with the Sub-Committee on Carriage of Cargoes and Containers (CCC) as and when requested by the SSE Sub-Committee.

Draft amendments to SOLAS

The expected next step would be to propose draft amendments to SOLAS chapter II-2 and the Fires Safety Systems (FSS) Code, based on the suggested risk control options and other submissions and proposals.

Approximately twenty-five experts attended the FSA Experts Group meeting, which was chaired by Mr Koichi Yoshida (Japan), with Ms Therese Christensen (Denmark) serving as the Vice-Chair.

Defining FSA

Formal Safety Assessment is a structured and systematic procedure, aimed at enhancing maritime safety, including protection of life, health, the marine environment and property, by using risk analysis and cost benefit assessment.

FSA can be used as a tool to help in the evaluation of new regulations for maritime safety and protection of the marine environment or in making a comparison between existing and possibly improved regulations, with a view to achieving a balance between the various technical and operational issues, including the human element, and between maritime safety or protection of the marine environment and costs.

[1] https://tinyurl.com/nn48rhy3
[2] https://tinyurl.com/4pp84zde

Marine casualty investigation

Practical training

As part of a new approach to capacity building for Member States on the implementation of the Casualty Investigation Code, IMO is facilitating practical training to the officials responsible for marine casualty and marine incident investigation.

Five-day programme

A five-day attachment programme on marine casualty investigation at the Transport Safety Investigation Bureau of Singapore (TSIB) was held in Singapore from 23 to 27 October. This course allowed participants from Thailand and the Philippines to gain practical experience on the conduct of investigations.

With such training participants will be able to share the knowledge gained as part of a corps of trainers to benefit their respective organizations in the future.

October's course was the second part of a programme which began with foundation training for marine casualty investigators from the Philippines and Thailand. That Foundation Course on Marine Casualty Investigation for IMO Member States (an abridged programme based on IMO Model Course 3.11) was delivered by the Transport Safety Investigation Bureau of Singapore (TSIB) and the World Maritime University (WMU).

2024 and beyond

It is understood that the new capacity building programme will continue in 2024 and beyond in the Asia and Pacific region, with the support of TSIB and WMU, with further contribution from the Australian Transport Safety Bureau (ATSB).

The aim is to expand the training to other regions in the near future, it was reported.'

IMO marks 50 years since the MARPOL Convention was adopted

As we well know ships today must take measures on board to stop sewage, garbage and operational waste entering the sea without restriction – and ships must control emissions into the air. Ships must be designed and built to prevent and limit accidental spills of oil and chemicals. This is all thanks to rules adopted by the IMOI.

On 2 November, IMO marked fifty years since the adoption of the International Convention for the Prevention of Pollution from Ships (MARPOL), the primary global treaty for the prevention of pollution of the marine environment by ships from intentional, operational or accidental causes.

The anniversary has been marked throughout the year under the 2023 World Maritime theme: ***MARPOL at 50 – Our commitment goes on***.

Of the half-century IMO Secretary-General Kitack Lim commented: '*Today, 2 November, is a landmark milestone – 50 years since IMO Member States adopted this key treaty to protect the marine environment from pollution by ships from intentional, operational or accidental causes. We can look back and welcome the steps that were taken back in 1973 to address pollution by oil and chemicals carried on ships, but also to mitigate pollution by packaged goods, by sewage and by garbage. In the 1990s, a new annexe was adopted to address air pollution and emissions from ships. MARPOL regulations have been driving innovation to tackle pollution and to address global issues, including climate change.*

On 2 November, IMO marked fifty years since the adoption of the International Convention for the Prevention of Pollution from Ships (MARPOL), the primary global treaty for the prevention of pollution of the marine environment by ships from intentional, operational or accidental causes.

'*Of course, now is not the time to sit back. Shipping must embrace decarbonisation, digitalisation and innovative technology, including automation – while ensuring the human element is kept front and centre of the technological and green transition to ensure a sustainable planet for future generations. MARPOL has made a difference to shipping – and to the health of our oceans – and will continue to do so, as we look ahead to the next 50 years*.'

Video series

To mark the fiftieth anniversary since the adoption of the MAROL treaty, IMO asked Secretariat staff what MARPOL means to them. Readers are invited to watch the videos on the link here: https://tinyurl.com/3v7bcvns

MARPOL makes a difference

The theme, ***MARPOL at 50 – Our commitment goes on***, throws a spotlight on IMO's important regulatory work over half a century to protect the environment from the impact of shipping, and emphasizes the Organization's ongoing commitment to do more in support of the UN 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals (SDGs).

The SDGs are to be found here: https://sdgs.un.org/goals

On social media

To mark this anniversary IMO invited Member States and everyone in the maritime industry to mark the anniversary on social media using the hashtag #MARPOLat50 and tag @IMOHQ on X (formerly Twitter), Instagram, Facebook and LinkedIn).

LIDAR* for counter piracy ops

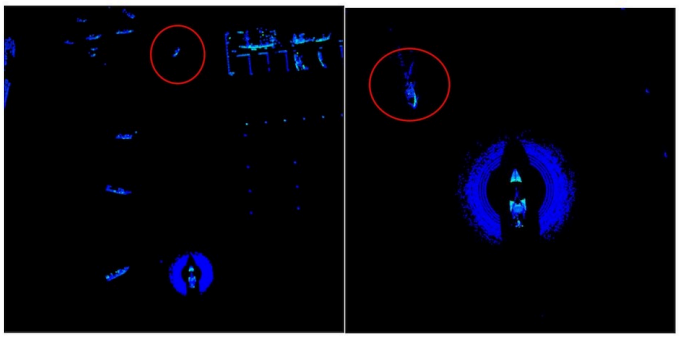
In September it was reported from Singapore that Zycraft USV PL had successfully tested the use of a Hesai Technology 128 channels LIDAR sensor for the purpose of counter piracy operations at sea.

