

WORLD MARITIME UNIVERSITY
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**SHIP MANNING AND SAFETY: PROBLEMS IN
THE RECRUITMENT, SELECTION AND
RETENTION OF SEAFARERS**
A Global View

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**A dissertation submitted to the World Maritime University in partial fulfilment
of the requirements for the award of the degree of**

MASTER OF SCIENCE

in

MARITIME EDUCATION AND TRAINING
(Engineering)

2002

ABSTRACT

Title of Dissertation: **Ship Manning and Safety: Problems in the Recruitment, Selection and Retention of Seafarers – A Global View.**

Degree: **MSc**

This research work started with the examination of International Conventions that pertains to the engagement of seafarers with the recognition of the impact of human factors on the manning and safety of ships.

A critical assessment of the existing maritime labour laws and regulations was presented Based on the perspective of the ILO, ISF, ITF, Seafarers and Ship owners, with the view to identify deficiencies and areas necessary for review.

Information and data were collated and evaluated using the simple statistical percentage method, thus producing a clear picture of the global supply, engagement of seafarers and ship manning profiles on board ships.

In conclusion, the world`s largest fleets are attached to either flags of convenience or second registers and the nationalities of these fleets` crews do not correspond with the flags of their ships.

The global labour market for seafarers has no nationality restrictions, a seafarer of any nationality can be recruited through highly organized extensive global networks linking ship owners , ship mangers, crew managers, labour supply agencies and training institutions.

Manning policies are decided at senior management level and made operational by in-house personnel departments through their connections with manning agents and training institutions. According to Uglund, “Poorly managed and sub-standard vessels and Poorly selected and inadequately trained crews go hand in hand”.

KEYWORDS: Manning, Recruitment, Safety, Seafarers, Selection, Ship.

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LIST OF ABBREVIATIONS

ILO	International Labour Organisation
STCW	Standard of Training, Certification and Watchkeeping
MET	Maritime Education and Training
WMU	World Maritime University
IMO	International Maritime Organisation
UK P&I CLUB	United Kingdom Protection and Indemnity Club
SOLAS	Safety of Life at Sea
UNCLOS	United Nations Convention on the Law of the Sea
ISF	International Shipping Federation
ITF	International Transport Federation
GMDSS	Global Maritime Distress Safety Signal
ISMA	International Ship Managers` Association
ISM	International Safety Management Code
SEO	Seamen Employment Office
NOC	No Objection Certificate
CDC	Continous Discharge Certificate
BIMCO	Baltic International Maritime Conference
ICSW	International Committee on Seafarers` Welfare
SIRC	Seafarers International Research centre
FAME	Filipino Association of Mariners` Employment

CHAPTER 1

1.1 INTRODUCTION

Manning can be referred to the minimum number of personnel needed to operate a ship safely according to the technical, managerial and legal requirements. This number, which forms the basis of demand of manpower, varies for different ship types, ages, and degrees of shipboard technology and qualifications of crew. The average number of seafarers working on each ship in a fleet is described as the manning level of the fleet for that company (Li and Wonham, 2000, pp.70).

In the maritime sector, human error is mentioned as a factor in 90% of collisions at sea, and in 75% of shipboard fires and explosions.

If this unpredictable type of human error is to be avoided, it is essential that the individual crew take responsibility for his own actions. To be safe the individual crew must understand the limitations under which he is working, and because it is easy to make mistakes, he must be willing to have his actions verified and checked either by himself (a vital habit) or by somebody else (good management)(Chauvel, 1997, p.165).

A tragedy or terrible accident is never wanted. But, in reality they do happen. They are not intended to, but they do happen. Sometimes, it is the management fault, and sometimes it is the crew's fault.

The shipping company must ensure that their crews are properly trained and experienced to be at sea, onboard a ship. A ship should never sail with a crew of

students i.e. seafarers without the requisite knowledge and competence. The crew is responsible for the ship, and the passengers. And the captain is responsible for all of them.

The US Coast Guard says there have been over 30 accidents, involving ships, and shipping, in the last two years. According to them, this number should be much lower. They are calling it too many accidents, in a short period of time; many of these accidents could have been very much avoided. But, unfortunately were not (www.geocities.com).

Describing the potential hazards of seafaring, the Director-General of the ILO, Michel Hansenne stated that, “The dangers to which ship owners and governments are exposed are financial or political in nature, but seafarers are exposed to physical risks which threaten their very lives. Since 1994, 180 ships of more than 500 tons have been lost at sea, causing the death of 1,200 seafarers and many passengers. In the first six months of 1996, twice as many human lives were lost at sea than in the whole of 1995.”

The Director-General also commended on the changes in the working lives of ship owners and seafarers` during the last 25 years, to include increased competition forced them to seek the lowest possible operational costs by re-registering their ships in the so-called “open” registers which tend to be more permissive on issues of taxation, safety, manning, licensing, inspection and management. The increased use of manning agents according to him has contributed to making the legal and economic framework of the shipping sector ever more complex.

1.2 DISSERTATION OBJECTIVES

- To highlight the impact of International legislations on manning as it relate to safety of ships.

- To analyse the impact of STCW`95 training standards on seafarers from developing countries.
- To access the role of ship management companies in the recruitment and selection of crews.
- To examine whether the seafarer is loyal to his employer, the manning agent or the operator.
- To emphasise the need for an established sound management system for the proper operation of ships.
- To establish whether ships are fully manned by properly certificated officers in accordance with the requirements of the flag states.
- To access the effect of mixed crew on communication and safety on board ships.
- To identify the dominant nationalities in the supply of seafarers.
- To make recommendations where necessary.

1.3 BENEFITS OF THE RESEARCH

- Provide shipping companies and ship owner an understanding of their labour needs as technology changes in shipping activities.
- Outline the minimum standards on training, competency and Certification.
- Serve as a provisional tool for the foreseen adjustment of the seafarers recruitment and MET to the stricter ship manning needs, a better management of the maritime labour force.
- Provide strategies for seafarer's career security.
- Serve as a rich source of information for further research work on a similar issue.

1.4 RESEARCH QUESTIONS

To achieve the set out objectives, solutions to the following questions were answered:

- How effective is the implementation of the international legislations on ship manning and safety?
- Are there variations in the methods of seafarer's recruitment amongst nations?
- Are there deficiencies in the training and education of seafarers in developing countries?
- Can anything be done to reduce to the barest minimum the human error syndrome in marine casualties?
- Do we have in operation discriminatory criteria in the selection and engagement of seafarers by ship owners?
- Does the rapid changes in shipping technology and market situation affect the retention of seafarers' onboard ships?
- Can good welfare and motivation increase the retention and productivity of seafarers?

1.5 SCOPE AND LIMITATIONS OF THE RESEARCH

Maritime labour is a global issue, therefore this study attempted to give it a global coverage in her literature review and information collection for analysis.

However, due to long distances, time limitation and financial constraints, literature search on the Internet, WMU and IMO libraries and UK P&I CLUB were consulted to obtain all the relevant information and statistics presented in this research work.

Unfortunately information on Seafarers issues in Africa is very scarce due to the low level of information technology within the continent.

CHAPTER 2

INTERNATIONAL LEGISLATIONS ON SHIP MANNING AND SAFETY.

2.1 INTRODUCTION

The International Labour Organization was created in 1919 to advance the cause of social justice and thus contribute to the establishment of universal and lasting peace through the promotion of social and economic well-being of the world's people by decent living standards, satisfactory conditions of work and pay, and adequate employment opportunities.

The aims and purposes of the organization were reaffirmed in the 1944 Declaration which lays guiding principles such as: labour is not a commodity; freedom of expression and association are essential to sustained progress; poverty anywhere constitutes a danger to prosperity everywhere; all humans beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

The main activities of the International Labour Organization are:

- The formulation of an international agenda to help improve working and living conditions, enhance employment opportunities, and promote workers' rights;
- The creation of international labour standards for national authorities to apply in putting this agenda into action;

- The implementation of a programme of international technical cooperation to help governments to carry out this agenda in practice;
- The use of training, education, research and publishing activities to help advance all these efforts.

During more than 70 years of standard-setting activities, a total of 36 conventions and 26 recommendations on international labour standards for seafarers have been adopted, which demonstrates the important part of ILO activities devoted to seafarers questions and provides ready and useful information to all individuals, bodies and organizations interested in the employment and social aspects of maritime labour (ILO, 1994; p.1)

The aim of this chapter is to highlight and appraise the efforts of the global community to ensure that ships are efficiently, effectively and safely operated at all times with little or no danger to life, property and the marine environment.

2.2 BACKGROUND OF THE CONVENTIONS

Workers in few sectors experience the hardship and danger, which have been staple of the seafaring profession from time immemorial. The practice of drugging and kidnapping persons to press them into service as seamen, and the involuntary return to the ship of deserters are ancient forms of forced labour which still occur today in certain regions of the world. When compounded with beatings; withholding of provisions and medical care; unsanitary shipboard living conditions; refusal by masters or port authorities to allow shore- leave; under-payment or non-payment of wages; coercion; swindling; and abandonment in foreign ports, the downside of the seafaring profession is rather grim. For these reasons, numerous charitable and religious organizations, to succour seafarers, have existed since the early 19th century. The noble aims and important work of these institutions, particularly as

concerns the dignity and social welfare of seafarers, cannot be overstated. The protection of seafarers' rights, however, remains a question of law and not of charity. At the end of the last century working conditions for seafarers are significantly better than they were when the ILO began its standard-setting activities in 1919. Some of this progress is clearly a result of the profound technological changes that have taken place in the maritime sector, although not all technological changes have necessarily improved the quality of life of seafarers. Technological advances in modern ships have blurred traditional distinctions, such as between engine and deck work, thus reducing manning and creating a need for polyvalent personnel.

An industry that was once labour intensive has become increasingly capital intensive. Modern freight-handling techniques, for example, have considerably reduced the turnaround time for many ships in port, resulting in less shore leave for seafarers and more time spent at sea. With regard to labour standards, the improvement in the working conditions of seafarers, however, must be understood in terms of the tripartite structure of the ILO. Workers (seafarers), employers (ship owners) and Governments participate in the elaboration and adoption of maritime standards, along with a standing bipartite (ship owners and seafarers) Joint Maritime Commission which advises the Governing Body of the ILO on maritime issues.

A significant feature and key to understanding maritime labour standards is both the ethos and the specificity of this sector within the ILO itself. From the outset (1920), the ILO has dealt with purely maritime questions separately. Consequently, the ship owners and seafarers themselves, i.e., the people who have first-hand experience of the sea and often share the same concerns as to the vital questions of safety of life at sea and protection of the marine environment carry much of this work out.

Given the cost of a single accident at sea in human, economic and environmental terms, the common interest often prevails. Serious problems remain concerning the recruitment of seafarers, particularly from developing countries, where people are

fleeing the worst forms of poverty and become victims of unscrupulous recruiters. They go to sea with little or no understanding of the terms and conditions of their service, or the rights and protection to which they are entitled under applicable national and international law. Numerous ILO Conventions and Recommendations, some dating from the 1920s, protect seafarers' human rights in the workplace. Some of these instruments (freedom from forced labour, protection of the right to form and join trade unions and to bargain collectively) are fundamental rights, which extend to workers in most sectors.

2.3 ILO CONVENTION (No.179) CONCERNING THE RECRUITMENT AND PLACEMENT OF SEAFARERS

The convention begins with the definitions of some keywords under article 1. This is necessary to avoid different interpretations and implementations of its provisions by the various member states, thus defeating the international nature of the convention.

These include:

- (a) "competent authority" means the minister, designated official, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of the recruitment and placement of seafarers;
- (b) "recruitment and placement service" means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers;
- (c) "ship owner" means the owner of the ship or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation of the ship from the ship owner and who on assuming such responsibilities has agreed to take over all the attendant duties and responsibilities;

(d) "seafarer" means any person who fulfils the conditions to be employed or engaged in any capacity on board a seagoing ship other than a government ship used for military or non-commercial purposes.

Article 2 empowers member state to enact a national policy for the operation of a free public recruitment and placement service to meet the needs of her seafarers and ship owners, however this can be operated by the Government or private organizations. In the case of the private recruitment and placement services, they must operate within the territory of a member and conform to the laid down regulations on licensing or certification. To avoid conflicts of interest, a member state is advised that in case of any modification in the established system, due consultation must be done with representative organization of ship owners and seafarers.

Measures should be put in place to avoid undue proliferation of private recruitment and placement services within her territory. The convention further authorizes states to apply laws and regulations to ships flying her flag on matters of recruitment and placement of seafarers.

The absolute right of seafarers to exercise their basic human rights including the formation and membership of trade union is contained under article 3 of the convention. All issues pertaining to the cost of recruitment or employment of seafarers and national statutory medical examinations, certificates, personal travel documents and national seafarers books are not directly or indirectly to be borne by the seafarer in any form as fees or charges for recruitment according to article 4.

Furthermore, the member state is to specify the conditions allowed for the recruitment and placement organizations to place or recruit seafarers abroad, with emphasis to the right to privacy and the need to protect confidentiality, the conditions under which her seafarers` personal data may be processed by recruitment and

placement services including the collection, storage, combination and communication of such data to third parties; determine the procedures in which the license, certificate or similar authorization of a recruitment and placement service may be suspended or withdrawn in case of violation of relevant laws and regulations. In addition, the state is to ensure that a competent authority is appointed to closely supervise all recruitment and placement activities; strictly check to verify that these organisations meet the national laws and regulations requirements for the issuance or renewal of their licenses, certificates, or other similar authorization; ensure that the management and staff of the recruitment and placement establishments for seafarers are properly trained and experienced in maritime activities; prevent recruitment and placement services from adopting any measures that can deter her seafarers from gaining employment; and ensures that employers or ship owners are capable of protecting seafarers from being stranded in a foreign port; and of importance is that an insurance system must be established to compensate seafarers in case of monetary loss arising from failure of a recruitment and placement organization to meet her obligations to them

The need to keep a register of all seafarers recruited or placed through all the recruitment and placement organizations are contained under article 5 of the convention, and it is mandatory for them to make them available to the competent authority for inspection at any time.

To maintain a high quality of seafarers, all the recruitment and placement services bodies must ensure that any seafarer recruited or placed by them is qualified and holds the appropriate documents for the job engaged to do; in addition there must be a documented contract of employment and articles of agreement in line with the applicable laws, regulations and collective agreements; and all aspects of their rights and duties must be clearly described to the seafarers concerned prior to or in the process of their engagement; all parties to the agreements must endorse it and a copy of the contract of employment be given to them for compliance.

The provisions of article 6 are to prevent the abuse of power by the recruitment and placement services organizations through constant checks and monitors by the competent authority, especially any cases of complaints on their activities from seafarers must be investigated and resolved amicably. To be given more attention are complaints concerning working or living conditions on board ships brought to the attention of the recruitment and placement services organization by the seafarers they engaged must and be reported to the appropriate authority for immediate action in order not to threaten the safety of life, property and the marine environment due to human factors.

ILO Convention (No. 179) of 1996 and the responsibilities of the Competent Authority are attached as appendixes A and B.

2.4 THE PRINCIPLES OF SAFE MANNING

According to IMO Resolution A.890 (21), 1999; safe manning is a function of the number of qualified and experienced seafarers necessary for the safety of the ship, crew, passengers, cargo and property and for the protection of the marine environment. This is part of the provisions of SOLAS regulation V/13 with respect to the issue of an appropriate safe manning document or equivalent as evidence of minimum safe manning.

The purpose being that international acceptance of broad principles as a framework for administrations to determine the safe manning of ships would materially enhance maritime safety and protection of the marine environment. It is strongly recommended that Governments, in establishing the minimum safe manning levels for ships flying their countries` flag, observe the Principles set out in Annex 1 and take into account the Guidelines set out in Annexes 2 & 3. Governments is further advised, when exercising port state control functions under international conventions

in force with respect to foreign ships visiting their ports, to regard compliance with such documents as evidence that such ships are safely manned.

Every company is expected to ensure that the master, officers and ratings do not work more hours than is safe in relation to the performance of their duties and the safety of the ship. Manning levels should be such as to ensure that the time and place available for taking rest periods are appropriate for achieving a good quality of rest.

A record of the actual hours of work performed by the individual seafarers should be maintained on board, in order to verify that the minimum periods of rest required under relevant and applicable international instruments in force have been complied with.

The Administration may require the company responsible for the operation of the ship to prepare and submit its proposal for the minimum safe manning level of a ship in accordance with a form specified by the Administration for evaluation and approval.

2.5 GUIDELINES FOR INTERNATIONAL COMPLIANCE

To ensure that the provisions of this convention are strictly adhered to, the conference adopted the new Seafarers' Hours of Work and the Manning of Ships Convention, 1996 which establishes specific daily and weekly limitations on hours of work, or, conversely, daily or weekly minimum rest periods for seafarers with the aim of preventing fatigue associated with excessive work.

