

“Don’t just kick the Master”

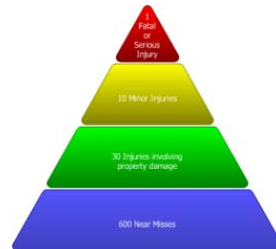
Captain Andrew Mitchell

*Marine Director
RTI Ltd. London*

Who am I ...



Lloyd's
Register



The Menu ...

Casualty Investigation into the next decade...

- **The past**
- **Where are we now ..?**
- **What is on the horizon ..?**

The past ...

- **Flag State responsibility**
- **SOLAS requirement**

Regulation I/21

“Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships ... To determine what changes in the present regulations maybe desirable”

- **Emphasis on technical matters**
- **Addressed what happened on the ship**
- **Historically “ could do better ”**



The past and present ...

Global Integrated Shipping Information System

- Complex entry procedure comprising 10 annexes
- Information often incomplete
- Possibly biased
- No methodical identification of root causes

Use of the casualty report

- Improve Regulation
- As a guide to othersmaybe!



Give me a name!

The Shipmaster

Where are we now ..?

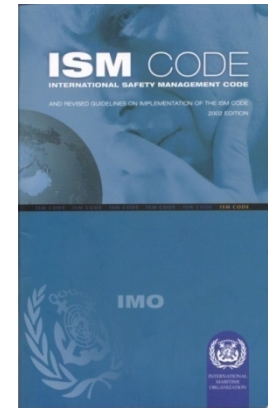
Maturity of the ISM Code and management systems

Growing awareness of the Human Element

Increase in concern over the environment

- Erica
- Prestige
- Hebei Spirit

Piracy – improper use of armed guards...?



the criminalisation of the master ...??

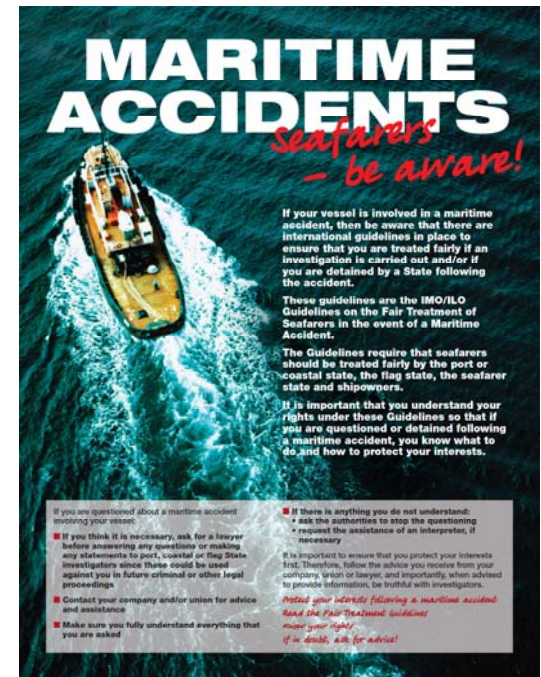
Where are we now ...Fair treatment...?

IMO Resolution A.987(24)

“Guidelines on fair treatment of seafarers in the event of a maritime accident”

Adopted 1 December 2005

.... seafarers are recognized as a special category of worker and, given the global nature of the shipping industry and the different jurisdictions that they may be brought into contact with, need special protection, especially in relation to contacts with public authorities ...



More information on the Fair Treatment Guidelines can be found at: www.igfshd.org/fairtreatment or www.maritac.org/fairtreatment



April 2009.... in the UK

Viking Islay

- Death of three seafarers
- Prosecution by the CPS under the Merchant Shipping Acts
- Master on bail and awaiting trial for 19 months

Failures by the shipping company

- Inadequate training of personnel
- Inadequate supply of safety equipment
- Inadequate auditing and inspection of ships
- Inadequate management structure

Failures by the flag State

- Inadequate training of auditors
- Inadequate auditing standards



And just yesterday.... in Norway

Full City

- 26 800 gt bulk carrier driven aground July 2009
- 300 tons of bunkers spilt
- Charged with alleged violations of the Norwegian Ship Safety Act
- Chinese Master and Third mate under “*effective house arrest*”

Local police have escalated the charge to criminal status by invoking a little used criminal Act used for serious offences against the environment

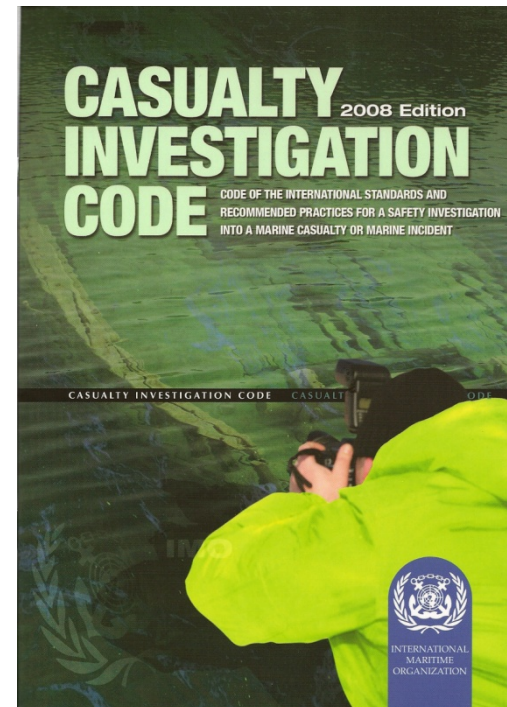
“ *...the Captain and Third mate are lost and confused...*”

On the Horizon...!

1 January 2010

SOLAS chapter XI-1 Reg 6

*“Government are invited to implement on a
voluntary basis
prior to that date”*



The flag State shall.....

Chapter 6

Investigate every “**very serious marine casualty**”

“ a marine casualty involving the total loss of the ship or a death or severe damage to the environment “

wherever the casualty may occur and,

Chapter 7

another “**substantially interested State**” may be involved

The flag State shall.....

Chapter 14

Submit the report of all investigations carried out to the
Organisation

Make the report available to the public

The flag State should.....

Chapter 17

Investigate every “marine casualty which is not a very serious casualty”

“an event which has resulted in damage to the ship, collision, damage to marine infrastructure, damage to the environment”

.....and a marine incident

“an event directly connected with the operation of the ship which if not corrected would endanger the ship”

The flag State shall demonstrate independence.....

Chapter 16.1

The investigator should have **independence** from:

- Parties involved in the casualty
- An organisation which may take action against parties involved in the casualty
- Judicial proceedings

The investigation shall be “*safety focused*”

Chapter 16.2

*“it is **not** the objective of the investigation to determine liability or apportion blame. However the investigator should not refrain from fully reporting the causal factors because fault or liability may be inferred from the findings”*

Considerations for the flag State.....

- Investigation of very serious casualties is now mandatory
- Investigation of all other casualties is to be considered
- Potential increase in the number of events to be investigated
- Investigators required to be “qualified” (Resolution A.849(20) 4.4.7)
- Independent “*investigation organisation*” desirable
- Annual cost of investigations
- Reports will become public knowledge
- Flag State integrity must be maintained

... and finally



A plea!

.... Don't just kick the Master