Unlike other sensors, the LIDAR uses laser beams of light to detect objects. With the LIDAR, very small objects such as a rope on the water can be detected even in difficult weather.

The LIDAR system tested can see beyond 250 metres and provide 360 degree all round coverage.

Detection of wake

Against typical piracy boats of eight metres loa, it is reported that the LIDAR can easily see these to the maximum performance range. As these boats move, the wake created by these boats makes detection clearer and easier for the operator to classify the target's intentions and its trajectory.



180 m detection of small 5 m boat approaching

Wake from boat seen clearly

The wake trajectory of the pirate boat further enhances the response by the security vessel. There is virtually no false alarm, it is claimed, even in rough seas as the system can be easily adjusted onboard to deal with such conditions.

Zycraft uses its proprietary real time detection software to classify the LIDAR detection and to alert an operator to the presence of small craft approaching the vessel.

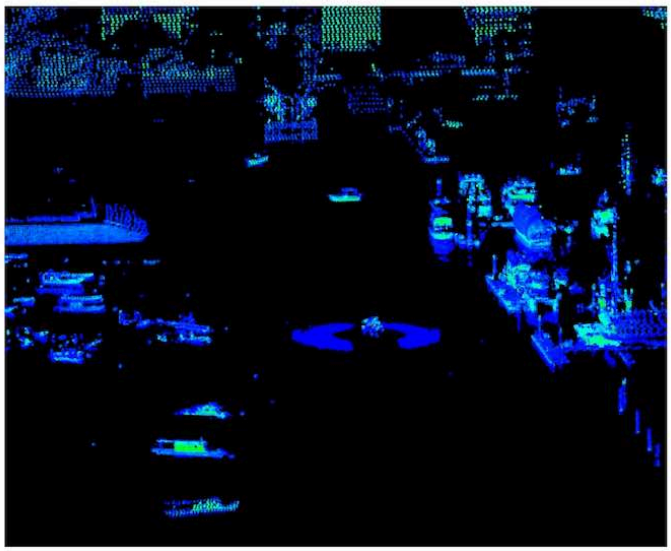
Comment

Of the project James Soon, Zycraft's General Manager stated: '*That the company tested a LIDAR system and decided it was far superior to any other sensor that had previously been used in its maritime security operations.*

'*Radar and infra-red cameras are too sensitive to environmental conditions and also depends on the target signature. The clarity of the LIDAR detection and its absence of false alarm means that any alert can now be seriously taken. Training of operators is also a lot simpler as the image is so clear.*'

Potential use in SAR and salvage

Soon added that when Zycraft is called upon for SAR missions or salvage assessment, he is confident that LIDAR is the only system that can provide a high probability of detecting a person floating on the surface of the water at a long range. This means that SAR operations could be more effective and enhance the chances of rescuing a live casualty.



3-D view of small approaching boats at 180 m

Zycraft reported that it will now create different maritime situations that integrate the use of LIDAR for both manned and unmanned applications and help improve the safety of navigation at sea.

Zycraft is a company registered in Singapore and specialises in the design and manufacture of unmanned surface vessels and high speed manned craft. The company also develops unique total security and fast response solutions for the maritime industry to counter the threat of piracy, sea theft and search and rescue.

*LIDAR = Light Detection and Ranging.

An introduction by the US NOAA is provided here: https://oceanservice.noaa.gov/facts/lidar.html

Readers are reminded that back issues of the IFSMA Newsletter are freely available to read and/or download from the IFSMA Website:

https://www.ifsma.org/newsletters.html

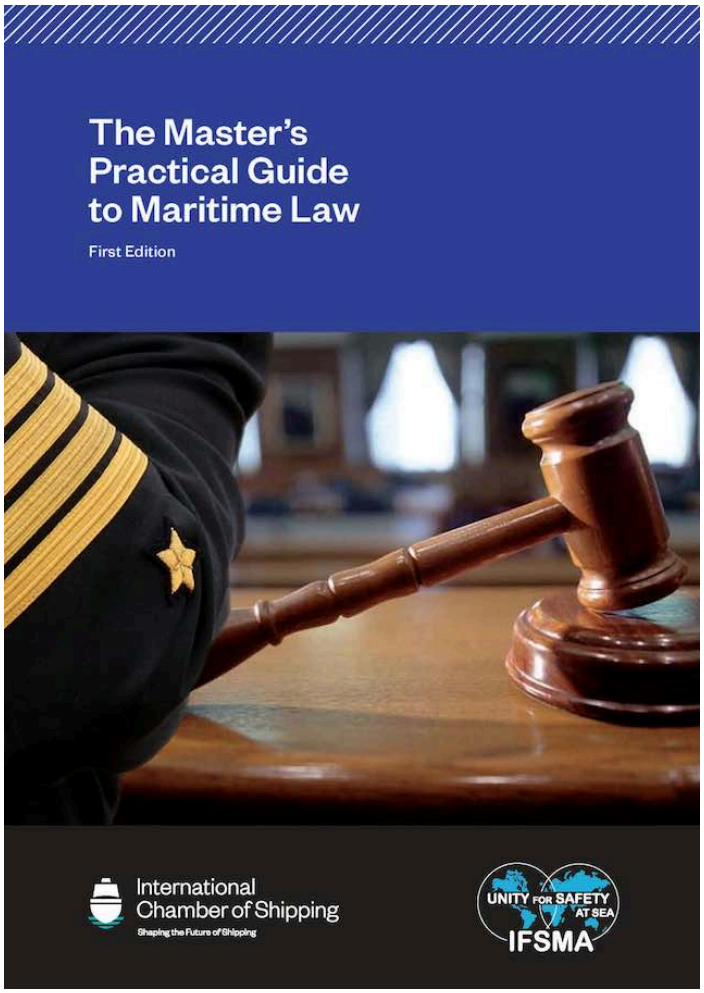
The Master's Practical Guide to Maritime Law