It calls upon member States, which ratify it to acknowledge that normal hours of work shall be based on an eight-hour day with one day of rest per week, and then provides that maximum limits shall not exceed 14 hours per day and 72 hours in a

week. Alternatively, member States may define working time through a minimum of ten hours of rest per day or 77 hours in a week. These limitations are to be posted in an easily accessible place on board the ship. Records of daily working hours or periods of rest are to be maintained, and the competent authority is to examine and endorse these records at appropriate intervals in order to monitor compliance and, if the records indicate infringements of the provisions governing hours of work or rest, require measures to be taken to avoid future infringements.

The new Convention has also been included in the Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976, (No. 147), which means that, following sufficient ratifications, this instrument may also be subject to port State control.

The accompanying Recommendation, which focuses on compensation for overtime and other wage issues, is a comprehensive instrument, which will serve to clarify wage issues for seafarers and ship owners. It retains the ILO minimum monthly basic wage figure for able seamen, a figure which has long served as an international benchmark for the industry.

International provisions for labour inspection on board of ships were strengthened by the adoption of the Labour Inspection (Seafarers) Convention, the first international convention on maritime labour inspection. The Preamble of the Convention states that these measures only apply to flag State control.

Ratifying member States "shall maintain a system of inspection of seafarers' working and living conditions". All ships registered in their territory are inspected "at intervals not exceeding three years and, when practicable, annually" or, in case of a complaint or other evidence of non-conformity, "as soon as practicable". Inspections should be conducted so as "to avoid a ship being unreasonably detained or delayed". If this is not the case, the ship owner is entitled to compensation. The responsible public authority "shall publish an annual report on inspection activities".

Like the Seafarers' Hours of Work and the Manning of Ships Convention, it applies to "every seagoing ship" of a country's commercial fleet while commercial fishing vessels are only concerned if the competent authority "deems it practicable".

The accompanying Recommendation refers more specifically to the coordination and organization of inspections as well as the duties and powers of inspectors. An accompanying resolution of the Conference calls for new ILO guidelines for inspectors.

The International Labour Conference also adopted a convention and a recommendation on the Recruitment and Placement of Seafarers; the new Convention allows private placement services provided that they are "in conformity with a system of licensing or certification or other form of regulation." Ratifying member States shall "ensure that no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer."

The competent national authority will have to supervise closely all recruitment and placement services, particularly with respect to meeting legal requirements and staffing of the agencies with adequately trained persons. Placement services shall also "adopt measures to ensure, as far as practicable, that the employer has the means to protect seafarers from being stranded in a foreign port." Recruitment agents will also have to keep a register of all seafarers recruited and make sure that seafarers can examine their contracts of employment "before and after they are signed". "With due regard to privacy and the need for confidentiality" national laws or regulations should specify how seafarers' personal data may be processed by the recruitment and placement services.

While seafarers may bring any complaints directly to the competent national authority, an adequate procedure for the investigation of complaints will need to be set up in every ratifying state.

The accompanying Recommendation sets out guidelines for effective cooperation among the different recruitment services, ship owners and seafarers. Among other tasks, the competent authority should approve or prescribe standards for the operation of recruitment and placement services and encourage the adoption of codes of conduct for these services.

Convention No. 147 has become the basic point of reference in the industry for minimal acceptable standards of safety and health, social security and living and working conditions of seafarers.

States are allowed to accept new obligations, but retaining the flexibility for the Convention still to be ratified in its existing form. A supplementary appendix, which can be accepted by the ratifying state, includes ILO conventions regulating accommodation of crews, hours of work and manning (see appendix A), seafarers' identity documents, workers' representatives, health protection and repatriation.

Member States who have ratified Convention No. 147 may take measures necessary to rectify any conditions on board foreign registered ships entering their ports, which are clearly hazardous to safety and health if there is a complaint, or evidence that the ship does not conform to the standards of this Convention. Since its adoption, the Convention has strengthened substantially the international will to eliminate the operation of substandard ships.

Despite the accelerated transfer of ships from one register to another, the ratification rate of Convention No. 147 covering more than 50 per cent of the world fleet remained stable between 1993 and 1996. It is referred to by many as one of the most significant and influential maritime standards (ILO, 1996c: pp.1-3).

2.6 HUMAN RIGHTS AND MARITIME LABOUR STANDARDS

Maritime Labour Standards and the Marine Environment

The ILO is recognized by the United Nations as an organization having competence with respect to the protection and preservation of the marine environment. However, the idea that maritime labour standards are part of what is now called the "marine environment" can be found in the earliest ILO maritime instruments. Unfortunately, the catalyst for the elaboration and adoption of international maritime standards was the disaster in 1912 of the White Star Liner Titanic -- a state-of-the-art ship that sank due to human navigational error, resulting in the death of more than 1,500 passengers and crew. Given the primacy of travel by sea and the vital communication link provided by the maritime sector at the beginning of the century, the pressure of public opinion forced the international community -- in the pre-war period when nearly all international legislative activity had ceased -- to take up the urgent, compelling, and universal cause of safety of life at sea.

The first International Convention for the Safety of Life at Sea (SOLAS) was adopted in 1914; its entry into force, however, was delayed by the outbreak of war. During the first decade of the ILO's activity (1919-1929), more than a quarter of the Conventions adopted concerned standards in the maritime sector. In recognition of the harsh and unique working and living conditions inherent in the seafaring profession, special Maritime Sessions of the International Labour Conference, held regularly since 1920, have now adopted over 60 Conventions and Recommendations specifically covering the maritime sector.

As the Director-General of the ILO observed in the closing address to the Maritime Session of the International Labour Conference in 1996, during this century our vision of the sea has changed. Previously perceived essentially as a means of communication, the sea now encompasses new spheres of economic activity and

scientific research. With the articulation of a concept of the marine environment in numerous international instruments since the 1970s, there is now greater awareness of the need to respect and protect this environment and those who form part of it. One must remember that this marine environment is both hostile and unforgiving. According to statistics provided to the 1996 Maritime Session of the International Labour Conference, between 1994 and 1996, 180 vessels of more than 500 tons were shipwrecked, resulting in the loss of life of 1,200 seafarers and passengers.

Maritime labour standards: protection of seafarers, safety of life at sea

Maritime labour standards basically fall into two categories: protection and safety, although this distinction is neither formal nor legal. Standards for the protection of seafarers operate essentially to protect the seafarer in his individual capacity from the specific problems of the profession, including recruitment and placement agencies, articles of agreement [the maritime employment contract], special identity documents, health care, social welfare, and repatriation. Safety standards, which also protect the seafarer directly and individually, are standards, which affect the safety of life at sea, and thus reflect the collective concern for the safety of all persons on board ship as well as for other ships at sea. Safety standards include the minimum age for employment at sea; medical examination for sea service; hours of work and manning; prevention of accidents; crew accommodation; food and catering; and vocational training of the crew (officers competency certificates, certification of able seamen and ships cooks).

Maritime Labour Standards and United Nations Conventions on the Law of the Sea

The 1958 Convention on the High Seas requires flag States to ensure safety at sea by conforming to and ensuring observance of generally accepted international standards. Article 10 refers, in particular, to "the manning of ships and labour conditions for crews taking account the applicable international labour instruments." Similarly, the

1982 United Nations Convention on the Law of the Sea (UNCLOS) refers to the duties of flag States to ensure safety at sea with regard to, inter alia, certain maritime labour standards [Article 94, paras.3 (b) and 4 (b)]. With the entry into force of UNCLOS in 1994, the most recent ILO maritime labour Conventions adopted at the 1996 Maritime Session of the International Labour Conference, including the Protocol of 1996 to the Merchant Shipping (Minimum Standards) 1976 Convention, specifically refer to UNCLOS in their preambles. In this way both the UN and the ILO have reiterated that maritime labour standards are a component of safety at sea and the protection and preservation of the marine environment, and as such form an integral part of the Law of the Sea.

Standard-setting activities and intra-agency cooperation within the United Nations

The work of the ILO in the maritime sector draws on the complementary expertise of other specialized agencies of the United Nations, particularly the International Maritime Organization (IMO) and the World Health Organization (WHO). There is close cooperation between the ILO and the IMO on fundamental questions that affect safety at sea, such as crew training and certification, but also on thematic questions related to safety, such as alcohol and substance abuse by seafarers. Likewise, ILO and WHO cooperate on questions concerning seafarers' health, including the problems of HIV and AIDS, as well as specialized medical examinations required to determine physical fitness for service at sea (ILO, 2000: pp. 1-7).

2.7 THE STCW 95 MANNING REQUIREMENTS

The main purpose of this convention is to ensure that seafarers are properly trained and certificated to safely operate ships at all times. Provisions related to this research work are extracted and presented as follows:

Regulation I/4

Control procedures:

Control exercised by a duly authorized control officer under article X shall be limited to the following:

- Verification in accordance with articles X (1) that all seafarers serving on board who are required to be certificated in accordance with the convention hold an appropriate certificate or a valid dispensation.
- Verification that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements of the Administration; and
- Assessment, in accordance with sections A-I/4 of the STCW Code, of the ability of the seafarers of the ship to maintain watch keeping standards as required by the convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred:
 - the ship has been involved in a collision, grounding or stranding,
 - there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention, or
 - the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the organization or safe navigation practices and procedures have not been followed, or
 - the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.

Regulation I/6

Training and assessment

Each party shall ensure that:

- the training and assessment of seafarers, as required under the convention, are administered, supervised and monitored in accordance with the provisions of section A-I/ of the STCW Code; and
- those responsible for the training and assessment of competence of seafarers, as required under the convention, are appropriately qualified in accordance with the provisions of section A-I/6 of the STCW Code for the type and level of training or assessment involved.

Resolution 8

Promotion of technical knowledge, skills and professionalism, recommends that Administrations should make arrangements to ensure that companies:

- establish criteria and processes for the selection of personnel exhibiting the highest practicable standards of technical knowledge, skills and professionalism;
- monitor the standards exhibited by ship's personnel in the performance of their duties;
- encourage all officers to participate actively in the training of junior personnel;
- monitor carefully and frequently review the progress made by junior personnel in their acquisition of knowledge and skills during their service on board ship;
- provide refresher and updating training at suitable intervals as may be required; and
- take all appropriate measures to encourage pride of service and professionalism on the part of the personnel they employ.

Section A - I/14

Responsibilities of companies

Companies, masters and crew members each have responsibility for ensuring that the obligations set out in this section are given full and complete effect and that such other measures as may be necessary are taken to ensure that each crew member can make a knowledgeable and informed contribution to the safe operation of the ship.

The company shall provide written instructions to the master of each ship to which the Convention applies, setting forth the policies and the procedures to be followed to ensure that all seafarers who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties. Such policies and procedures shall include:

- allocation of reasonable period of time during which each newly employed seafarer will have an opportunity to become acquainted with:
 - the specific equipment the seafarer will be using or operating, and
 - ship-specific watch keeping, safety, environment protection and emergency
 - procedures and arrangements the seafarer needs to know to perform the assigned duties properly; and
 - designation of a knowledgeable crewmember who will be responsible for ensuring that an opportunity is provided to each newly employed seafarer to receive essential information in a language the seafarer understands (STCW, 95).

All these international legislations established the minimum and obligatory professional standards for seafarers globally, and it is required that all the parties to the convention implement the convention fully and completely, and that the Administrations conduct the direct control over the qualification, competence,

certification and favourable employment of her seafarers globally for the operation of ships with safety of life, property and the marine environment.

On the issue of Certificate recognition, for countries that have large fleets on their register without a maritime training institution of their own have to rely on the recognition of certificates issued by other Parties for the manning of ships flying their flag. In this situation, the flag state administration, must ensure that they meet the requirement concerning standards of competence. According to, Winbow (1999:5), “in most cases flag states will require the Party issuing the original certificates to be on the so-called `white list` as a minimum, in addition to meeting the requirements for an undertaking to be agreed between Parties for prompt notification of changes to training and certification arrangements and establishing measures to ensure appropriate knowledge of the flag state’s Maritime legislation”.

The next chapter assess the adequacies and limitations of these conventions as they apply to International organisations, Ship owners, Seafarers and Administrations.

CHAPTER 3

CRITICAL ANALYSIS OF THE INTERNATIONAL LABOUR LAWS AND REGULATIONS FOR SEAFARERS

3.1 THE ILO, ISF AND ITF VIEWS

The Governing Body of the International Labour Office having realised the need for the review of the existing conventions on seafarers labour in its 274th session in March 1999 established the Joint Maritime Commission to look into the following issues:

- Review of relevant ILO maritime instruments.
- Updating of the ILO`s minimum basic wage of able seamen
- The impact on seafarers` living and working conditions of changes in the structure of the shipping industry.
- Joint IMO/ILO ad hoc expert working group on liability and compensation regarding claims for death, personal injury and abandonment of seafarers.

In the opening address to the 29th Session of the Joint Maritime Commission the Chairperson, Ms. Solling Olsen, emphasized the importance of the central task of the commission to the delegates to consider the best way forward concerning the ILO`s maritime labour standards.

Even though the existing standards have served the industry well, yet both groups recognized and expressed the need for modernization of these instruments to ensure their continued relevance to the needs of the industry and for all seafarers.

The challenge she said was in the restructuring of standards into a new and innovative format, which could be better understood, implemented and monitored and which would ensure that the structural, procedural and legal obstacles were overcome. This goal is in line with ILO's new approach to standard setting to ensure a safe, humane and economically sustainable shipping.

Mr. Juan Somavia, Director-General of the International Labour Office stressed on the international character of the shipping industry, with ships being extremely mobile assets, free to trade almost anywhere and seafarers increasingly working on ships owned and registered in countries other than their own. Seafarers and shipping were almost everywhere covered by different set of laws as compared to land-based industry. According to him, the maritime workforce was also increasingly international with 49 per cent of seafarers coming from Asia, 33 per cent from Europe and 18 per cent from Africa and Latin America. Therefore what is happening in the sector must be clearly understood for ILO actions to be relevant, and its standard-setting activities to be well targeted and effective.

Commenting on the work before the commission, the idea of decent work, according to the Director-General, lies on the fact that people needed work, but work of acceptable quality – work in which basic rights were respected, where health and safety were protected and where they were afforded shelter from contingency and vulnerability. It should be work, which afforded them and their families a decent standard of living, including access to education for their children and health for the family.

He also pointed out, that any new instruments should take into consideration the need for seafarers to exercise their calling under decent conditions, especially as their place of work was where they spent their periods of rest and leisure as well. In this respect, decent work should take on a much broader meaning than for other workers, including safety and security, he concluded (ISF, 2001: p.3).

The General Secretary of the International Transport Federation Mr. David Crockroft, in his contribution, stressed the importance and complexity of the task before the commission, stated that the global economy could not work without fair treatment of workers, decent work, social dialogue and free democratic trade unions representing the workforce, including shipping which is the most global of industrial sectors. The 50-year old ITF campaign against flags of convenience remained relevant, and that the system was an evidence of lack of responsibility of certain governments in renting out their flags as part of a commercial exercise. He said that shipping was unique in that its labour market had become totally global. Badly trained and badly treated seafarers do not run safe and clean ships. So the ILO was the forum for social dialogue and the forum where agreements could be reached on decent work in shipping. The maritime industry could be a model for other sectors, which were becoming more global and where decent work and fair trade were interlinked. He then urged for an agreement between ship owners and seafarers for a decent condition of work and life for seafarers (ISF, 2001: p. 4).

In his observation, unfortunately, there were some ship owners who were only interested in making money quickly and they represented unfair competition. Equally, unfortunately, the fragmentation of certain institutions such as banks, P & I clubs and classification societies made it easy to evade responsibility. Ship registration had become a cash-raising exercise for some state that do not have maritime safety at heart. National sovereignty should have some limits and countries should accept standards for a safe industry where crews were properly treated.

He concluded by stating, that, having good standards was not enough, the industry must ensure that they are ratified, applied and enforced. Labour standards should be on the same level as other standards on safety and pollution. He recommended that all governments who wished to participate in maritime trade should ratify the comprehensive framework convention that would represent a consensus on how

seafarers should be treated. Port States should take whatever steps to ensure that the instrument was translated into action.

The representative of the International Shipping Federation, Mr. Lachlan Payne pointed out that the maritime sector have on ground a set of social standards which are more comprehensive and effective than any other industrial sector in the ILO. He recalled that globalisation, far from being a new concept, had been part of the industry since its inception. This, in itself, fully justified the existence and use of an international set of labour standards, since the mere existence of widely varied national standards hampered the smooth flow of shipping operations. Ship owners, being pragmatists, did not foresee the imposition of yet more regulations with more relish than any other employer. However, they wanted sensible and impartially applied labour standards, so that a level playing field could be created, where standards of service instead of poor labour conditions would dictate customer preference.

He further reiterated the group's firm and clear determination to preserve their ability to deal with the regulation of maritime labour standards within the ILO machinery. He also pointed out that, international regulation of labour standards, rather than national or regional regulation was essential; the regulations must be up to date, relevant, widely accepted and properly enforced, irrespective of the flag of the ship, the nationality of the crew, or the ports which the ship visited. These standards should be developed within the ILO and should continue to accommodate separate and distinct maritime machinery with adequate resources. If the ILO cannot satisfy the needs of the sector another forum would have to be found (ISF, 2001: p. 8).

In her contribution, Ms. Cleopatra Doumbia-Henry, Deputy-Director, Sectoral Activities Department and responsible for the maritime sector, highlighted a series of structural changes that have transformed the world's shipping industry within the last 25 years to include, a slump in world trade and a glut of ships increased competition

and the inevitable accompanying drive to cut costs, resulted in the emergence of the world's first genuinely global industry. Changes in ownership, financing and the rise of ship management companies led to shifts in the labour market for seafarers. It also removed nationality restrictions resulting in consciously composed mixed nationality crews in a highly organized global network linking ship owners, ship managers, crew managers, labour-supplying agencies and training institutions.

Commenting on the internationalisation of shipping registration, there had been a phenomenal increase in the proportion of international fleet under open and second registers, the relaxation of crewing requirements and an increased amount of national shipping being attracted to these registers. Although there had been substantial reduction in crew size, crew costs remained the only substantially variable element in the voyage-cost equation.

The absence of social dialogue at the national level in many of the major flag states and the fact that seafarers now come from other countries, suggested that social dialogue ought to be strengthened at the international level to ensure progress in the application of minimum international standards. She stressed the need for attention to gender issue: women accounting for only 7.6 per cent of the total seafaring labour force in the European Union. Even where they were present, occupational segregation was a consistent feature with women being primarily employed in the service and catering sectors. She further pointed to the need for addressing social and human rights issues associated with crew composition and size, wage level's, continuity of employment, health and safety, the quality of shipboard life and, above all and quite fundamentally, an unfailing recognition of the seafarer's need for dignity and respect.

While the role of international regulation was fully recognized as regards technical issues relating to the ship and its operation, the need for global regulation of conditions of work and life were not fully appreciated.

3.2: THE VIEWS OF THE SEAFARERS.

They pointed out that the commission have the opportunity to change the face of international labour rights if it engaged in meaningful and cooperative social dialogue anchored on reality. They cited problems of exploitation, discrimination and social deprivation. Though much had been made of the intellectual argument of freedom of individual choice, seafarers themselves were often recruited from socio-economic backgrounds that in practice allowed little choice.

This is confirmed by the Centre for Seafarers` Rights calls for end to exploitation of workers in Nairobi, Kenya. According to the report Kenyan citizens were recruited to work aboard cruise vessels owned by UK, Spanish, Portuguese, and Greek companies. The recruits were asked to pay a fee, take a medical examination, and were not informed about maritime certification that is required for all who work on vessels. To stop this, Douglas B. Stevenson, Director of the Centre for Seafarers` Rights stated that, "The exploitation of these poor people must be exposed by working with government officials and raising consciousness through the media."(Anglican Communion News Service, 2001, p.1).

The myriad of legal regimes offered no effective protection to seafarers and no effective control of ship owners. This is reflected in the ILO`S report on the reality of shipping which must be acknowledged, given the failure of past efforts to produce improvements.

Further more, the positive aspects of the industry were overshadowed and diminished by the negative aspects. Masters and officers were sometimes treated as criminals following maritime accidents, especially where the chain of ownership or responsibility was either confused or deliberately concealed; yet there was no comparable punishment for ship owners.

The “human factor” was involved in 80 per cent of maritime accidents, yet the globalisation of the industry, and increased use of multinational crews, had led to the effective disenfranchisement of many seafarers in terms of social and welfare protection. Seafarers were completely excluded in regard to important pieces of national legislation covering employment, safety and welfare. Re-flagging to countries without the will or means to enforce international regulations had made matters even worse.

The seafarers stated that, for a proper review of the ILO standards, recognition should be given to the extensive evidence of systematic abuse and exploitation and its effect on morale and motivation. This influenced recruitment and caused wastage. Hence, truly global standards, enforced through port state control, were needed.

To support this point Philip Mwakio (2001, p.1) called for Kenyan Government to entrench the recruitment of Seamen laws into the Labour Act to curb importation of cheap labour into the country. According to Mr. Andrew Mwangura, “It has been noted that foreign labourers with questionable credentials have been hired in merchant cargo ships and fishing vessels to do jobs that Kenyan seafarers can do better.” He further advised the Kenyan Government to ratify all the International Maritime Labour Conventions and Recommendations for the benefit of her seamen.

They then presented the following proposal that:

- Seafarers needed regulatory protection from being unnecessarily detained in wider disputes over liability and damages;
- Seafarers should be given greater protection against victimization and commercial pressures in the discharge of their responsibilities;
- New regulatory mechanisms were essential to protect basic social, welfare and employment rights of those seafarers employed under globalise conditions;

There should be a revision of the principles used to assess safe manning of ships, accompanied by concerted efforts to enforce adequate crew conditions and to prevent unfair competition.

3.3 THE SHIP OWNERS PERSPECTIVE ON EXISTING REGULATIONS

The group noted that this was the first time that a commission had powers to consider a new cycle of ILO maritime activities without future priorities guidance by the International Labour Conference adopted resolutions. It was a welcome development, as it would allow the commission to step back from specific issues and consider wider, more fundamental things about the system of regulation of labour standards in the maritime sector. For this reason, they recommended that issues concerning the review of relevant ILO maritime instruments be given priority.

The ship owner members expressed concerns over the frequency of full sessions of the commission. They noted that the last was held nearly ten years ago, which is too long a gap for the maritime sector, where the pace of change was accelerating and new challenges and opportunities faced ship owners and seafarers alike. They firmly believed that maritime labour affairs should be discussed in, and regulated by, the ILO. However, if the ILO's maritime machinery can not provide the forum for timely debate on issues, then another international body be mandated to do so.

The body further stressed that the Governing Body should be directed to convene a Maritime Session of the Conference for the purpose of developing new standards without any form of distractions. In the longer term, the unique role of the JMC as the principal forum for social dialogue on a wide range of issues had to be preserved.

They reiterated the need for sufficient resources to undertake the envisaged work as effectively as possible, and her desire to assist at any time, because in the maritime

industry international meetings are vital and failure to obtain sufficient resources from the ILO can lead to the social partners taking social dialogue and standards setting in the industry elsewhere.

On the need for the review of relevant ILO maritime instruments, the group stated that many ILO instruments were outdated, deficient and not reflective of modern practice; many contained technical detail that discouraged ratification and were thus ineffective. However, existing instruments did not cover many issues, which had become relevant. Hence, the ILO should take action to maintain its role as the pre-eminent body in matters relating to international maritime labour standards.

They further stated, that governments were suffering from regulatory overload so the traditional approach of developing specific standards to address specific problems was not workable. Government's preferred international instruments, which covered all majors' issues and were consistent with the existing regulations of major powers, yet included a mechanism, which permit minor powers to accept them.

3.4 THE IMPACT OF STRUCTURAL CHANGES OF THE SHIPPING INDUSTRY ON SEAFARERS

Technological developments

The Joint Maritime Commission report of 1991 indicated that technological development is the cause of the reduction in employment opportunities at sea. It also stated that automation, the increase in size of ships and various other technical innovations had also contributed to a reduction in the size of crews, increased fatigue and isolation while increasing the need for highly skilled personnel (ILO, 2001; p.11)

The use of bigger vessels led to a change in the geography of ports globally. For example, earlier ports were built close to the hinterland they served, but today, the environmental, operational and commercial considerations caused by the increase in the size dictate port development in remote areas, mostly far away from urban centres. This according to seafarers, the remoteness and fast turnarounds in modern ports can make shore leave difficult or impossible.

As the supply chains in different industrial sectors move towards integration and ever-higher efficiencies, the demand for high-speed crafts for transporting commodities over much larger distances is increasing, e.g the proposed first transatlantic high-speed service.

The shipboard organization aboard high-speed craft resembles more that of an aircraft than of a ship. The levels of automation and integration require highly specialized training for all the crew. Given the high capital cost involved, maintenance and fast turnaround time in port are paramount, as failure to run is failure to earn. Thus, the crews of high-speed crafts, like airline pilots, are at present only subject to national regulations on hours of work. The issue then is how would regulations on working time be applied to transoceanic services when they start to operate in the near future. What would be the duties of the crew when in port? Would a ground crew for loading and unloading replace them? Definitely, these crews will require a working regime different from the one applicable to crews aboard conventional cargo vessels.

It is also reported that on short sea passenger ferry routes, high-speed craft may replace conventional vessels – with corresponding job losses.

The introduction of computers in the 1970s to monitor and control propulsion systems resulted in unattended machinery spaces, where constant watches are no longer necessary. Thus, most seagoing vessels are built to operate with periodically

unmanned machinery spaces. The main effects of deck and engine-room automation and integration are a reduction of manning levels and a change in work organization and shipboard environment.

Also, the introduction of satellite communications first brought the possibility of direct and immediate contact between ship and shore management instead of the former notion of “line management”. Secondly, the coming of the electronic distress and safety communications has abolished the position of radio officer onboard ships.

All passenger ships and cargo ships over 300grt engaged on international voyages are required to participate in GMDSS by having the appropriate equipment on board and trained personnel to operate it. Ships participating in GMDSS are not required to carry a dedicated radio operator, as distress communication functions have been passed on to the designated GMDSS operators on board (deck officers). This provides another opportunity to reduce manning levels.

The emergent of ship-management companies

The attempt to cut down cost started during the long crisis of the 1980s where ship owners of the traditional maritime nations looking for cost-cutting survival strategies, flagged out their ships to “open registers” of one kind or another which allowed them to make large and immediate labour cost reductions. However, in 1983 an author Sohmen pointed out that: “relative advantages based on only lower manning costs are impermanent and will not finally save even the most cost-effective operator”.

The use of crew management by small fleets ship owner started due to the benefits of economies of scale by subcontracting to specialist firms, because of the difficulties involved in hiring crews either wholly or in part from cheaper but unfamiliar world regions.

As ship-management companies developed and expanded, they have become the world's largest employers of seafarers. The scale of their labour requirements and their consequent need for efficient organization has resulted to a powerful source of labour market stability. Unlike small fleets ship owners who may be driven by circumstances to look for a new and cheaper source of labour, ship managers with perhaps 5,000 seafarers spread over 200 ships need orderly and predictable supply lines. In addition, since mid-1990s a number of ship-management companies have been deeply involved in officer training, running cadetships and establishing training centres for ratings. What is the situation now?

Nowadays, many management companies are observed to be diversifying their sources of labour on a small scale by employing Vietnamese and Chinese on a limited scale while employing large numbers of Filipinos (Lloyd's, 1994).

The ship-management sector has its main centres in Northern Europe including the Nordic countries, Greece, South-East Asia (principally Hong Kong, China, and Singapore), Japan and the United States, and its main customers are from the same countries and regions.

It is estimated that 10,000 ships have at least one of their functional areas run by third-parties managers.

The basic functions of ship management organisation are: commercial (charters, mortgages, insurances, etc.), technical (ship maintenance, dry-docking, periodic surveys, etc.), and crew management (finding, organizing, paying and training crews). Looking at the growth of the ship management sector, by mid-1990s the International Ship Managers` Association (ISMA) was established. In 1994, ISMA members alone managed 1,800 ships totalling 60 million dwt; in addition to 1,503 fully managed (i.e. commercially, technically and crewing); 717 were solely under crew management contracts and a further 70 were under other forms of service contract. More than 80

per cent of managed ships flew an offshore flag: second register or flags of convenience; the remaining 20 per cent flew national flags. The total seagoing labour force of ISMA members was approximately 50,000, the great majority being from Philippines, India and Eastern Europe. At the beginning of the twenty-first century the ship-management companies` clients are for the most part small to medium-sized ship owners but, by virtue of the central management provided by the managers for all their clients, it might be said that ship-management companies provide at least some of the benefits of scale otherwise only found in large and powerful shipping companies.

Measures to reducing costs

Amongst the changes that are transforming the world`s shipping industry is the growing momentum where transnational and international regulatory systems are superseding national regulations, especially in the major industrialized regions of the world. Most significant of all has been the eradication of national boundaries in the labour market for seafarers, thus the shipping industry has found itself with the world`s first working example of a relatively open labour market.

In mid-to-late 1970s, the industry`s largely casual labour force and the shipowner`s ability to legally sidestep labour regulation by the simple process of switching flag meant that, provided there was at any one time a pool of reserve labour somewhere in the world, the labour force as a whole could very rapidly be reconstituted. In the 1980s a ship could arrive in a port flying the flag of one of the traditional maritime nations, with a crew recruited from the citizens of that nation, and then sail a day or so later flying an “offshore” flag with a crew mainly recruited from the other side of the world – but with the ship`s owners and/or its managers, its insurers and its classification society unchanged.

The pace and the scale of change in the 1980s in the composition of the labour force generally, and consequently in the nationality/ethnicity of crews, were unprecedented in the sense that nothing of this sort had ever happened before. In 1987 alone, the employment of Filipino seafarers in European-owned ships increased from 2,900 to 17,057 persons. Translated into crews, this meant that the number of European-owned ships with a substantial Filipino component went from approximately 200 to 1,130 ships in just 12 months. Almost all of the displaced seafarers were domiciled in the traditional maritime nations of Europe (ILO, 2001; P.26.)

Throughout the 1980s the shipping industry press regularly reported news of new crewing sources and the cost-savings potential to be derived by drawing upon them. In many cases the savings could only be made by re-flagging to states entirely devoid of both indigenous maritime labour markets and functioning systems of labour regulation. By 1986, for example, 45 per cent of German-owned ships were operating under flags with these labour market characteristics – and the same trend applied in Japan, the Netherlands, Norway and the United Kingdom. The savings made by flagging out were so considerable that in 1987 the Netherlands tanker-owner, Van Ommeren, reported that, crew costs on its Netherlands-flagged ships were up to US\$1 million a year higher than on flagged-out competitors. Later in the same year the Danish Ship owners' Association, in making its case for replacing Japanese seafarers, said that employment costs for an 11-person Japanese ship were US\$1.5 million a year compared with US\$0.4 million a year for a South-East Asian crew of 22 persons.

Whenever there is a downturn in shipping activities globally, the first thing ship owners do is a reduction in labour cost, even though crew costs as a proportion of voyage costs had been falling steadily since the 1960s. By the 1980s labour productivity had already been substantially increased by a series of capital substitutions. Containerisation, new techniques in cargo handling and stowage and automated engine rooms had produced a steady reduction of crewing levels in new

ships. There were also productivity gains in older ships. The reorganisation of deck and catering departments, the introduction of general purpose ratings and planned maintenance systems also led to reductions in crew size. Nevertheless, and notwithstanding, crew costs remained the only substantially variable element in the voyage costs equation.

It should be noted here that, seafarers from South-East Asia, principally from Indonesia and the Republic of Korea and, above all, the Philippines, are newcomers to the world fleet. Apart from India, which had been providing crews for European ships on a large scale since the middle of the nineteenth century, the new supply countries were very new indeed. In 1994, as a neat illustration of price sensitivities in the seafarers` labour market, ship owners of the Republic of Korea were pressing their Government to be allowed to employ Chinese seafarers who could be paid half the Korean wage.

The move offshore not only led to the recruitment of large numbers of seafarers on account of lower costs but also resulted in a massive decline in nautical training and education in the traditional nations and a growing reliance on the under-resourced, inexperienced and poorly regulated training and educational colleges in the new labour-supply countries.

The initial gap in relative standards between the “old” and the “new” sources of seafarers was inevitably wide. But in the last 20 years the training quality gap has narrowed. Training standards have advanced most in the more rapidly developing regions/nations of Asia such as the Republic of Korea. Hong Kong, China, and Singapore, although sites of excellent training standards have meanwhile ceased to be significant suppliers of seafarers. Whereas in 1964 Hong Kong, China, had some 45,000 seafarers (ILO, 1965), this had declined to 2,088 in 1992, even though the Hong Kong-owned and managed fleet had grown to 1,233 ships.

It is clear that the move to flexible international registries and the employment of seafarers from new labour-supplying countries is mainly due to cost considerations.

A report of the French Economic and Social Council on the causes and consequences of the sinking of the Erika referred to “the development of flags of convenience” as “the creation of an international market for maritime labour in which the logic is a race to lowest social denominator”. It added that expenses relating to the crew (salaries, social protection, training and recruitment) were primarily targeted in order to reduce the operating costs of a ship. The report examined in detail the impact of these cost reductions and concluded that the major industrial countries “had entered in the spiral of a race to the lowest social denominator” by the creation of registries aimed at competing “by using an international labour force under international labour market conditions”.

In its 1997 annual report, the Paris Memorandum of Understanding on Port State Control noted a dramatic increase in deficiencies in relation to working and living conditions, observed as a result of a concentrated inspection campaign on these issues. It concluded that, “the increased figures may also indicate that some ship owners are now trying to save costs and cut corners at the expense of the well-being of the crew on board”. It added that “if this is the case, port States have to be vigilant to ensure that such a trend is reversed”.