ICS Publications

The International Chamber of Shipping (ICS) has launched its first edition of The Master's Practical Guide to Maritime Law as a simple and practical legal reference book specifically for seafarers.

Co-authored with the International Federation of Shipmasters' Associations (IFSMA), the guide is specifically designed to help Masters at sea identify and address common legal issues. As Masters are not qualified lawyers, the guide helps them understand how to manage legal risks and respond within the confines of the law to protect the interests of themselves, the shipowner and other crew members. With such high stakes, it is crucial for Masters to have access to this one-stop-shop for practical legal guidance.

The detailed and practical guide bridges the gap between theory and practice by bringing real-world situations, both in port or at sea, to life, helping Masters navigate common legal issues and pitfalls and assist in protecting the shipowner's interests.



Guy Platten, Secretary-General at the International Chamber of Shipping, commented: '*This is the first comprehensive guide specifically for seafarers and is essential reading not only for seasoned Masters seeking to refresh their knowledge, but also Masters who are embarking on their very first voyage and would benefit from guidance through the legal intricacies within the maritime industry. Working so closely with IFSMA on this guide was crucial in ensuring that the guide addresses the key legal issues commonly facing Masters today and provides comprehensive guidance in an easy to digest way*.'

The Master's Practical Guide to Maritime Law encompasses a wide range of subjects: with each chapter, Masters will gain a comprehensive understanding of their rights, responsibilities and obligations under maritime law from the start of a voyage until the end. It covers the legal responsibilities in areas such as ship documentation, contractual relationships and commercial responsibilities for carriage of cargo, as well as dealing with crimes on board and local legal enforcement. The guide also explains the international conventions that underpin the global maritime legal framework, for example on pollution regulations.

Serving shipmaster Martin Björkell, who contributed to the guide and recently presented on it at the IFSMA Biennial General Assembly in Tokyo, said: '*This guide will prove invaluable for our industry and help Masters know how to approach legal issues effectively, highlighting best practices and providing expert guidance on managing legal risks, with particular emphasis on the commercial aspects that form a significant part of every Master's responsibilities on board. We wanted Masters to feel empowered to make informed decisions on matters that might have legal consequences to ensure the safety of the crew, ship, environment and cargo*.'

The guide is valuable for a wide array of individuals working across the whole industry including chief officers, shipowners, P&I clubs, officers in training and training institutions.

While the guide strives to offer a comprehensive overview on legal issues which the Master may encounter, it does not replace the need to obtain professional legal advice in the relevant jurisdiction particularly when the Master and shipowner is faced with legal challenges beyond the scope of the guide.

To order

For more information and to pre-order *The Master's Practical Guide to Maritime Law*, readers are invited to visit: https://publications.ics-shipping.org/single-product.php?id=91

Discounted price to IFSMA Members

This first edition is priced at £250 and is available in print and e-book formats.

Members of IFSMA receive a discount of 20% reducing the cover price to £200.

Hydrogen-fuelled vessel

ClassNK issues approval in principle (AiP)

It was announced from Tokyo on 19 October that ClassNK had issued an Approval in Principle (AiP) for a parcel layout concept for a hydrogen-fuelled multi-purpose vessel developed by Mitsui OSK Lines, Ltd. (MOL), MOL Drybulk Ltd. (MOL Drybulk), Onomichi Dockyard Co., Ltd. (Onomichi Dockyard), Kawasaki Heavy Industries, Ltd. (Kawasaki), Japan Engine Corporation (J-ENG).

This is understood to be the world's first AiP certification for a ship equipped with a large low-speed two-stroke hydrogen-fuelled engine as the main propulsion source.

According to the companies, demonstration operation of the vessel will be conducted for two years from around FY2027 as part of the Development of marine hydrogen engines and MHFS* which was adopted by Green Innovation Funding Program of the New Energy and Industrial Technology Development Organization (NEDO).

Prior to the demonstration operation, J-ENG's large low-speed two-stroke hydrogen-fuelled engine and Kawasaki's MHFS will be installed in the vessel by FY2026.

MOL and MOL Drybulk will be in charge of ownership and operation management of the vessel and Onomichi Dockyard will be in charge of the development and building of the vessel, and they will cooperate toward the demonstration operation.

Image of a hydrogen-fuelled multi-purpose vessel of 17,500dt.

Image courtesy of J-ENG©.

ClassNK carried out a review of a parcel layout concept for the MHFS based on its rules including part GF of its *Rules and Guidance for the Survey and Construction of Steel Ships* incorporating the IGF Code and risk assessment results through Pre-HAZID**.

Upon confirming they comply with the prescribed requirements, ClassNK issued the AiP.

It is understood that ClassNK will contribute to the further consideration of the project for demonstration operation from the perspective of safety evaluation and will strive to support the decarbonization of shipping.

About Approval in Principle (AiP)

At the initial stage of designing or before the specific target ship to be implemented is decided, the design is examined based on the existing regulations such as international conventions and ship classification rules, and an Approval in Principle (AiP) is issued as proof of conformity with requirements.

It also prevents rework of regulatory aspects in the post-process, shortens the examination time at the time of class registration, and can be used as a technical basis for external appeal of the design status.

*Marine Hydrogen Fuel System (Marine Hydrogen Fuel Tank and Fuel Supply System)

**Risk assessment meeting held to review the parcel layout concept of the marine hydrogen fuel tank and the fuel supply system prior to the HAZID meeting that will be held for whole vessel in the project.

Pedestrian progress

By Michael Grey, IFSMA Honorary Member

Strategies that contribute to the saving of the planet ought to be cheered to the rafters, but I confess that when I read about the pedestrian pace on passage of some modern ships, it was with rather mixed emotions. According to those knowledgeable folk in BIMCO, the speed of containerships and bulk carriers on passage for the first eight months of this year was down by some 3% over the previous year to substantially less than 14 knots, as they saved fuel, emissions of CO2 and the aforesaid planet.

As somebody who cut his teeth as a technical journalist reviewing cargo liners designed for little other than speed, it really does not seem that we have progressed very much, although if this is what the punters of today want, there can be no argument. In my memory bank, there remains a long list of quite extraordinary ships that emerged in the ten years before the 1973 oil price hike required a lot of rapid second thoughts. Shippers were enthused by the prospect of getting their goods to market ever faster and in the heady competition joined by the first container consortia, the designers were given free rein.

Hull-forms of hydrodynamic perfection (sometimes, it has to be said, at the expense of sea-keeping) were found in these ocean greyhounds, but in their machinery spaces were crammed enormous horsepower, in the shape of huge steam turbines and slow speed diesels the size of which the world had never seen. I recall being astonished at one mighty Japanese monster in which there were three huge diesels alongside each other with three propellers. And if these ships had not managed at least 28 knots on trials, you had the impression that the owners

would have refused to take delivery. The ultimate expression was the rather less elegant (somebody called them brutally crude) 33 knot SL7s of Malcom McLean, powered by the same machinery that drove the US Navy's best battleships in WW2.

The surprising thing was that even after the two oil-shocks of the 70s the container lines still continued to market their speed on passage. True, the thirstier ships were re-engined, and McLean's monsters sold off to the US military, but speeds came down only marginally. But with no environmental brakes being hung around the necks of designers, it was only since the start of the century that green pressures have begun to shame the shippers. They have piled on ever since and speed has been in remorseless decline.

But a 13.7knot average on a deep-sea passage is getting back to the days of the "low powered steamer" that required its own section in the "Ocean Passages of the World" publication. Perhaps the days of speed at sea will never return, which will cheer all those who wish us to stay at home and subsist on home grow root vegetables. Perhaps operators will talk to their ports and terminals rather more constructively and minimise all those wasted days at anchor awaiting a berth. Perhaps there will be some amazing new zero-emission fuel which will enable the chief to crack open the throttles. But realists will suggest that the speedy ship has no future.

And with no prospect that the various fuels being trialled at present will be available at prices that will facilitate faster passages, the old saying "more days, more dollars" will be the lot of the seafarers trundling around the sea-lanes at speeds with which their grandfathers would have been familiar. A fast day's run was exhilarating on whatever ship you were sailing in. On the commonwealth cargo liners I sailed in, we would turn our caps back to front if we made 400 miles for the day.

Perhaps nuclear power might get up and running again, as there are already very capable small and micro-designs available for those brave enough. Just imagine going ten years between bunkering. But that is fanciful, as you can imagine the shrieks from the nay-sayers. Perhaps we are doomed, as some already say, to less trade, more "on-shoring", a return to sail or its assistance. It is difficult not to be enthused by Cargill's attempt to cut 30% of the emissions from the 43,291dwt Pyxis Ocean, fitted with two of the biggest sails ever seen. Could it be the start of something big? It won't bring us back speed, but big ships chasing the great wind belts around the world, might restore some of the romance, which has been sadly lacking.

Michael Grey is former editor of *Lloyd's List*

This article first appeared in The Maritime Advocate Online Issue No 841 of 20 October 2023.

Maritime incidents rise

IMB calls for regional efforts to safeguard shipping and trade

The ICC International Maritime Bureau (IMB) has revealed a rise in reported incidents in the Gulf of Guinea and concerns for the Singapore Straits in its latest report for the period of January-September 2023, released on 11 October.

Ninety-nine incidents of piracy and armed robbery against ships were reported in the first nine months of 2023, an increase from 90 incidents for the same period in 2022.

This year, 85 vessels were boarded, nine had attempted attacks, three were hijacked and two were fired upon. Perpetrators successfully boarded 89% of targeted vessels with most incidents occurring at night.

Even though reported violence towards crew members is amongst the lowest in three decades, the risk to crew remains real with 69 taken hostage, 14 kidnapped, eight threatened, three injured and one assaulted.