This pressure to cut costs has been a long-running one. In order to counter this competitive pressure to cut operating costs, governments have acted through the IMO to impose minimum standards through conventions, agreements and codes, such as the International Convention on Standards of Training, Certification and Watch keeping (STCW) and the International Safety Management Code (ISM).

The responsibility to do the same, as pertains to crew conditions, lies with the industry. However, since voluntary action is unlikely, in view of competitive

pressures, responsibility for initial action lies with governments. Ship owners and seafarers may wish governments to be more forceful in imposing minimum standards where they are relevant.

The maritime industry has a powerful need for a self-confident, proud and highly skilled workforce; however, more coherence and quality in training and education will not in itself be sufficient. There are also the pressing social and human rights issues associated with crew composition and size, wage levels, continuity of employment, health and safety, the quality of shipboard life and, above all and quite fundamentally, an unfailing recognition of the seafarer's need for dignity and respect. None of these issues can be properly dealt with without appropriate regulation of the labour market at the global level.

CHAPTER 4

ISSUES ON RECRUITMENT, PLACEMENT AND SOURCES OF SEAFARERS.

4.1 RECRUITMENT AND SUPPLY OF SEAFARERS FROM ASIA

The selection of India is based on the fact that she has been a seafaring nation for centuries. She built up a glorious maritime history and tradition much before the rise of European maritime powers.

With the colonization of India by Britain, the development of indigenous shipping industry was discouraged due to preferential treatment given to British shipping. The British law was applicable to Indian ships trading in international sea voyages as these ships were required to be registered under U.K. Merchant Shipping Act and therefore, technically they were British ships although registered in India.

The first Indian Merchant Shipping Act was enacted in 1923, the Seamen (Litigation) Act, 1946 and Control of Indian Shipping Act, 1947. This Act only consolidated the laws on merchant shipping and did not revise the law, therefore was found wanting in many respects. The international Convention on Load Lines, 1930 and SOLAS, 1948 ratified by India were incorporated through the Indian Merchant Shipping Amendment Acts of 1933 and 1953.

Immediately after the independence, in her desire to meet the requirements of a maritime country, the Indian Parliament passed the Merchant Shipping Act, 1958.

This Act made good all the main deficiency in the earlier laws that did not make provisions for the registration of Indian ships.

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An attempt by developing maritime states to control the engagement of their seafarers and thus give them an assured future, can be seen in the promulgation by the Central Government, the Merchant Shipping Act of India, which established the Seamen's Employment Office (SEO) at all ports in India, headed by a Director, the first office was in Mumbai in 1954, and Calcutta in 1955.

The duties of the SEO were:

- (a) to regulate and control -
 - (i) the supply of such categories of seamen and for such class of ships as may be prescribed;
 - (ii) the recruitment of persons for employment as seamen and the retirement of seamen from such employment;
 - (iii) the promotion of seamen or changes of their categories:
- (b) to maintain registers of seamen in respect of the categories prescribed under sub-clause (I) of clause (a);
- (c) to perform such other duties relating to seamen and merchant ships as are, from time to time, committed to them by or under this Act.

In a paper presented by the Director General of Shipping, India; Valentine stated that, "India is the home to the second largest number of seafarers after the Philippines. It is estimated that there are over 120,000 seafarers from India including about 20,000 officers and over 100,000 seamen. Since the tonnage of the Indian owned fleet is only about 7 million tones, a majority of these seafarers are employed on foreign flag vessels.

He further emphasized the importance of seafarer's identify documents in facilitating easy professional movement of Indian seafarer's across countries to join vessels or to

return to their home countries on signing off. The existence of a transparent and well organized recruitment system in the public or private sector is important to ensure that jobs are available to qualified and trained personnel, that the seafarer's wages and terms of employment are clearly laid down in a written contract to be signed at the time of recruitment, that he is not exploited or abandoned in some foreign land, that his wages are paid correctly and promptly and corruption and bribery by unscrupulous recruiting agents is firmly curbed.

Under the Act, it is stated that where a SEO exists at any port, no person shall receive or accept to be entered on board any merchant ship any seaman unless such seaman has been supplied by the SEO. Supply or engagement of seamen in contravention of the provisions of the Merchant Shipping Act is prohibited under Section 96 of the Act. Receipt of remuneration from any person seeking employment as a seaman for providing him with employment, other than the fees authorized by the Act is also prohibited under Section 97 of the Act.

Since inception, the SEO's main functions are: selection of candidates for training and their employment in Deck/Engine Room/Saloon Department as per the principle of rotation, handling of disciplinary cases of seamen, arranging for the promotions of seamen to higher level based on the principle of seniority – cum - merit, dealing with all matters relating to medical examination of seamen and maintenance of registers of seamen by category.

The SEO commenced its tasks with a general roster, where seamen were required to be registered. As ship owners make their request, the SEO then selects the seamen based on the principle of rotation on seniority, and then supply the required number of seamen to the ship owner. This process ensured equal opportunity of employment to all seamen; however, shortly the foreign shipping companies started criticizing the system alleging that it does not give them the freedom to select younger crew of their choice.

This agitation by the shipping companies made the SEO to maintain a separate roster for each company or for a group of companies consisting of seamen customarily employed by those companies, but still applied the principle of rotation within each roster only, this reduced procedural delays.

Later on, as a step towards partial liberalization caused by external pressures and changes in shipping technology, companies were allowed to maintain and build up their own roster out of the seamen registered with the SEO at Bombay.

Bowing down to pressures from foreign owners and Ship Managers Association, in August 1997, the Directorate General of shipping decided to fully liberalize the system of recruitment of seamen in India to facilitate the recruitment of seamen of their choice by the shipping companies. For immediate implementation, fresh registration of seamen at the SEOs was stopped and companies were allowed the liberty to recruiting trained and qualified CDC holders as seamen to man their vessels.

Despite this decision by the Indian Government, it was observed in practice that the system was still not free from abuse by the shipping companies.

The Directorate started receiving complaints from seamen, that when they approach some of the shipping companies for jobs, the seamen were first referred to a particular union in Mumbai to obtain a No Objection Certificate before recruitment. In addition the union imposed a large amount of money on the applicants as donation to the various trusts operated by the union before issuing the NOC. This practice totally violated the provisions of section 97 of the MS Act, which prohibits any person from demanding or receiving any remuneration from any seafarer in return for providing him with employment. To discourage illegal activity, the Directorate amended this provision to include prohibiting the collection of donations, union subscription fees from the seafarers and also imposed strong penalty incase of violations.

On the numerous complaints regarding non-payment of wages, abandonment, poor service conditions and cases of missing or dead seafarers involving cases of recruitment of seafarers by some private manning agents and foreign based shipping companies. In most such case, it was observed that the seamen did not possess any valid identity documents nor did they sign on any Articles of Agreement before the shipping Master as required under the provisions of the MS Act. The Directorate then brought the issue at a tripartite meeting involving the Government, shipping companies and seafarer's union in collaboration with the ILO, where it strongly recommended the ratification of ILO Convention No. 179 to the Indian Government.

Among other things this Convention provides for the registration of manning agents, supervision of all recruitment and placement agencies by a competent authority, requires that adequate measures are taken by the recruitment agencies to ensure that the seafarers are not abandoned at a foreign port and ensure a system of protection of seafarers by way of insurance or other appropriate measures to compensate seafarers for monetary losses that may occur due to the failure of a recruitment and placement agency to meet its obligations towards a seafarers.

This convention indeed is the only secured international instrument available to developing maritime countries to protect the rights and obligations of her seafarers working for foreign shipping companies.

For the proper implementation of the MS Act and ILO convention 179, the Central Government established a shipping office at every port in India and appointed a Shipping Master to superintend and facilitate the engagement and discharge of seamen in the manner provided in the MS Act, to provide means for securing the presence on board at the proper time of the seamen who are so engaged, to facilitate the making of apprentice ship to the sea service and to hear and decide disputes between a master, owner and agent and any of the crew of the ship.

On the certification of Indian seamen, the Act only permits the engagement of seamen who have a certificate of discharge or a continuous certificate of discharge (CDC) issued under the MS Act.

The MS CDC Rules stipulates the eligibility criteria to include: citizenship, educational qualifications, age limit, technical qualifications, training requirements in certain cases and medical fitness requirements, all must be satisfied by an applicant for the issue of a CDC. This is to ensure that high quality standards are maintained in the training and competency of her seamen.

Amongst the problems that emanated from the implementation of the CDC Rules are that the age limit restricted and hindered the chances of applicants from rural areas who took a longer period of time to acquire the necessary educational and technical qualifications stipulated in the rules. The necessity for sponsorship of an applicant by a shipping company was characterized with corruption. The conditions for renewing the CDC every 5 years were seen as too irritating. Also, the technical qualifications stipulated for petty officers was too vague and needed to be revised to include various technical skills that are relevant for employment on board ships. In addition, all applicants for CDCs must undergo the STCW courses. It was equally realised that a large number of Indian seamen were engaged on board foreign flag vessels without being in possession of Indian CDCs and were sailing on the strength of only their passports or on the strength of foreign CDCs for various reasons. This makes it difficult for countries to monitor and control the employment of their seamen on foreign ships.

4.2 ROOTS OF CHANGE ON MANNING OF MERCHANT VESSELS

The total number of EU nationals employed on board EU-flagged vessels now stands at some 120,000, a drop of 40% compared with 1985, while the number of non-EU

nationals employed on board EU vessels has increased since 1983 from around 29,000 to some 34,000 today (FST/ECSA Joint Study, 1998; p.3)

It has been observed that social and economic factors made the maritime nations in Europe to shift from their traditional manning and organizational practices in ship operations. There was serious shortages of maritime personnel and companies found it difficult to attract and retain crews, particularly officers, Thus the only way out was new innovations in manning and operating practices in areas of engine rooms automation and integration of trade skills in ratings. To enhance the quality of life at sea, measures were adopted to permit families to be on board and movement toward permanent and contractual employment of seamen and efforts to encourage crew continuity through longer-term vessel assignment. Also, the General Purpose (GP) ratings and idea of semi-integrated (polyvalent) officer were introduced to reduce manning requirements and boredom of shipboard duties, as well as wages increase.

The concept of shipboard management also came in as a social change, where management responsibilities for ship operations were decentralized from shore to ship, in this case the ship's officers were given authority on budgetary responsibility.

The economic situation forced some of the ship operating companies to adopt cost-cutting measures by crewing their ships with nationals from low wage, developing nations, while others reduced the number of their shore side personnel. In addition automation on board ships and other advanced technologies in ship design aimed at labour savings were used. Unfortunately unions in all the affected countries had no option than to cooperate with the shipping companies to preserve some jobs.

The provisions of a good social environment on board ships like locating recreational and other communal spaces centrally, making the cabins more attractive, placing officers cabin centrally, the segregation of office and living spaces could give the crews a sense of spatial and emotional separation from their work when off duty. All

with the aim of improving the quality of seafaring life during off-hours thereby reducing loneliness and boredom thus increase productivity, safety, and morale.

In the deck department, chief mates are posted to watch-standing, even masters are put on watch standing on smaller vessels in Sweden, Denmark, Norway, and the United Kingdom. Sweden is even considering a half-time (4-hour) watch standing duties for masters on board their super tankers. This is not enough as West German ship owners intent to sail ships of up to 10,000 grt with just a master and two deck officers, however the Government is considering putting the limit on such operations to ships from 1,000 to 4,000 grt. In their opinion, the Deck officer and the Master unions reject the issue of masters being used for watch standing, explaining that it can result in fatigue and make junior officers reluctant to call out a master who has just completed a watch. Notwithstanding, this arrangement is expected to reduce accidents by preventing masters from becoming weary during a long passage with little to do.

Masters and deck officers have assumed the responsibilities of radio communication. The small size of the total crew on board ships now have reduced number of catering staff, nowadays the chief stewards also cook, second cooks also bake and stewards are used as utility men for many operations.

The practice of offering long-term employment contracts to seafarers by some European ship operators was observed to give them a slightly better pay and benefits, a more systematic vacation schedule and a more employment security. While on the other hand, employers get a higher quality employee and can recover all the training expenditures made. No wonder this practice was highly encouraged by the European seafaring unions for their members.

The other reason why European ship operators prefer long-term contracts with seafarers is because of the employment stability it brings. It is an established fact that

longer association between seafarer and company, and consequently longer-term association between seafarer and ship and among crews, result in greater operating efficiency. Bringing new crew on board normally demands for additional training that is company-specific, ironically, companies are often reluctant to invest in training the seafarers that are not long-term employees.

Sweden has made it part of her national legislation for her seamen to be permanent employees of their companies to ensure employment security for them and it is commercially successful.

In Norway, the Seamen Union agreed for reduced crews on board ships on the conditions that companies employ all their crewmembers on a permanent basis. The Norwegian Shipping Directorate as a reduced manning plan for shipping company's fleet also approved this.

In United Kingdom, some ship management firms have 75 percent of its officers on contracts, and 40 percent of its ratings. While others have nearly all of its officers under contract. But in Netherlands, Shell Tanker seafarers are all permanently employed.

In conclusion, the European ship operators recognized that it is no longer possible to rely on casual workers with standard skills to meet the needs of operating environments that is highly dynamic in technology. They consider permanent employment of mariners essential to the manning of vessels with smaller, reorganized crews. This is supported by the principle of assigning responsibility in management; hence it becomes more desirable to give crewmembers a longer period of association with a specific ship. In view of the contribution of this concept to safety, European observers recommend that officers given the responsibility of development and execution of budgets onboard ship be assigned to one vessel for a period long enough to become familiar with the maintenance and repair requirements

of that vessel. Similarly, ratings are more efficient if they remain on board one ship for a long time.

Just as European ship operators are now offering contracts of permanent employment to their seafarers, so too are they attempting to place their seamen on vessels for longer periods of time.

4.3 ISSUES ON MANNING, TRAINING AND CERTIFICATION OF SEAFARERS

The key to improving the qualification and competency of seafarers, thus enhancing their employability and mobility is a proper Maritime Education and Training. Recognising the fact that well trained seafarers makes the maritime industry to become more competitive as well as guarantee higher safety and environmental protection standards. Indeed, safety and environmental protection will be impossible in the long term without investment in quality seafarers.

The IMO's revised Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW 95) entered into force back in 1997 and yet, many issuing authorities are still not sufficiently prepared for the volume of applications for upgraded certificates of competency. In her paper, "Human interface", Usher (2002), stated that, "the STCW 95 transition has been dogged by controversies over the understanding and implementation of regulation from the start and the delayed White List announcement (December, 2001) added to the pandemonium". Also, there is much misinterpretation of the convention between national administrations, flag states and maritime authorities.

It is then apparent that, were it not for the IMO's intervention until July 31, 2002 inadequate certification, could have led to an increased risk of (unnecessary) vessel

detentions during Port State Control inspections due to verification of seafarer certification and weeding out of the fraudulent ones. However, the IMO has recommended that, during the period, inspectors should only issue a warning if seafarers' qualifications are not STCW 95-compliant.

In an attempt to solve this problem many larger ship management companies, as part of their crew management and administration policy, have their own training programmes and facilities for new recruits and further development of existing complement. The BIMCO 2000 Manpower Update indicates officer supply shortfall of about 16,000 or 4% of the total workforce. This forecast is expected to rise to 12% by 2010. On the other hand, a surplus of ratings exists overall but many are not suitably qualified for international voyage.

This has pushed ship managers to adopt various recruitment and training programmes whilst International Ship Managers Association (ISMA) is engaged in a study of alternative manning structures onboard ship.

The main recruitment areas for manning apart from OECD countries remain the Philippines, Indonesia, the Indian sub-continent, Eastern/Central Europe and the Baltic States, with an increasing interest in Russia and China. The largest relatively untapped source for quality, well trained and well disciplined crew remains mainland China, despite their English language deficiencies Chinese labour remains one of the most cost competitive (Usher, 2002: p.49).

Graham (2002; p.51) reported that, Managers in Hong Kong, heart of Asian's ship management business, are ahead of the game on regulatory compliance, focussing their resources on better training and greater cost-effectiveness in the bitterly competitive environment caused by the world economic downturn. Most companies/agents report their crews have acquired necessary STCW documentation with no need of the six-month grace period. Nevertheless, the few cases of delays in

the primary recruitment markets – the Philippines and India are attributed to slow-moving bureaucracies or because crews have stayed at sea until the last possible minute before disembarking to seek their accreditation or revalidation certificates. In his contribution, the Managing Director of a Fleet Management company with 70 vessels stated that, his company has always been very, very careful with crews and carry out full checks on any suspicious claims. However there are some operators, whom he described as the fly-by-nights ones, who pick people up off the street.