IMB Director Michael Howlett said: '*The Gulf of Guinea stands as a region of concern with a rise in reported incidents, as opposed to the downward trend we have seen in the past two years. The IMB sees regional ownership as critical to safeguard shipping and trade and to address these crimes*.'

Increase in incidents for Gulf of Guinea

Reported incidents increased in the Gulf of Guinea in the first nine months of 2023, from 21 compared to 14 for the same period in 2022. Seventeen were classified as armed robberies and four as piracy with a mounting concern for crew as 54 were taken hostage, 14 kidnapped and two were injured.

Worrying signs in the Singapore Straits

The Singapore Straits continues to raise concerns with 33 reported incidents in the first nine months of 2023 compared to 31 in the same period last year. Overall, 31 vessels were boarded with five crew taken hostage and two threatened with 25% of incidents reported in July. In most cases, ship stores or properties were reported stolen.

Considering the navigational challenges of the Singapore Straits, even low-level opportunistic incidents, could potentially increase the risk to safe navigation in these congested waters.

IMB also expresses concern over the risks of late or under reporting of these incidents and commends local authorities for investigating nearly all reported incidents.

Howlett added: '*We encourage reporting any incident, even low-level opportunistic ones, to local authorities as early as possible to protect seafarers and ensure the safety of regional and international shipping and trade'*

Rise in incidents in Indonesian Archipelago and South America

The IMB recorded an increase in the number of incidents in the Indonesian archipelagic region, with 12 incidents reported compared to 10 for the same period in 2020 and seven in 2021. Knives were sighted in five out of the 12 reported incidents.

Reports from Callao Anchorage in Peru have increased to 13 from eight in the same period in 2022, with reports of nine crew taken hostage and one member threatened and another assaulted.

To request a copy of the 2023-January to September-Piracy and Armed Robbery Against Ships report readers are invited to see here: https://tinyurl.com/44n98cu3

About the IMB Piracy Reporting Centre

Since its founding in 1991, IMB's Piracy Reporting Centre serves as a crucial, 24-hour point of contact to report crimes of piracy and lend support to ships under threat. Quick reactions and a focus on coordinating with response agencies, sending out warning broadcasts and email alerts to ships have all helped bolster security on the high seas. The data gathered by the Centre also provides key insights on the nature and state of modern piracy.

IMB encourages all shipmasters and owners to report all actual, attempted and suspected global piracy and armed robbery incidents to the Piracy Reporting Centre as a vital first step to ensuring adequate resources are allocated by authorities to tackle maritime piracy.

About the International Chamber of Commerce

The International Chamber of Commerce (ICC) is the institutional representative of more than 45 million companies in over 170 countries. ICC's core mission is to make business work for everyone, every day, everywhere.

Through a unique mix of advocacy, solutions and standard setting, it promotes international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services.

Members include many of the world's leading companies, SMEs, business associations and local chambers of commerce.

Battery electric vehicles

Risks associated with carriage

AMSA alert

At the end of October the Australian Maritime Safety Authority (AMSA) issued a safety alert to raise awareness of the risks involved with the carriage of battery-powered electric vehicles (BEVs) on roll-on, roll-off ferries.

This alert provides guidance to operators of domestic commercial vessels (DCVs) on risks associated with the carriage of BEVs on roll-on, roll-off ferries, and how best to deal with these risks.

Some risks associated with these fires onboard DCVs include:

- High voltage shocks.
- Direct jet flames.
- Fires develop in intensity quickly and rapidly reach their maximum intensity (typically within two to three minutes).
- Toxic gases.
- Gas explosion (if the released gas accumulates for a while before being ignited).
- Long lasting re-ignition risk (can ignite or re-ignite weeks, or maybe months after the provoking incident).
- Once established fires are difficult to stop/extinguish.
- Thermal runaway.

Further considerations

AMSA's safety alert outlined further considerations. It was pointed out that BEVs are approximately 25% heavier than vehicles with internal combustion engines. This should be considered when stowing the vehicles to minimise the potential impact on vessel stability.

Lithium-ion batteries which are used in most batter-powered vehicles have been known to suffer from spontaneous thermal runaway fires. The lower the charge retained by the vehicle's battery the lower the likelihood of a thermal runaway fire.

Some battery-powered vehicles have a lower ground clearance than internal combustion engined vehicles. This means they are more susceptible to damage from ramps during boarding. Care should be taken in identifying these vehicles before boarding to ensure damage is not sustained to the battery. Physical damage of the battery can lead to thermal runaway. BEVs which have been damaged should not be loaded.

Charging the battery while onboard a vessel can increase the likelihood of a thermal runaway fire.

The use of close-circuit television (CCTV) with thermal imagining may allow for early detection of thermal runaway. Also, the crew can use a thermal imaging camera when conducting safety rounds of the vehicle deck to allow for early detection. Manufacturers

estimate that the minimum temperature in the battery where potential exists for thermal runaway to begin is between 60 °C and 70 °C.

Fumes (hydrogen fluoride) given off by the lithium-ion batteries fires are toxic.

When fighting a lithium-ion battery vehicle fire with water, substantially higher quantities of water are required in comparison to an internal combustion vehicle fire. The water must also be applied for a longer period. There is also an elevated risk of re-ignition. Using other medium such as a car fire blanket designed to extinguish BEV fires may also assist to contain the fire.

A damaged high-voltage battery can create rapid heating of the battery cells. If hissing, whistling, or popping, a possible sweet chemical smell then black "smoke" (nanoparticles of heavy metals, not smoke) then white vapour coming from the high-voltage battery or the vehicle generally are noticed, assume that thermal runaway has occurred.

Directly attacking the fire with water hoses and breaking open the battery requires specialist training and equipment. It should not be attempted without extensive training and practice.

Recommendations

AMSA recommends operators of DCVs that carry or are likely to carry battery electric vehicles to review their safety management system, in line with the following operational guidance:

1. The presence of BEVs onboard the vessel should be known to the master and crew. Prior to loading, BEVs should be clearly identified with a marking system that the master and all the crew are familiar with.
2. Vessel operators should consider procedures to verify if the BEV has any alarms active in its battery management system prior to loading.
3. BEVs should not be charged while onboard. Appropriate control measures should be in place in the event BEVs require charging while onboard.
4. The BEVs should be stowed on the vessel to allow the crew direct access to the vehicles so they can respond quickly and effectively in an emergency.
5. BEVs should be stowed in designated areas that are away from machinery spaces, emergency equipment, dangerous goods, and passengers including egress routes and muster points for passengers.
6. The location for designated areas onboard for BEVs should also consider access for fire and emergency services from shore and the ability to evacuate the vessel when alongside.
7. Operators of vessels that have enclosed, or partially enclosed vehicle decks should consider stowage of BEVs taking into account the risks of toxic and potentially explosive gases released during fires. Operators should consider not stowing BEVs on enclosed or partially enclosed vehicle decks, unless the vessel is fitted with a water drenching system to help control fires in these areas.
8. The master should manoeuvre the vessel to control the flow of smoke and gases from the BEV fire away from passengers and crew. The smoke and gases are both toxic and potentially flammable.
9. If a BEV fire has broken out and has taken hold, the crew should undertake appropriate firefighting and emergency action from a safe distance. The crew should not approach the fire unless they have specialist protective clothing and firefighting training.
10. The increased amount of water required to be used in fighting BEV fires needs to be considered. Vessel stability needs to be assessed, and also, the deck drainage facilities to allow the free flow of water off the deck.
11. Using a low-lying fixed thermal imaging camera to give early warning to the crew of a potential fire.
12. Vessel operators should consult with local fire and rescue services to establish procedures for co-ordinating emergency operations. The estimated time taken for fire and rescue services to arrive should be factored when developing an onboard emergency response for BEV fires.

The AMSA Safety Alert

The three-page AMSA Safety Alert is available here: https://tinyurl.com/2e7nsywr

Editorial note

The text here is based upon AMSA CV Safety Alert 02/2023 kindly provided by the AMSA Media service.

AMSA ©

MAIB lifeboat investigation

RRS *Sir David Attenborough*

On 4 March 2021, the port lifeboat from RRS *Sir David Attenborough* fell into the water while the crew were practising lifeboat drills in Loch Buie, Isle of Mull, Scotland.

This research vessel, built in 2016, is under the Falkland Islands flag, is classed by Lloyd's Register and owned by United Kingdom Research and Innovation and managed by the British Antarctic Survey.

The investigation by the UK Marine Accident Investigation Branch (MAIB) found that a critical

interlock device on the lifeboat davits had heavily corroded due to lack of maintenance.

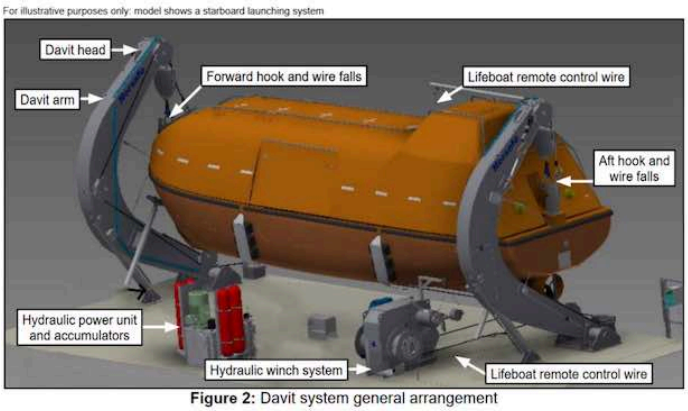


Figure 2: Davit system general arrangement

The interlock failed to operate correctly and subsequently caused the lifeboat to fall from the davit and into the sea with three crew on board. It also found that the installation of the lifeboat davits was not in accordance with the manufacturer's instructions and did not meet international regulations.

Safety issues

The MAIB found that:

- The safety equipment survey had failed to identify that the davit installation was not compliant with SOLAS.
- The ship's crew had not been trained in the operation of the davit and were unfamiliar with the correct operating procedure.
- The ship's operator had suspended maintenance of critical equipment.

Recommendations

The UK Maritime and Coastguard Agency (MCA) has been recommended by the MAIB in this report (by recommendation No 2023/108) to review its processes for delegating Safety Equipment Surveys to Recognised Organisations and ensure that feedback mechanisms are in place to provide the necessary assurance that the surveys have been carried out effectively and in compliance with SOLAS regulations.

A second recommendation (No 2023/109) has been made to the MCA to review its policy for delegation to consider whether it is appropriate to delegate initial safety equipment surveys for newbuild vessels or those joining the UK register.