4.3.1 The Concept of Pool Crews

For some years, ship owners and managers have voiced growing concerns over the future supply and management of marine personnel. Further unease about the ongoing situation has been generated by the need to provide training resources to meet the ISM code requirements. The practice of supplying seafarers through agents, some of which are small and have few resources, satisfied demand when supply was plentiful. In his opinion this system has not provided a career path or professional development of seafarers and in some cases has masked the need for training (Kitchen, 2002: p.35).

In support of this scenario David Greenhalgh, Managing director of V. Ships Crew, in the Isle of Man, stated that, having one large pool of qualified and quantified seafarers is the way ahead for both seafarers and ship owners alike, and that, it does not matter whether the requirement is for core crews or contract crews. However, the pool must be a dynamic one and a growing entity to be successful especially for owners who want new crews and seafarers who want training and advancement.

No wonder this pool concept is surprisingly fully supported by Andrew Elliot, secretary of the International Committee on Seafarers` Welfare (ICSW), who described it as a “refreshing and exciting initiative”.

The operational model of pool crewing is that of V. Ships, with a pool of 22,500 seafarers, of which half serves on board at any one time. The company recruits ship/or shipboard staff through 28 offices worldwide. The largest nationality groups are Filipinos (31%) and east European (29%).

In further support, Mr Greenhalgh stated that, the pool concept provides a more flexible, higher quality service with more resources available for training and cadet ships. Owners get the quantity they require at time, from a pool of seafarers who have been selected, recruited and evaluated to a specific quality standard rather than simply buying a certificate off the street. This provides a more stable environment for the seafarers with greater continuity, regular appraisals, career development and training.

This seems to be a way of helping developing countries that train cadets but have no vessels for their sea training program to improve the number and quality of their seafarers in the international maritime labour market.

According to Mr Elliot, “The pool concept is not only good welfare practice for the seafarers, but is an added incentive for the retention of experienced and highly trained personnel in a company. This means that both the seafarers and ship owners win short-term investment for long-term gain”.

We are now in a regime where Port State Control inspectors and coast guard authorities are looking more and more at the training of seafarers on board in line with the STCW requirements, therefore all ship owners and crews must prepare for all the scrutiny of an ISM inspection, and if they fail, a report is made in the database of a black mark by way of deficiency notices or even detentions. The system is all very transparent these days with nowhere to hide for the substandard, ill-trained crew.

4.3.2 Certificate Malpractice by Seafarers – Can it be stopped?

In a study conducted by the Seafarers International Research Centre (SIRC), Cardiff University under IMO mandate to identify the extent and nature of fraudulent practices associated with certificates of competency and endorsements revealed 12,535 cases of forgery in certificates of competency and equivalent endorsements, of which 12,000 cases occurred in the Philippines (LSM, 2002; p.37)

In an attempt to justify the situation in the Philippines, Bernardo Obando Rojas stated that, the large number of fraudulent certificates were not necessarily a bad thing, as the certificates were discovered before the seafarers were able to gain employment, and that credit is given to the authorities for detecting so many certificates over the past years. This actually confirmed the reality of the discovery in the Philippines.

This problem is attributed to the large workforce in the Philippines, which creates a large demand for fraudulent certificates. These certificates are easily bought on the streets and because of heavy demand it is difficult to control.

However, Philippines authorities have established tougher measures to detect forgeries as follows: records of all seafarers who successfully complete training at the different maritime schools are passed on to the certificate issuing agencies. These agencies keep the records in electronic databases, so that when an application for a certificate or endorsement is received the authenticity of all support training can be verified instantly.

Also, Officers certificates are printed on a special paper, which is damaged if any attempt is made to alter the print. In addition, the certificates contain various security features such as official dry seals, unique numbering, holograms and a digitised photo of the holder. Certificates of ratings also contain some of the security features.

Mr Rojas noted that the Philippines are also one of the few administrations worldwide, and the only major seafarer suppliers with an electronic database for all its certified seafarers. In addition, there is a website containing this database which is accessible to anyone needing information on a registered Filipino seafarer and is updated regularly.

It is also observed that some training institutions issue STCW certificates without meeting all the requirements, while others sell STCW certificates for safety courses without having their trainees undergo courses.

In trying to reduce this type of illegal activities, all maritime schools and training centres are now constantly monitored to ensure compliance with STCW 95 standards says Mr Rojas. If minor deficiencies are detected the institution is given a deadline to comply, while serious deficiencies result in the revocation of the school's license.

However, Mr Rojas warned that the problem of fraudulent certificates in the Philippines would never be completely solved until something is done to make training more affordable to local seafarers. The seafarer himself largely assumes the cost of training and education. The cost has increased now as institutions upgrade equipment to meet the new STCW standards. These costs are invariably passed on to the students.

In his conclusion, Mr Rojas opined that, it goes without saying that an unemployed seafarer will not be able to afford the cost of STCW upgrading training, without which he will not be able to obtain work. "For a large number of seafarers, therefore, forged certificates are the only viable option to upgrade competencies and pursue their seafaring careers".

According to a report in a leading Malaysian newspaper, more than two-thirds of that country's seafarers have not upgraded their qualifications because of the expense. It

claims that training to meet the STCW 95 certification requirements costs a seafarer the equivalent of US\$525 – US\$790, with no pay rises to compensate (thesea, 2002; p.8).

The IMO and the developed maritime nations who make use of these seafarers from the third world nations can assist in reducing maritime training and education costs in developing countries.

4.4 SHIP MANNING WITH MULTINATIONAL CREWS AND SAFETY

Initial opinion from the “traditional” shipping nations was that, something fundamentally wrong about multinational manning is the social undesirability of mixing up different nationalities in a manning scale, where communication would not even permit the members to exchange views about the football results on board a ship (Grey, 2002; p.10).

The above view is belated by the fact that, nearly two-thirds of the world’s merchant’s ships are now operating with multinational crews, and one in ten ships have seafarers from five or more different countries. Reports from Mission to Seafarers chaplain indicate that, “for a number of years they have been finding an increasing number of multinational crews on the ships they visit”.

In a three-year study into the social dynamics of multinational crews, the Seafarers` International Research Centre (SIRC) researchers lived and sailed with multinational crews on 14 ships interviewed 242 seafarers, crewing managers from 10 companies, and 131 members of the seafarers` families (FA NEWS, 2002; p. 4)

The main conclusion of this extensive research is that multinational crews are not only viable but can operate extremely successfully. They are also popular with both companies and seafarers.

It can be deduced from the study that companies adopted mixed nationality crews not only solely on the grounds of cost and competitiveness, but according to owners and managers there are a number of unanticipated additional benefits associated with multinational crews.

One of these is that social integration increases with the number of nationalities in the crew, which result in a higher level of mixing and collaboration among crews composed of four different nationalities, than among crews with two or three nationalities. More so, seafarers themselves expressed a preference for working with genuinely mixed-nationality crews.

In contrast to the view of traditional shipping nations, it is apparent that stereotypical assumptions, which are made by seafarers about other nationalities, diminish as they work with people from other countries. There is “a remarkable degree of cross-cultural tolerance”, with seafarers carefully avoiding discussing a number of specific “sensitive” topics, while concentrating on widely accessible subjects for story telling or joking.

But on board ships where crews are made up of fewer nationalities, occupational hierarchies tend to be “realigned” to synchronise with differences of nationalities and sometimes have a disturbingly “colonial” character.

Food for multinational ships present a serious challenge for cooks and companies seeking to cater for a wide variety of tastes and needs, but researchers found out that, in general, the ships they sailed on appeared to cope well with the challenges, seafarers` own attitudes are important in this and they appear largely tolerant of each

others` needs, especially where individuals had the greatest freedom in accessing the food, and where good choices were not restricted by their rank or nationality.

It was observed that even though faith is a fundamental part of many seafarers` lives, they generally regard the daily practices associated with their religious belief as private. “Religious icons and symbols were rarely publicly displayed and on no occasion were religious differences observed to be the basis of conflicts or arguments, although at times they were the subject of discussion among seafarers.”

It is established that the attitude of the master is the most important factor in influencing the level of on-board socialising especially where communal activities like barbecues or sports is encouraged. Where this is absent, seafarers tend to withdraw to their separate cabins and there is little mixing with colleagues. Alcohol restrictions also have negative impact on shipboard social life because it discourages social gatherings and encourage solitary drinking.

General opinion amongst seafarers revealed that, communication problems is the main drawback of mixed-nationality crews on board ships. Use of first languages by crews rather than a common language creates suspicion among multinational crews. Poor use of the working language on a ship could result in frustration and a barrier against the use of humour, a key factor to social integration and interaction.

It is observed in some instances that language difficulties could have had serious safety consequences during lifeboat drill and communication with shore side personnel. In addition, the shipboard environment and communication equipment increases the risk of misunderstandings whatever language is used and regardless of the linguistic competence of seafarers.

In view of this, it is clear that adequate skills are essential not only in emergencies but to establish effective social networks that can help to maintain the physical and mental welfare of seafarers.

On family issues, multinational crews generally have a positive effect, especially in companies who adopt policies and practices that are beneficial to crew families. These include on-board telecommunication facilities, shorter contracts, and allowing wives to sail with their husbands. Seafarers exposed to other nationalities also tend to bring new habits and ideas back to their communities, although there are some that still maintain a conservative cultural position on their return home, despite the influences they encounter at sea.

Nevertheless, the report concluded that multinational crews are not only viable but, when supported effectively, can operate very successfully. This was supported by Michael Grey in his ‘positive opinions about multinational crews’ that, “Multinational crewing is here to stay and it is important to make the best of it”.

4.5 CHANGING FOCUS ON THE MAJOR SUPPLIERS OF SEAFARERS IN THE WORLD

4.5.1 The Philippines

Recent records shows that Philippines are the largest supplier of seafarers in the world. The country has about 475,000 registered seamen, out of which 200,000 are employed in foreign ships. The rest are either with the domestic fleet or are awaiting employment.

In order to meet the required standards of STCW 95 convention, the country has adopted measures to improve her maritime administration and system of training and certification.

This include the closure of substandard schools and training centres, while existing ones are upgraded with modern facilities and equipment and the curriculum developed in line with STCW 95 standards.

The maritime administration is empowered to coordinate and oversee the efforts of other state agencies involved in seafarers` affairs.

The ability of Filipinos to speak good English language, their affinity for the sea, their ability to work well with other nationalities and show a high level of loyalty to their employers places them at advantage over other nationalities.

However in a survey conducted by the Filipino Association of Mariners` Employment (FAME) and the Philippines` Association of Manning Agents, it is found that Filipinos are gradually being replaced on many ships by lower priced seafarers from other countries. Infact 80% of their member agencies had lost 8,300 jobs to other Asian and east European nationalities over the last two years. Reasons are Filipino seafarers are getting to be too expensive, ratings received \$1,300 per month, there is an increase in the number of tort claims brought against owners by lawyers.

To improve the competitiveness of Filipino seafarers, the Government through the local crewing industry has now revised the standard seafarers` contract to discourage the filing of tort claims overseas. In addition, the crewing industry is funding government project of establishing an integrated e-documentation system, as well as one-stop documentation centres to reduce bureaucratic red tape and irregularities.

4.5.2 China

The number of people available for employment and their relatively low cost has placed China as the biggest potential to replace the Philippines as the world's largest supplier of seafarers.

China has 494,543 seafarers, of which 8.5% or 42,107 are employed on foreign vessels. The rest are either employed on the coastal and river trades or on the Chinese overseas fleet.

For seafarers training, China has 14 marine colleges and has graduated 5,000 officers since 2000. By 2005, the number of graduates is expected to increase to 7,000.

On the average, the wages of Chinese seamen are 20% lower than their Filipino counterparts. Chinese seafarers are found to possess good work ethics and technical skills.

Their deficiencies is lack of English language skills, therefore Chinese maritime schools have put greater emphasis on English language instruction. A panel set by IMO to study the progress made in this aspect reported, "There is considerable scope for improvement".

Another shortcoming amongst Chinese seafarers is their lack of knowledge about international regulations, maintenance culture and management skills, they also have the tendency to defect to western countries. This is attributed to historical constraints, however according to Capt Wang, exposing her seafarers to western methods through overseas training programmes is solving this.

4.5.3 India

India is estimated to have about 12,000 officers and 43,000 ratings. She accounts for 8% of the total worldwide supply of officers and 13% of ratings. Maritime training in India started as early as 1927, presently has a well-developed training infrastructure for marine officers.

The country has two marine engineering colleges and one nautical college run by the government. In addition, over 85 privately run training centres are approved to conduct various training courses. The recognised training institutes have the capacity to produce about 1,600 deck officers and 1,660 marine engineers per year; the rating institutes train about 2,100 ratings per year. This output is expected to double this year.

Among all the major seafaring supplying countries, India produces the best officers, according to Ms Bordal, “apart from having a good command of English language, their quick learning ability makes them suitable for multifunctional jobs”.

They can easily be moved from one vessel type to another. There is also a high level of computer literacy in officers. In a word, they are academically bright recruits. However, Indian seafarers are limited in numbers.

4.5.4 Indonesia

This country has about 80,000 active seafarers employed in the deep-sea trades. The economic problems have made seafarers willing to work for wages far below their Southeast Asian counterparts. In addition to this, Indonesian seafarers suffer from the lack of English knowledge, poor competency among officers and the prevalence of fake certification and seamen’s books.

The poor quality is traced to the substandard quality of marine colleges and training schools. Out of the over 46 training centres, only six have demonstrated compliance with IMO quality standards requirements. Most private institutes run only theoretical courses in classrooms and rent training facilities at government institutes. However, Government-run institutes have good training facilities but suffer from poor maintenance because of lack of funds.

4.5.5 Russia/Ukraine

Out of the about 50,000 Russian seafarers and about 37,000 Ukrainian seafarers, 75% work on foreign-flagged vessels. Their wage levels on board LPG, VLCC and chemical tankers are higher than on dry and general cargo trades.

On specialised trades, wages of Russian and Ukrainian officers are lower than those of Indians and Filipinos. However, Russian ratings are more expensive than Indian and Filipino ratings.

Russian and Ukrainian seafarers are well trained and a large number of them are available due to lack of jobs at home. European ship owners prefer them to the Asians due to geographical, logistical and cultural proximity to Russia.

Their limitations include, lack of skills in commercial management, quality systems and planned maintenance systems. Loyalty and long-term commitment to employers is generally lower than those from the Philippines and India (Almazan, 2002; p.17).

CHAPTER 5

ANALYSIS OF GLOBAL CREW ENGAGEMENT AND MANNING PROFILES

5.1 INTRODUCTION

The data presented and analysed were collected during the researchers field studies visit to Thomas Miller P&I Ltd, the Managers` London Agents for UK P&I CLUB in London, in May 2002.

The choice of this source is based on the fact that the organisation is neither a ship owner nor seafarer, thus its basic interest is to reduce to the barest minimum the main causes of major P & I claims caused by human error which affect safety on board ships. Even though time could not permit the researcher to collect information from ship owners and seafarers, it was suspected that such information could be biased, thus may not present the true picture of manning situation on board ships.

For the originality of the data and information used, it worth noting that, each year the Club's Ship Inspectors visit five or six hundred ships and assess subjectively the standard of crew performance. Information was gathered about officers and crew in terms of nationality, age, language, etc.

Over the twelve-month period under review a total of 555 ships were visited and detailed information about the officers and crew was recorded, thus provided a good

picture of the manning situation in a substantial sample of ships from the current Club fleet, which can be relied upon for analytical purpose in a research like this.

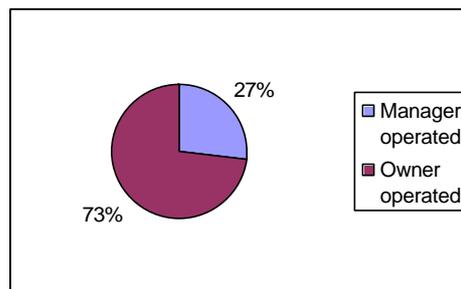
The statistical method of simple percentage was considered the best option for the clear analysis of the information and data collected.

5.2 SHIPS DIRECTLY AND INDIRECTLY MANAGED

5.2.1 SHIP OPERATORS

The figure below show the number of ships operated by the actual ship owners and those run by ship management companies.

Figure 1 Operators



Source: Thomas Miller P&I CLUB

It is noticed that 73% of the ships were operated directly by the ship owners, while professional ship management companies on behalf of the ship owners exclusively operated 27%.

5.2.2 MANAGEMENT POLICIES

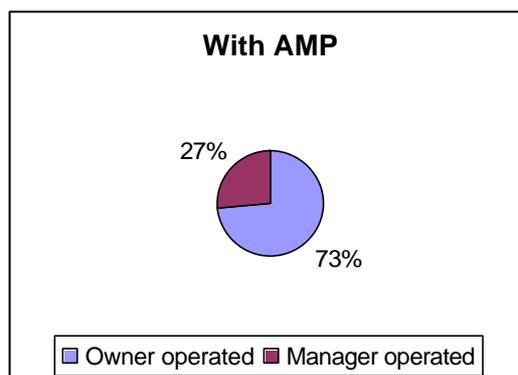
To find out whether the ship management companies employ crews that do possess the committed quality traditionally expected, two issues were analysed:

- The existence and effectiveness of management policies
- The allocation of responsibility for the ship's current condition

In line with the ISM Code every shipping company is required to have a policy statement, this is based on the fact that, the adoption of management policies increases understanding of responsibilities and systems which leads to better performance. However, the mere existence of a written policy is not enough, but it must be active to be effective.

The existence of Active Management Policies (AMP), whether on directly or indirectly operated ships, is an indication of the quality of management, including crew management. Active Management Policies clearly affects the quality of manning, it determines the extent to which each management system (either owner operated or manager operated) accepts and actively responds to its responsibilities for safety and operational standards. Thus, an indication of crew efficiency and morale.

Figure 2 Active Management Policies (AMP)



Source: Thomas Miller P&I CLUB

Figure 2 indicated that 73% of owner-operated ships had active management policies, while only 27% of ships operated by ship management companies had active management policies.

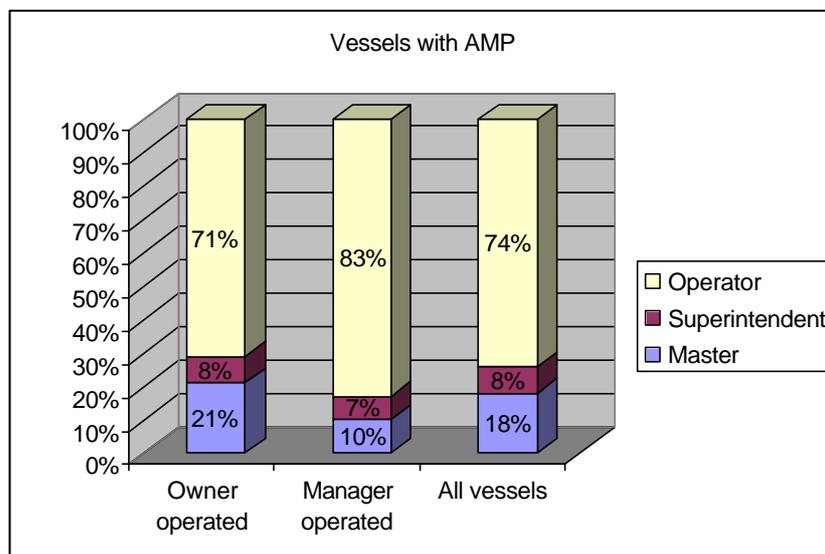
COMMENTS

This implies that, professional management of crews assists the commitment of those crews and that this professionalism is better exhibited by management companies than by ship owners who directly operate their ships. Also, there is no evidence to show that indirect management produces crews with poor attitudes.

5.2.3 RESPONSIBILITY FOR SHIP'S CONDITION

This analysis determined whether the operator (owner or manager) has established a sound management system for the proper maintenance of his ship or its condition solely depends on the master or a superintendent.

Figure 3 Condition of ship attributed to Master, Superintendent or Operator



Source: Thomas Miller P&I CLUB

The study of figure 3 clearly shows that for ships with Active Management Policies, the dependence of the condition of the ship on management controls is 71%, 83% and 74% for owner-operated, manager-operated and all vessels respectively.

Similarly, where there was an Active Management Policy fewer ships seem to be the responsibility of individuals, more were seen to be the Master's responsibility than the Fleet Superintendent's (21% for owner-operated ships, 10% for manager-operated ships and 18% for all vessels, as against 8%, 7% and 8% respectively.)

COMMENTS

The issue here is whether the operator (owner or manager) has in place a sound management system for the proper maintenance of his ship or he relies solely on the efforts of an individual, either the Master or a Superintendent.

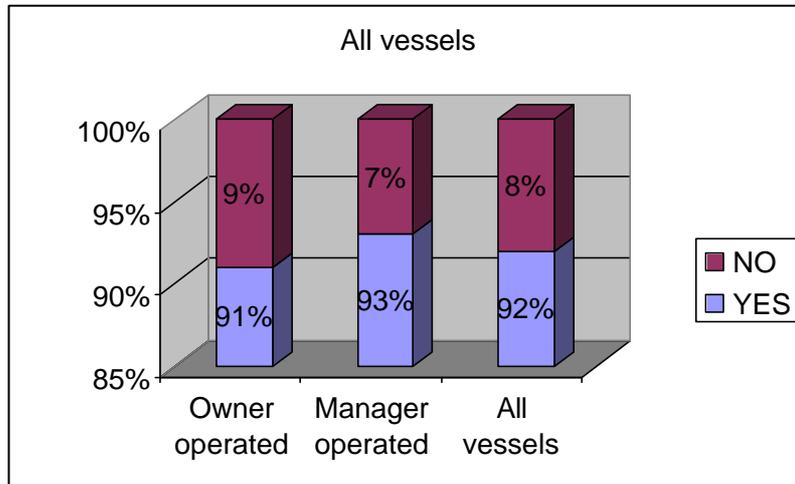
On ships with an Active Management Policy the role of the superintendent is less significant and in all cases the management role is more effective on ship with an Active Management Policy than on ships without. In addition, the management role seems to be of even greater significance between owner operated ships and manager operated ships when there is an Active Management Policy in place.

Therefore, it can be deduced that individual efforts and attitudes are less significant in all ships with Active Management Policy. Since the 1990s, the operation of ships is determined more by good systems than by good people, whether afloat or ashore.

5.3 MANNING CREW SCALES AND SOURCES OF CREW SUPPLY

The figure below show the number of ships surveyed which comply with the internationally accepted manning levels.

Figure 4 Compliance with manning scale

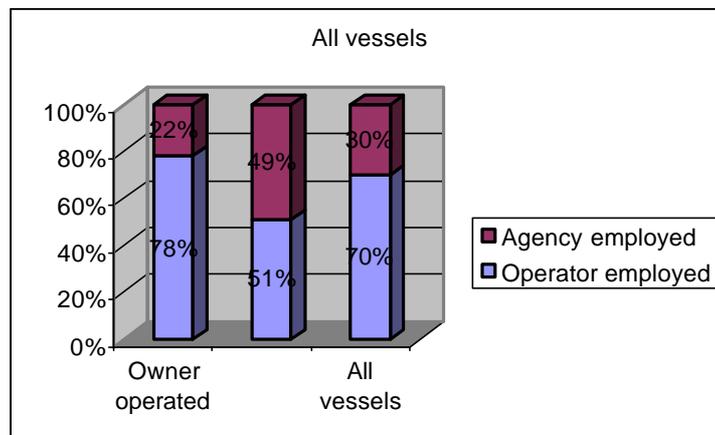


Source: Thomas Miller P&I CLUB.

As seen in figure 4 above, over 90% of ships are manned at required levels or as authorised by flag states and the majority of operators employ crew – officers and ratings – directly.

The figure below show the sources of crew officers engaged to work on board the ships under investigation.

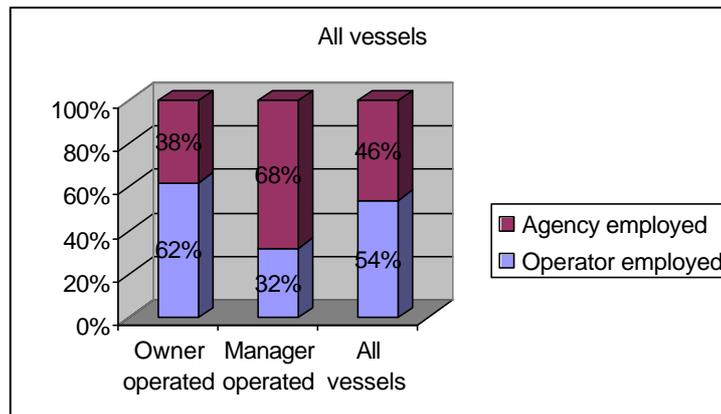
Figure 5 Employment of officers



Source: Thomas Miller P&I CLUB.

The figure below show the sources of crew ratings engaged to work on board the ships under investigation.

Figures 6 Employment of crews



Source: Thomas Miller P&I CLUB.

As indicated in the Figures 5 and 6 above, for all vessels only 30% obtained their officers from manning agencies and 46% obtained their ratings from such agencies. For manager-operated ships 49% of officers and 68% of ratings are obtained from manning agencies, while in owner-operated is only 22% of officers and 38% of ratings respectively were obtained from manning agencies.

COMMENTS

The decline in the numbers of seafarers from the traditional maritime states and the need for ship owners to control crew costs, result in undermanned ships, or ships manned by inadequately qualified officers. ISF/BIMCO joint study on `Manpower in Crisis` (2000), reported that the industry faces the risk of serious shortfall in officers and ratings by the turn of the century. In another report on the Philippines Merchant Marine, it revealed that, `the system could not supply the qualified and quality personnel` and that `demand especially for officers, is high and quality is regularly overlooked in the need to fulfill owners requirements`.

Flag states generally allow for the formal relief of their ships from particular manning requirements in special circumstances. For instance, a vessel with a proper exemption certificate in respect of a Second Engineer, will count as fully manned when it sails without a Second Engineer. Flag states will permit exemption only where officers of a particular level or grade are hard to come by.

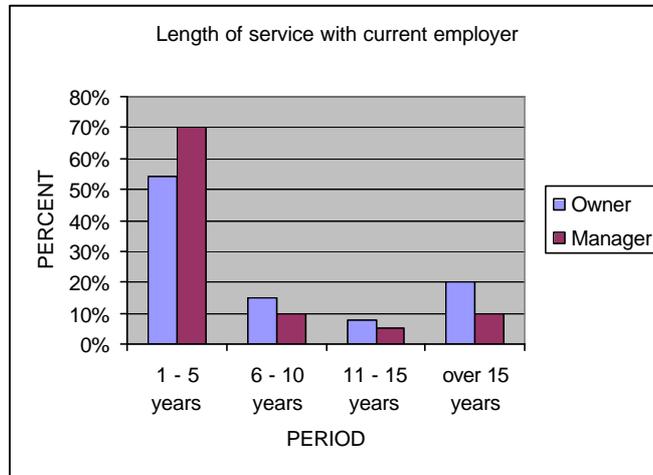
The existence of Active Management Policy greatly improves the extent of compliance on an owner-operated ship. Management-operated vessels score high regardless of the existence of such a policy. One of the aims of the revised STCW 95 Convention is to improve the standards of compliance by all flag states.

Despite the negative view on manning agencies, they are still an important source of supply of officers and ratings today. The majority of seafarers registered with manning agents are from third world countries. Records show that, some manning agencies have on their books ill-qualified and poor quality seafarers, thus they cannot be employed on deep-sea shipping. Nevertheless, many manning agencies still handle high-quality, well-qualified seafarers.

5.4 SERVICE AND EXPERIENCE

This figure show the range of years Officers work with one employer before leaving for another one. This is a good indication of Officers mobility of labour.

Figure 7 Length of service with one employer.



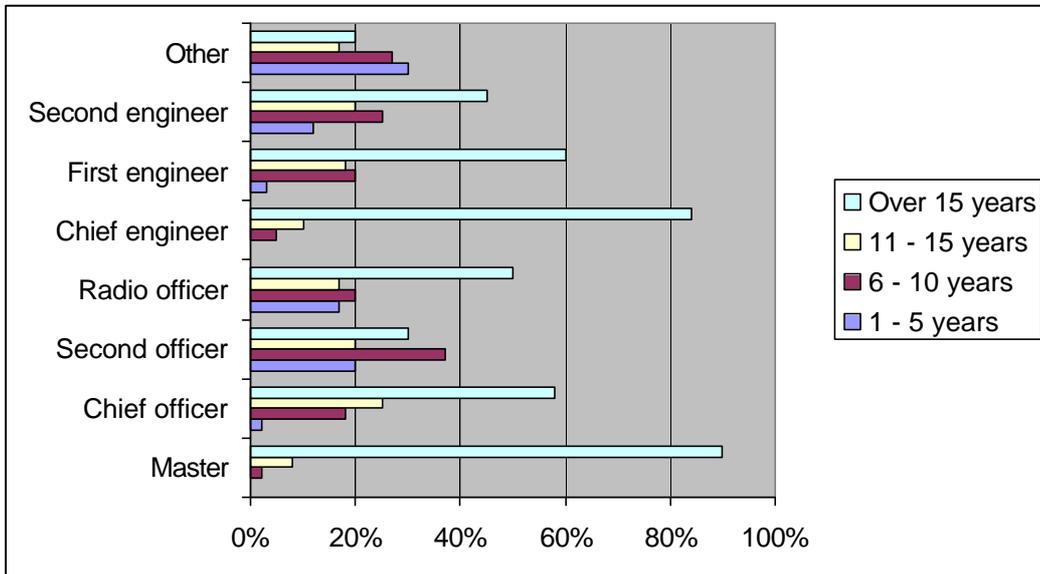
Source: Thomas Miller P&I CLUB.

There are a relatively high number of officers on owner-operated ships who have served for over fifteen years with the same ship owner. 70% and 54% of Officers served for less than five years under ship-manager and owner-operated respectively.

5.4.1 SEA TIME AND CAREER PROGRESSION

The figure below show the number of years each cadre of Officers spent at sea before final retirement. This revealed the level of interest in the seafaring profession by young people.

Figure 8 Years of service at sea



Source: Thomas Miller P&I CLUB.

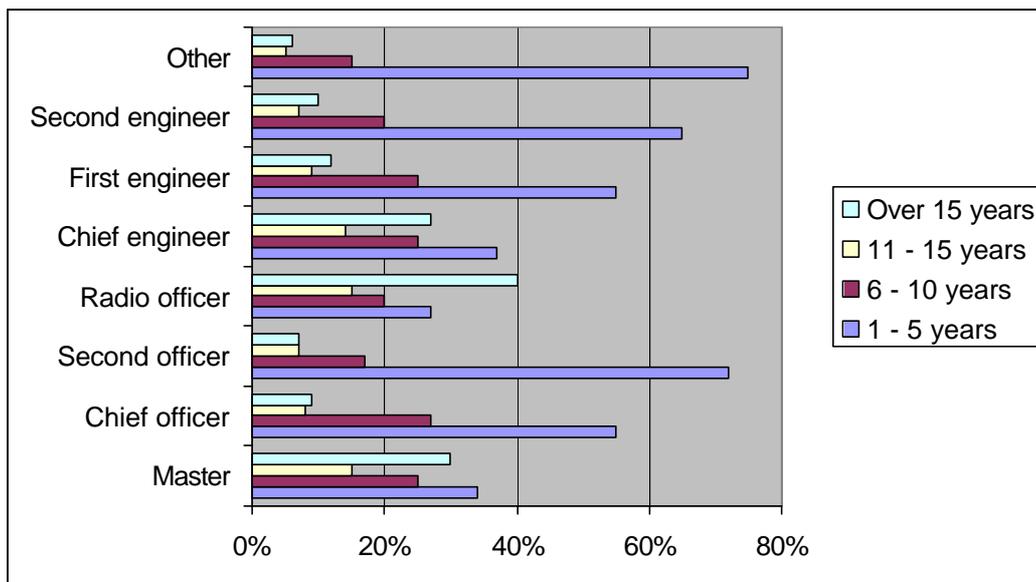
From figure 8 it is seen that 50% of the officers interviewed had sea service in excess of 15 years. Out of which 90% of the 549 Masters in the survey had more than 15 years of experience, while Chief Officers and Second Officers with that experience were 55% and 29% respectively.

82% of Chief Engineers had more than 15 years sea service, while First and Second Engineers had 60% and 43% respectively.

There was a relatively low proportion of Second Officers (19%) and Second Engineers (13%) in the 1 to 5 years sea-time category.

The figure below show the number of years Officers spent on a particular cadre before promotion.

Figure 9 Years of service in present rank



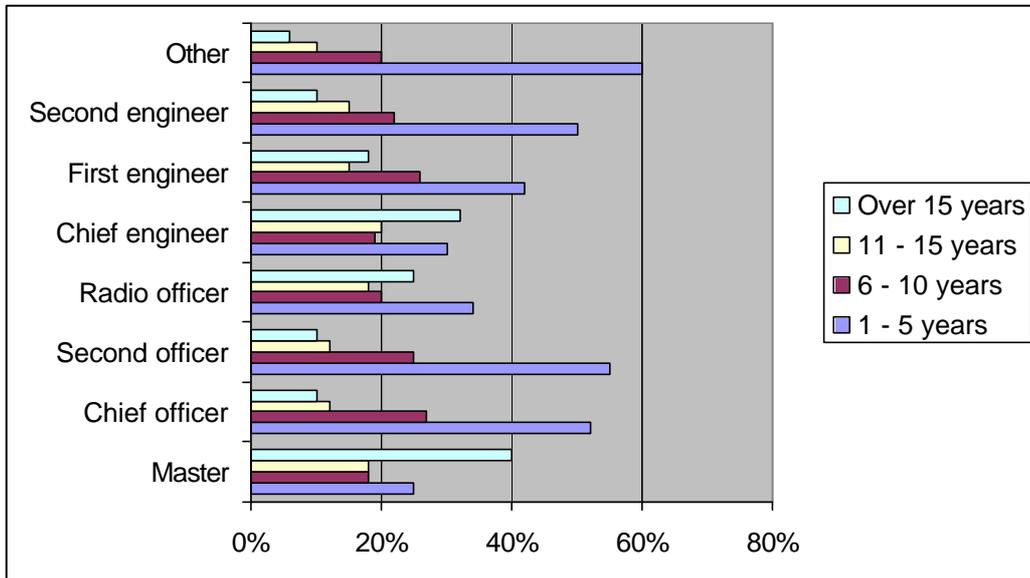
Source: Thomas Miller P&I CLUB.