The report

The full title of the document is: *Report on the investigation of the falling of a lifeboat into the sea during a launching exercise on board the polar research vessel RRS Sir David Attenborough on Loch Buie, Isle of Mull, Scotland on 4 March 2021.*

The full report is available here:
https://tinyurl.com/3dz74k75

Editorial note.

This article is based on material kindly provided by the UK Marine Accident Investigation Branch.

On the dark side

By Michael Grey, IFSMA Honorary Member

There probably will not be that many people around who can recall the summer of 1984, when there was an important conference in Geneva to consider the problems of flags of convenience, or open registers, as we are now enjoined to call them. The meeting, held in the lofty halls of the Palais de Nations, was, among other things, an attempt to properly clarify whether there should be a "genuine link" between a ship and the place of registry painted on its stern.

I have fond memories of the event, as I was reporting for a somewhat lean organisation at the time and living in a tent on the shores of the lake, (albeit in a fairly luxurious campsite), from where, to the amazement of fellow campers, I would set off in my suit to the railway station each morning. The event itself, held over nearly three weeks, could not, from the standpoint of those wishing to circumscribe FOC operations, be counted a success. Ferocious efforts by the industry, which wished to maintain at least the freedom to register their ships anywhere on earth (possibly even the moon), ensured that it was no more than a tidying up operation, despite the amazing oratory and vast numbers of papers.

I was reminded of this somewhat intense exposure to the arguments around FOCs reading the Nautilus Telegraph, which pointed out that the issue had been debated at this year's TUC Congress. It also reminded us that it was the 75th anniversary of the first FOC campaign by the International Transport Workers' Federation, which really was before my time.

It might be suggested that the problems of bad behaviour by dodgy flags registering unsafe ships and exploited seafarers have been mitigated by a range of associated, but not necessarily direct constraints over the years. Port state control brought in a major oversight of ship safety and condition, while everything from ITF inspectors in ports to the public rating of flag state performance by the US, Europe and the various MOUs has been an incentive for good performance and the opposite for those operating marginal tonnage. The International Chamber of Shipping's annual survey of flag state performance is scrutinised by charterers and owners alike. So far so good.

You can argue that open registers, some of which work hard to maintain the quality of the ships on their books are often better custodians of safety and standards than many other flags. Where this

argument falls down, however, is in conditions where law and order break down and their inability to enforce anything very much becomes obvious. After all, why should navies, paid for by taxpayers, be employed to protect navigational freedoms for those owners who feel no obligation to pay taxes?

And while the status quo on FOCs seemed to be motoring on over the decades, the recent global instabilities, along with the emergence of the huge fleet of "dark" tankers carrying sanctioned oil out of Russia, has thrown ship registration into sharp focus. In particular, it has reminded us of the cavalier fashion in which these ships are changing owners and flags at the drop of a hat, without any pretence of inspections or surveillance by emergent states, most of which have not the slightest experience or competence in the requirements of a ship register, operating very large ships, carrying enormous quantities of pollutants.

These ships, of mystery ownership, appear as a law unto themselves, operating with insurance that is non-existent or of doubtful pedigree; the ships in the autumn of their lives (to put it politely). They carry out ship-to-ship oil transfers without proper supervision by coastal states, and other risky activities. Just last week, two large tankers were arrested for carrying out an unauthorised STS operation in Malaysian waters and when apprehended, refusing to let the authorities of the coastal state on board requiring military intervention.

There has been an increase in casualties, and if one considers the reputational damage being done to a tanker sector that has long been a top performer in international safety and standards, there must be widespread concern for the image of the shipping industry in general. A major accident involving one of this dark fleet and all the accusations about the "wild west" of transport and the allegedly lawless world of international shipping will be given front page publicity.

Should you have 300,000dwt tankers registered in states which could just about summon the expertise to register a paragraph coaster? The fact that this is now so widespread, with the scandal of this huge dark fleet, perhaps ought to be telling us that the liberal interpretation of a genuine link between ship and flag really needs a 21st century update. Sadly, my tent has been sold.

Michael Grey is former editor of *Lloyd's List*

This article first appeared in The Maritime Advocate Online Issue No 842 of 3 November 2023. It appears here by kind permission of the Editor and the Author ©.

Cargo claims: re-visiting inherent vice, delay in delivery and claims in bailment

By Malcolm Hartwell

Norton Rose Fulbright

JB Cocoa v Maersk Line

A September 2023 judgment of the London High Court in JB Cocoa SDN BHD & Ors v Maersk Line AS [2023] EWHC 2203 (Comm) dealt with moisture and mould damage to consignments of containerised cocoa beans. The court confirmed the approach to be taken with regard to inherent vice, the carrier's period of responsibility, liability for damage after discharge, and the question of onus in claims of bailment. In doing so, the court endorsed previous decisions on these issues and has not introduced anything new. The judgment is however a timely reminder to cargo claimants on the liability of a carrier particularly where there is a delay in taking delivery of the cargo.

The claimants purchased a cargo of bagged cocoa beans stuffed in 12 x 40ft containers and carried from Nigeria to Malaysia. The sales contract provided for the cargo to have a maximum moisture content of 7.5% and a maximum number of defective beans of 7%. It was accepted that the cargo was in good order and condition when stuffed into the containers and that the unventilated containers had been properly prepared by being lined with corrugated cardboard and packed with bags of desiccant to attract moisture. The vessel proceeded around the South African coast to Malaysia during the southern hemisphere spring and the cargo was discharged.