The study in figure 9 shows that only 28% of Masters have more than fifteen years` service in that rank. Also, about 27% of Chief Engineers had their rank for more than that period.

5.4.2 CERTIFICATES AND PROMOTION

This figure shows the number of years an Officer remains in his rank after obtaining an additional training or certificate.

Figure 10 Years since obtaining current qualification



Source: Thomas Miller P&I CLUB.

From figure 10, about 40% of the Masters have held their certificate for more than fifteen years. Also, about 32% of Chief Engineers have held a Chief's certificate for more than fifteen years.

COMMENTS

The lengths of service of officers on owner-operated vessels are longer than for officers on manager-operated vessels. This is so because ship management companies have less reason to establish a pool of committed officers than ship owners.

This may also reflect the differences in attitudes between owners and managers to training and personnel management, where the ship owner takes responsibility for developing the general body of trained seafarers for the industry, the manager-operator as a service provider do not see it as their roles.

The officers on owner-operated ships who have served for over fifteen years must have included periods devoted to training for qualifications and promotion.

While manager-operators hire fully qualified personnel directly or from agencies, owner-operators place their confidence in the establishment and maintenance of a pool of officers.

In the predicted period of shortage of qualified seafarers, it would be difficult for the ship managers to meet their demand. Many leading ship managers have recognized this and hence are now developing training programmes and building up a pool of officers as permanent employees.

The number of years of service at sea by officers has dismissed the popular conception that ship officers are in general less experienced than they were some years ago and that, they reach the higher ranks more quickly, no longer having to serve for quite so many years in junior ranks. The differences in number of years at sea between Deck officers and Engineers is an indication that more Chief Engineers than Masters leave the sea service before normal retirement. The situation is reverse at the lower ranks i.e. between Second officers and Second Engineers (see Fig. 8).

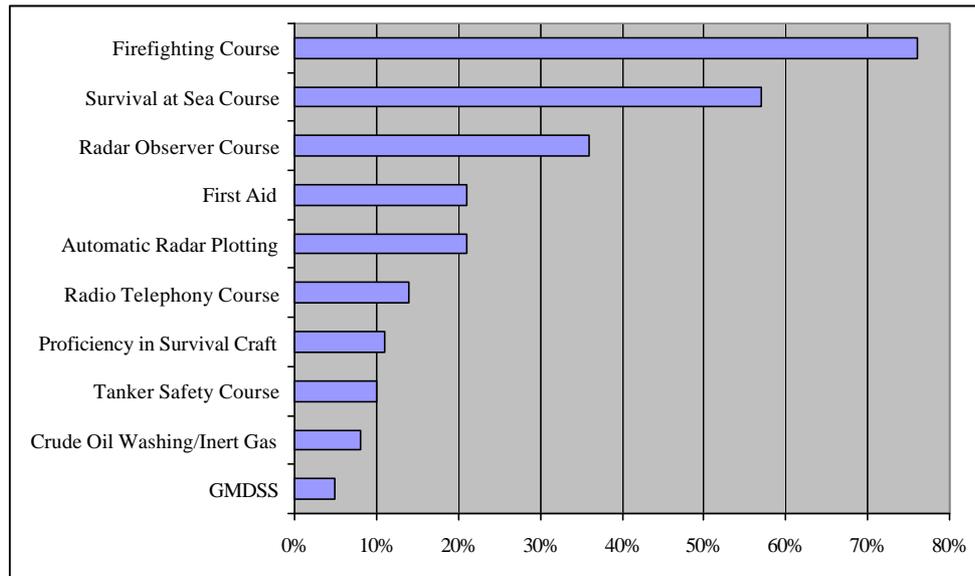
The low proportions of Second Officers (19%) and Second Engineers (13%) at the 1 to 5 years sea service (Fig. 8) is a reflection of the decrease in number of seafarers coming into the industry, due to the decline in the number of cadets admitted in training schools in the traditional maritime countries.

There is no evidence of over-rapid promotion or of serious dilution of qualification or of experience. The traditional situation of an Officer with a Master's certificate and must serve for several years as a Chief Officer before obtaining command is still in practice.

5.5 TRAINING AND ENDORSEMENTS

This figure shows the various courses attended by Officers on board ships under investigation.

Figure 11 Training courses attended

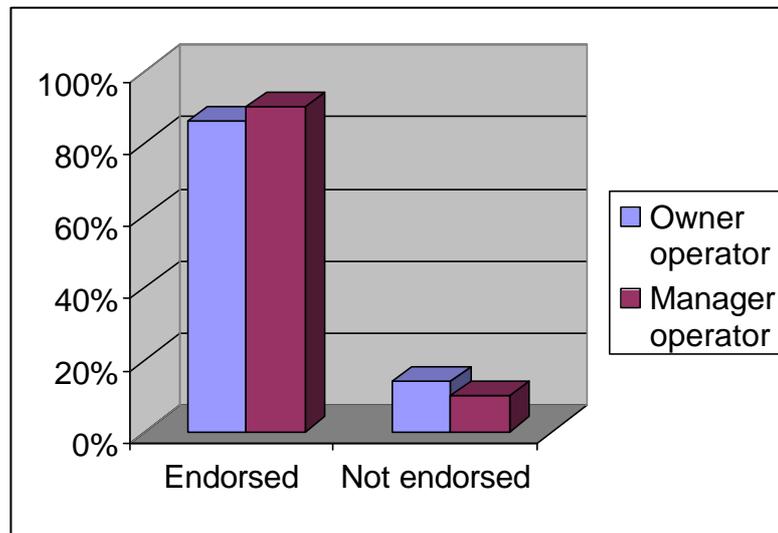


Source: Thomas Miller P&I CLUB.

About 3535 officers interviewed attended courses and 57% of them had attended 3, 4 or 5 different courses. Only 18% had attended only one course. In all about 47 different training courses were attended.

The figure below shows the number of Officers holding endorsement and non-endorsement certificates working on board ships operated by the actual ship owner or operated by ship management companies.

Figure 12 Officers holding endorsements



Source: Thomas Miller P&I CLUB.

Slightly more officers carried endorsed certificates in owner-operated ships than in manager-operated ships.

COMMENTS

The holding of a certificate of appropriate class is not, however, all that is expected of an efficient ship's officer. They need to attend specialist courses to improve their skills and knowledge and, where appropriate seek endorsement of their certificates, to increase their formal competence and, thus, build confidence among crews in their ability to run the ship safely and to handle emergencies. Therefore, training reduces human error, the main cause of casualties, because it is an indication of high levels of commitment to work. No wonder, both types of ship management encouraged training courses by officers, especially on fire fighting, survival at sea and radar observer courses, which have impact on the rate of casualties and disasters even before they were made mandatory by the revised STCW 95 Convention.

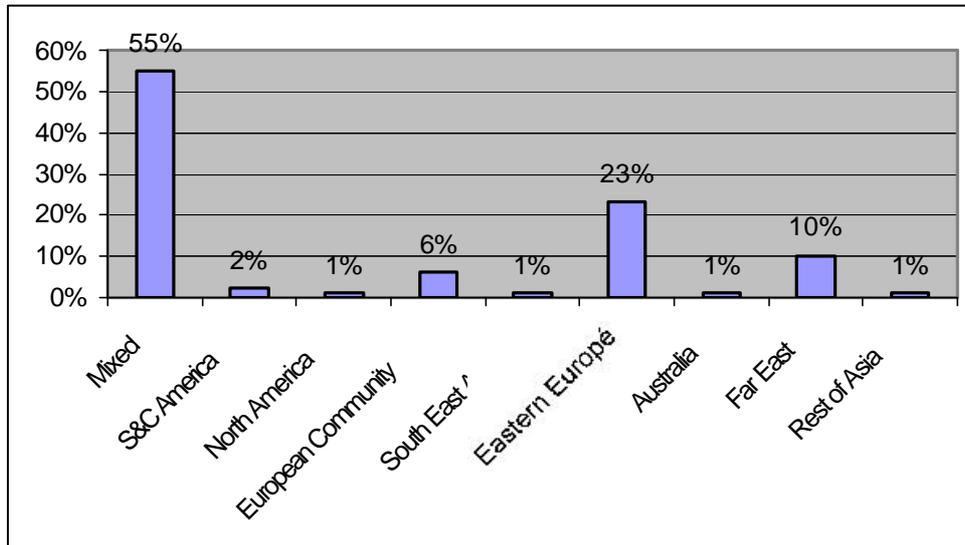
Endorsement system allows officers to obtain formal additional qualifications, which entitle the holder to undertake particular responsibilities. The need for endorsement of a certificate must relate directly to the nature of work done, or expected to be done, by the officer concerned. It can be concluded that, the holding of endorsement is an indication of high levels of professionalism among officers, and therefore better and more efficiently operated ships.

5.6 NATIONALITY AND LANGUAGE

With reference to the tragedy of the `Scandinavian Star` it was reported that, Orders must be clearly understood to be obeyed and units or groups aboard a ship have to be effectively able to communicate in order to operate efficiently. This was followed by the recommendation of Donaldson Report that, `... IMO is pressed to review the difficulties of inadequate communication between crewmembers and to set new language standards for communication between all officers and crew. Furthermore, it should ensure that crewmembers are as sensitive to the safe operation of the vessel in port as they are at sea ...`.

The intention is that, the ship must be able to `communicate externally` in a language that can be understood.

Figure 13 Nationality of full crew

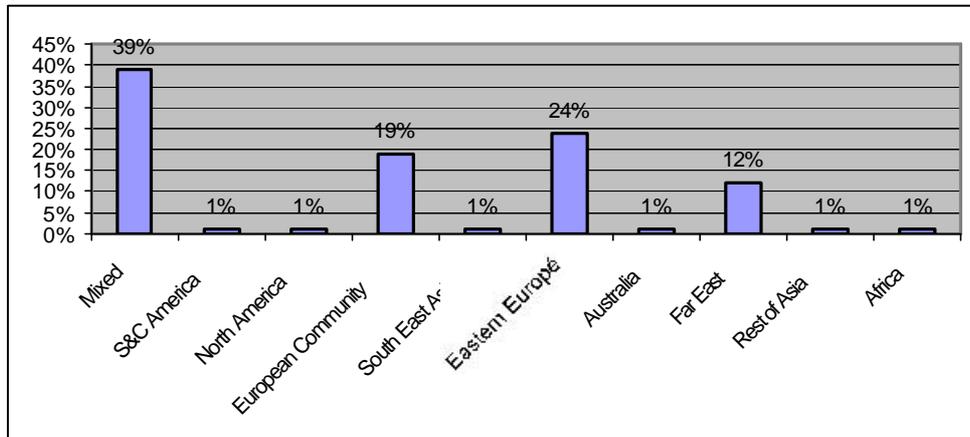


Source: Thomas Miller P&I CLUB

56% of the 555 vessels visited had mixed crews. The only substantial single nationality vessels group was from Eastern Europe with 126 ships representing 23% of the total.

This figure shows the number of ships where all the Officers on board are from the same geographical region.

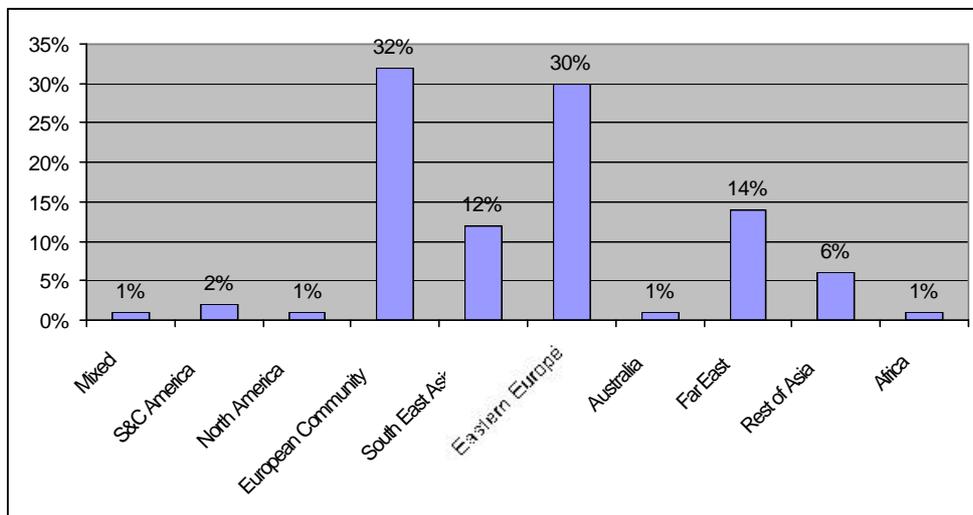
Figure 14. Nationality of Officer by region (single nationality)



Source: Thomas Miller P&I CLUB.

This figure shows the number of ships where most of the Officers on board come from the same geographical region.

Figure 15 Nationality of Officer by region (dominant nationality)



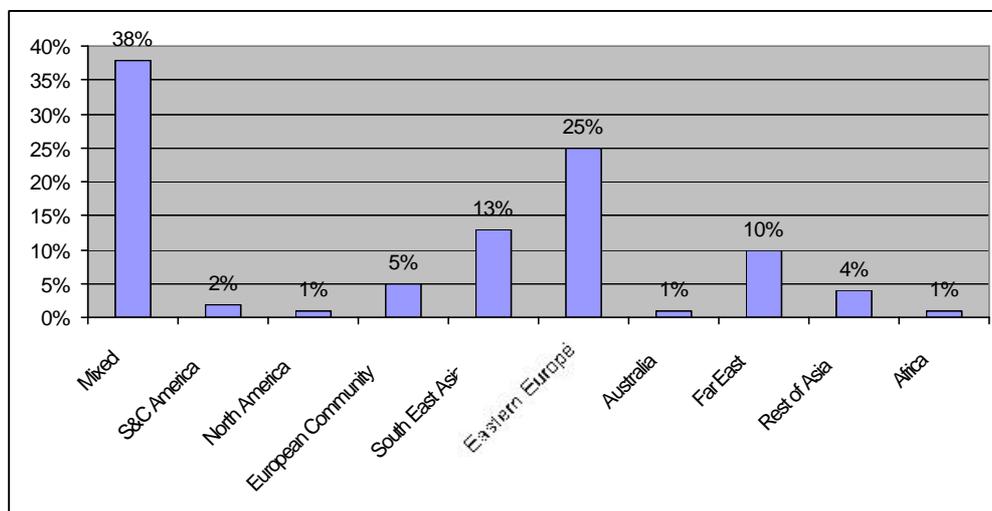
Source: Thomas Miller P&I CLUB.

61% of the officers were of single nationality, while 39% were of mixed nationality.

The European Union and Eastern Europe accounted for 137 of the single nationality ships and 211 of the dominant nationality groupings for officers, representing a total of 348 ships or some 62% of the ships surveyed.

This figure shows the number of ships where all the ratings on board are from the same geographical region.

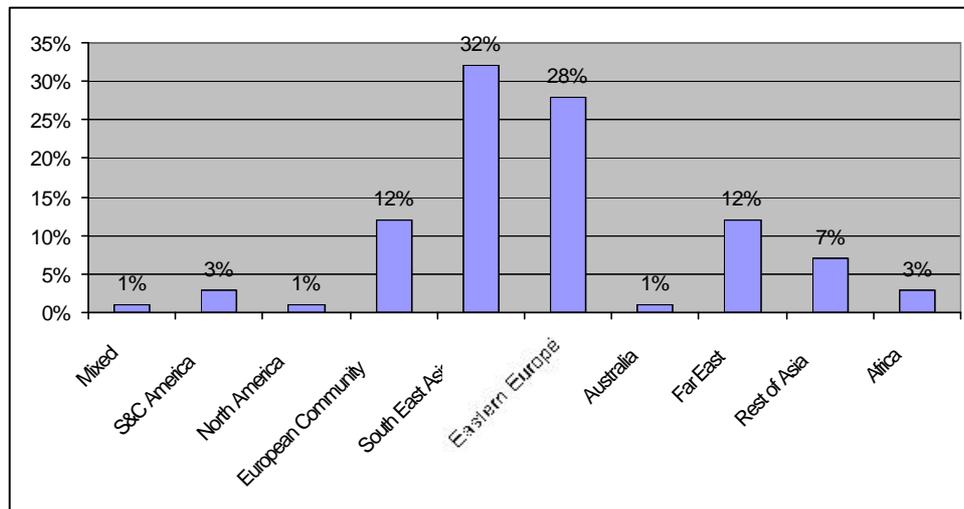
Figure 16 Nationality of Ratings by region (single nationality)



Source: Thomas Miller P&I CLUB.