As a result of a dispute between buyers and the sellers, payment of demurrage charges and problems with original documents, the containers spent six weeks at the container terminal before ultimately being released to the buyer. On opening the containers, it was discovered there was extensive moisture and mould damage to the contents of all of the containers. The buyers were indemnified by underwriters who proceeded with a subrogated recovery against Maersk as the contractual carrier under the bill of lading.

The carrier denied liability for the claim on the basis either that the loss arose as a result of inherent vice of the cargo and/or that the damage was occasioned during the lengthy storage at the container terminal in Malaysia. The former was a defence available to the carrier under the Hague Rules incorporated into the bill of lading and the latter arose as Maersk contended that their obligation to take care of the cargo ceased on discharge. In passing, it is assumed that cargo underwriters did not take the view that the loss was incurred by inherent vice which would normally be a defence under a cargo policy and further that the period of insurance was extended beyond that contained in the usual cargo policy.

The court had to deal with numerous issues which included: the cause of the loss; the onus on proving a

defence under the Hague Rules; the date on which the carrier's liability terminated under a bill of lading; and liability for care of the cargo by a bailee.

Expert evidence was advanced by both parties with the carrier contending that the moisture content of the beans on loading, although within the sales contract specifications, ultimately resulted in the mould and accordingly entitled them to rely on the inherent vice defence. The claimants contended that the carrier had failed to properly care for the cargo in that container sweat would have been occasioned whilst the vessel was in warmer waters and that, after discharge, the terminal acting as an agent for the carrier, should have opened the containers to ventilate them. The court rejected the carrier's contention that the loss arose as a result of inherent vice and also rejected the claimant's contention that the carrier had failed to properly care for the cargo during the ocean voyage.

This left the claimant with the contention that firstly, delivery under the bill of lading did not take place until the cargo was released because a proper arrival notification had not been served on the buyer and holder of the bill of lading and/or that it had a claim in bailment if the cargo was damaged after discharge.

Having considered the appeal court decision in Volcafe Limited vs Cia Sud Americana de Vapores SA[2019] AC 358 and the terms of the bill of lading contract and incorporated Maersk tariff, the court held that the carrier's obligation under the bill of lading was limited to the period between the time of loading and the time of discharge. The fact that the cargo was only delivered to the buyer when they took delivery several weeks after discharge did not extend that period of liability under the bill of lading beyond the period set out in the Hague Rules (which is identical to the Hague-Visby Rules) even though an arrival notification had not been properly served on the buyer.

The court held that reasonable notice had been given to the parties of the incorporation of Maersk's tariff into the bill of lading and accordingly the terms of the tariff would apply. The seven day period during which no storage or demurrage charges would apply after discharge contained in the tariff was displaced by a 15 day period in the bill of lading. The court however was of the view that even if this did extend the carrier's liability to the end of the free storage period, it was not material in this case as the delay was five weeks. There was no evidence that the loss occurred during the first 15 days after discharge.

The court accepted that if Maersk remained responsible for the cargo between discharge and devanning, it would have been held liable on the grounds that it failed to take reasonable care of the cocoa beans by opening the container doors to provide ventilation. It rejected Maersk's arguments that it was impractical to open the doors or that doing so would risk rodent infestation. This point however was moot as the court held that Maersk was only liable up until the point of discharge.

In passing and insofar as bailment was concerned, the court confirmed the approach taken in the Volcafe decision namely that:

> Where there is cargo loss or damage on outturn, the legal burden is on the carrier to prove that it used reasonable and proper skill and care for the goods or that, even if it had used reasonable skill and care, there still would have been loss or damage;
>
> The legal burden is also on the carrier to show that the loss or damage was caused by an excepted peril under the bill of lading; and
>
> The cargo owner has no legal burden at all beyond proving the existence of damage on outturn, but may wish to discharge an evidential burden to rebut the carrier's case.

As Maersk were no longer in possession of the containers after discharge, the question of bailment did not arise as against Maersk after discharge. This implies that a claim in bailment might have succeeded against the container terminal which was not a party to these proceedings.

Finally, although it was not relevant, the court rejected Maersk's defence that the claimant had failed to mitigate its loss because they had failed to carry out a manual sorting operation immediately on delivery whereafter they could have dried the beans and analysed them for mould. This was on the basis that Maersk had failed to discharge the onus of proving a failure to mitigate and secondly that because Maersk was the wrongdoer, the court would not impose a high standard on the claimant with regard to mitigation. The claimant is only required to act in accordance with the practices in the ordinary course of business.

The claim against Maersk accordingly failed, but the decision is a timely reminder of the need for cargo interests to ensure that cargo is properly prepared for the anticipated voyage. With regard to sensitive cargo such as this, this includes ensuring that the various weather conditions including the temperature and moisture content of the atmosphere, are taken into account for the anticipated voyage. This is particularly the case when the vessel passes through both hemispheres and accordingly the weather conditions may vary considerably. The decision also confirms that the carrier's obligation under a bill of lading ceases on discharge and the onus is on the consignee/receiver of the cargo to take delivery as soon as possible. The risk of delays arising out of the demurrage/storage dispute, the delay in receipt of the original documents and a dispute between the seller and the buyer, falls on the consignee/receiver of the cargo.

The extensive delays being experienced in releasing containers from storage after discharge as a result of numerous causes must be borne in mind by the buyer/receiver. If that delay is being occasioned by a demand for demurrage or storage charges, the buyer should pay them under protest or secure them and take delivery as soon as possible.

Editorial note:

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