The figure below shows the number of ships where most of the ratings on board come from the same geographical region.

Figure 17 Nationality of Rating by region (dominant nationality)

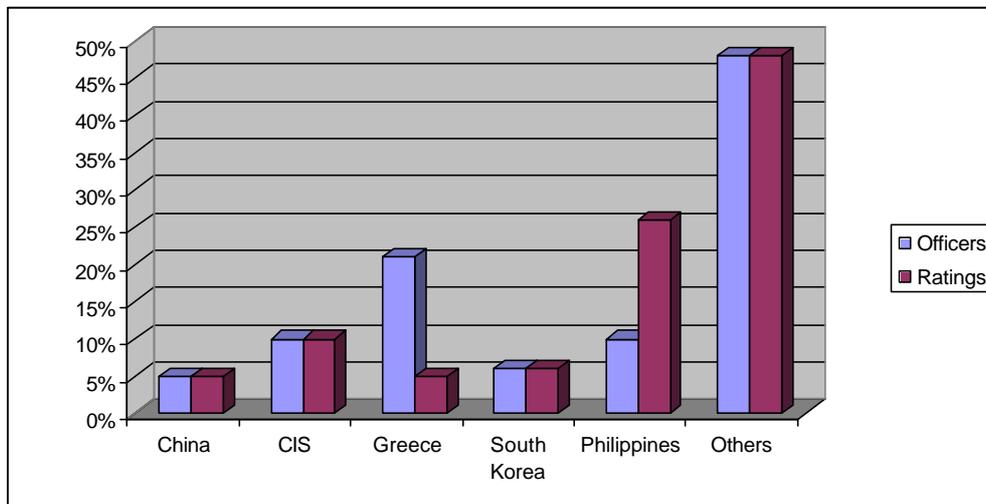


Source: Thomas Miller P&I CLUB.

63% of the 555 ships visited had a single nationality for their ratings. EU and Eastern Europe accounted for 225 ships or 40 percent overall. South East Asia provided ratings for 13% of ships with ratings of single nationality and for 32% of those with dominant nationality. The share of the African continent increased to 3%. Actually this could have been higher if there was adequate documentation of trainees from the Maritime Education and Training Institutions in Africa. In addition most of trainees are unable to obtain their professional license due to lack of the required training facilities, equipments and training vessels.

This figure show the first five countries in the supply of seafarers on board the ships surveyed.

Figure 18 The top five dominant nationalities

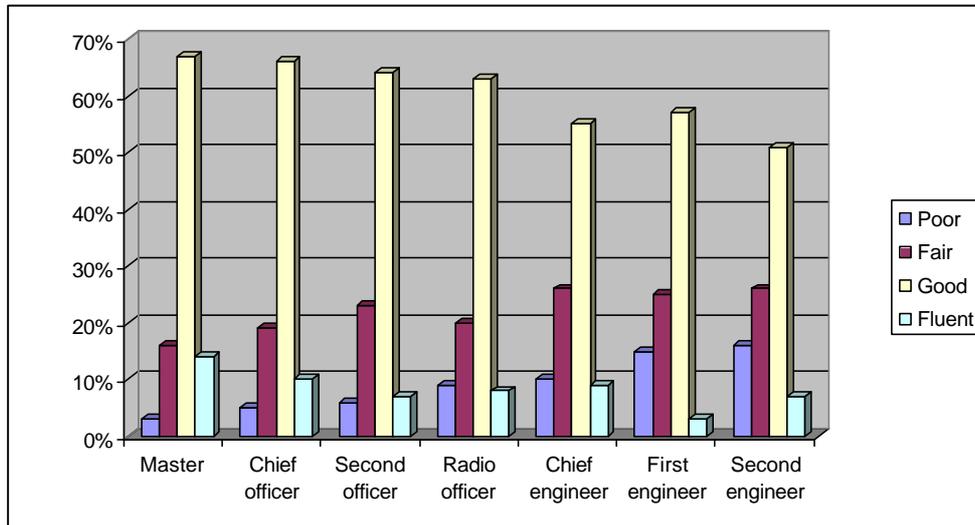


Source: Thomas Miller P&I CLUB.

The Philippines are the major supplier of ratings, Greece a major supplier of officers. The CIS is a significant supplier of both. The rest represented European officers and Asian ratings.

This figure shows the English speaking ability of Officers on board the ships under investigation.

Figure 19 Officers` English speaking ability



Source: Thomas Miller P&I CLUB

This excluded officers from English speaking countries. Radio officers and Deck officers are the main, good English speakers. Ability to speak good English tends to increase with rank. Deck officers have more contact with the outside world than do engineers, hence the slightly lower scores.

COMMENTS

There is no doubt that, mixed nationalities mean mixed languages resulting in potential difficulties in communication. This calls for the adoption of a working language to be used by everyone on board when on duty. The common practice now is that, the ship's language is normally the mother tongue of at least one of the two categories of the crew. However, the investigation shows that nearly half of the ships declared English to be the ship's working language even though 90% of the crews did not use English as their mother tongue. This shows that English is the accepted international language. The use of English for inter-ship communication, as well as

for communication with shore-based personnel such as pilots, ship's agents and others is more widely accepted than the use of any other language.

The majority of crews on board ships are of mixed nationalities and this is neither new nor surprising, because economics drives ship-operators to seek crews who can be engaged at competitive rates. South East Asia has a clear advantage in that market, particularly for ratings. It is also observed that, ship operators prefer to find their Officers from amongst traditional maritime nations where training and qualification may be better known to those who make the decisions within the companies.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATION

6.1 SUMMARY OF FINDINGS FROM THE ANALYSIS

- The presence of an Active Management Policy (AMP) in the overall running of a ship including recruitment and selection process either by the ship owner or a ship management companies has a direct influence in the morale and efficiency of the crews thus the safety of the ship.
- In most of the ships the responsibility for the maintenance and efficient performance of the ship is placed on the management team rather than on an individual because of the benefits of teamwork in policy formulation and implementation.
- A substantial percentage of officers and ratings are recruited from less expensive sources, however most ships are manned at levels authorised by flag states.
- The establishment and maintenance of a pool of crews with regular training for qualifications and advancement is fully adopted by both ship owners and ship managers and the traditional requirements on years of experience before promotion is still adhered to on board most ships.

- All ship operators strictly comply with the training of their crews in the mandatory courses as required under the international conventions to ensure high safety standards on board ships and endorsements requirements are met to enable officers be adequately fit for the responsibilities assigned to them on board ships.

- The use of English language for communication on board ships is widely accepted and is now part of the training programme for cadets in all Maritime Education and Training institutions.

6.2 CONCLUSION

Manning has now become an increasingly important factor in the regulation of ships both by international convention and national law, this include:

- The STCW Convention (1978) amended in 1995. (Manning scales and certification.)
- The International Safety Management Code (Chapter IX of the SOLAS Convention.)
- SOLAS (Inter-related issues of crew training and skills in various areas.)
- The US Oil Pollution Act 1990 (OPA90) (Manning and management of the ship both ashore and afloat.)
- The ILO Convention (1996) concerning Recruitment and Placement of Seafarers.)

The term `human element` is now commonly used but there are several constituent factors that are each worthy of separate consideration, for example, fatigue, morale, motivation, experience, condition of service etc., undoubtedly plays a major role in

accidents. Bearing in mind that, ships are required to operate twenty-four hours a day and so also are ship's crews.

The quality of ship's crew has a direct bearing on the ship's overall performance. It is not necessarily true to say that sub-standard ships always have sub-standard crews but a sub-standard crew almost certainly means a sub-standard ship.

Mixed crews may in general be thought to be undesirable but there are indisputably many ships with mixed crews or third world crews that are operated to the highest standards.

Since the 1990s, to ensure that a ship is properly and economically manned, ship owners delegated such tasks to independent agents. But the use of crewing agents, can in some cases distance the ship owners from their crews and the crews themselves tend to lose any sense of identity with the owner's interests.

The relative decline in the numbers of ships sailing under traditional maritime flags, coupled with the decline in the numbers of experienced seafarers trained in those countries, has changed the career patterns with changes in responsibilities, career development, depth of training and in the levels of experience to be found among officers and ratings. Nowadays, engagement of seafarers by ship owners is based on cost cutting measures rather than nationality, as the issue of qualification and experience is strictly checked under international conventions like the Port State Controls.

Therefore for ship owners to survive in this era of declining trend in freight rate and the strict requirements of international conventions on safety, attention must be turned towards developing countries for cheap but qualified and experienced seafarers by assisting in the provisions of training facilities and equipments to meet

the STCW 95 standard requirement for manpower capacity development to meet the international maritime labour demand.

The extremely low number of African seafarers despite their readiness to accept lower wages calls for international attention and concerted efforts to improve the situation.

6.3 RECOMMENDATIONS

- The ILO Convention on the recruitment and placement of seafarers needs a complete overhaul and revision to cover the interest of all the stakeholders of the global maritime labour market, ILO have started work on this through a commission, their work should be expedited to come out with an acceptable document for immediate implementation to avoid conflict and labour unrest within the shipping industry.
- Measures should be put in place towards removing all barriers like cultural and language differences, lack of international experience and the nationality restrictions that apply to many flags, this would allow the surpluses of some nationalities of seafarers to compensate the shortages experienced by other countries.
- To reduce the number of seafarers who leave the industry each year to pursue careers in other industries, there is the need to improve selection procedures and to improve the perceptions of the industry as a career, with the view of making it attractive to young people.

- The STCW 95 now fully in force would reduce the number of qualified seafarers through the `white list`, additional flag state requirements and stricter certificate revalidation procedures, this call for financial and technical support to the developing countries to enable them meet the infrastructure requirements in their Maritime Education and Training institutions.
- There is increasing interest amongst young Africans for the seafaring career, but most of them cannot afford the high cost of training, therefore the international communities and shipping companies should assist by either subsidising the cost of training or offering scholarships to trainees.
- Most African countries with MET institutions do not have training vessels for their trainees to acquire the practical skills for the certificate of competency examination and license. To solve this problem, it is suggested that a functional and well-organised open registry system be established to attract ship owners to flag their ships with the agreement that a certain number of nationals be taken on board such ships for their sea training.

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APPENDIX A.

C179 Recruitment and Placement of Seafarers Convention, 1996

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-Fourth Session on 8 October 1996, and
Noting the provisions of the Seamen's Articles of Agreement Convention, 1926, the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Employment Service Convention and Recommendation, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958, the Discrimination (Employment and Occupation) Convention, 1958, the Employment of Seafarers (Technical Developments) Recommendation, 1970, the Minimum Age Convention, 1973, the Continuity of Employment (Seafarers) Convention and Recommendation, 1976, the Merchant Shipping (Minimum Standards) Convention, 1976, the Repatriation of Seafarers Convention (Revised), 1987, and the Labour Inspection (Seafarers) Convention, 1996, and

Recalling the entry into force of the United Nations Convention on the Law of the Sea, 1982, on 16 November 1994, and

Having decided upon the adoption of certain proposals with regard to the revision of the Placing of Seamen Convention, 1920, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts, this twenty-second day of October of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Recruitment and Placement of Seafarers Convention, 1996:

Article 1

1. For the purpose of this Convention:

(a) the term *competent authority* means the minister, designated official, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of the recruitment and placement of seafarers;

(b) the term *recruitment and placement service* means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers;

(c) the term *shipowner* means the owner of the ship or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibilities has agreed to take over all the attendant duties and responsibilities;

(d) the term *seafarer* means any person who fulfils the conditions to be employed or engaged in any capacity on board a seagoing ship other than a government ship used for military or non-commercial purposes.

2. To the extent it deems practicable, after consultation with the representative organizations of fishing-vessel owners and fishermen or those of owners of maritime mobile offshore units and seafarers serving on such units, as the case may be, the competent authority may apply the provisions of the Convention to fishermen or to seafarers serving on maritime mobile offshore units.

Article 2

1. Nothing in the provisions of this Convention shall be deemed to:

(a) prevent a Member from maintaining a free public recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether it forms part of or is coordinated with a public employment service for all workers and employers;

(b) impose on a Member the obligation to establish a system for the operation of private recruitment and placement services.

2. Where private recruitment and placement services have been or are to be

established, they shall be operated within the territory of a Member only in conformity with a system of licensing or certification or other form of regulation. This system shall be established, maintained, modified or changed only after consultation with representative organizations of shipowners and seafarers. Undue proliferation of such private recruitment and placement services shall not be encouraged.

3. Nothing in this Convention shall affect the right of a Member to apply its laws and regulations to ships flying its flag in relation to the recruitment and placement of seafarers.

Article 3

Nothing in this Convention shall in any manner prejudice the ability of a seafarer to exercise basic human rights, including trade union rights.

Article 4

1. A Member shall, by means of national laws or applicable regulations:

(a) ensure that no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer; for this purpose, costs of the national statutory medical examination, certificates, a personal travel document and the national seafarer's book shall not be deemed to be "fees or other charges for recruitment";

(b) determine whether and under which conditions recruitment and placement services may place or recruit seafarers abroad;

(c) specify, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by recruitment and placement services including the collection, storage, combination and communication of such data to third parties;

(d) determine the conditions under which the licence, certificate or similar authorization of a recruitment and placement service may be suspended or withdrawn in case of violation of relevant laws and regulations; and

(e) specify, where a regulatory system other than a system of licensing or certification exists, the conditions under which recruitment and placement services

can operate, as well as sanctions applicable in case of violation of these conditions.

2. A Member shall ensure that the competent authority:

- (a) closely supervise all recruitment and placement services;
- (b) grant or renew the licence, certificate, or similar authorization only after having verified that the recruitment and placement service concerned meets the requirements of national laws and regulations;
- (c) require that the management and staff of recruitment and placement services for seafarers should be adequately trained persons having relevant knowledge of the maritime industry;
- (d) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment;
- (e) require that recruitment and placement services adopt measures to ensure, as far as practicable, that the employer has the means to protect seafarers from being stranded in a foreign port; and
- (f) ensure that a system of protection, by way of insurance or an equivalent appropriate measure, is established to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service to meet its obligations to them.

Article 5

1. All recruitment and placement services shall maintain a register of all seafarers recruited or placed through them, to be available for inspection by the competent authority.

2. All recruitment and placement services shall ensure that:

- (a) any seafarer recruited or placed by them is qualified and holds the documents necessary for the job concerned;
- (b) contracts of employment and articles of agreement are in accordance with applicable laws, regulations and collective agreements;
- (c) seafarers are informed of their rights and duties under their contracts of employment and the articles of agreement prior to or in the process of engagement; and

(d) proper arrangements are made for seafarers to examine their contracts of employment and the articles of agreement before and after they are signed and for them to receive a copy of the contract of employment.

3. Nothing in paragraph 2 above shall be understood as diminishing the obligations and responsibilities of the shipowner or the master.

Article 6

1. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

2. All recruitment and placement services shall examine and respond to any complaint concerning their activities and shall advise the competent authority of any unresolved complaint.

3. Where complaints concerning working or living conditions on board ships are brought to the attention of the recruitment and placement services, they shall forward such complaints to the appropriate authority.

4. Nothing in this Convention shall prevent the seafarer from bringing any complaint directly to the appropriate authority.

APPENDIX B.

R186 Recruitment and Placement of Seafarers Recommendation, 1996

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fourth Session on 8 October 1996, and
Having decided upon the adoption of certain proposals with regard to the revision of the Placing of Seamen Convention, 1920, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Recruitment and Placement of Seafarers Convention, 1996;
adopts, this twenty-second day of October of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Recruitment and Placement of Seafarers Recommendation, 1996:

1. The competent authority should:
 - (a) take the necessary measures to promote effective cooperation among recruitment and placement services, whether public or private;
 - (b) take account of the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers, with the participation of shipowners, seafarers and the relevant training institutions;
 - (c) make suitable arrangements for the cooperation of representative organizations of shipowners and seafarers in the organization and operation of the public recruitment and placement services where they exist;
 - (d) maintain an arrangement for the collection and analysis of all relevant information on the maritime labour market, including:
 - (i) the current and prospective supply of seafarers classified by age, sex, rank and qualifications and the industry's requirements, the collection of data on age and sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age and sex;
 - (ii) the availability of employment on national and foreign ships;

- (iii) continuity of employment;
- (iv) the placement of apprentices, cadets and other trainees; and
- (v) vocational guidance to prospective seafarers;
- (e) ensure that the staff responsible for the supervision of recruitment and placement services be adequately trained and have relevant knowledge of the maritime industry;
- (f) prescribe or approve operational standards and encourage the adoption of codes of conduct and ethical practices for these services; and
- (g) promote continued supervision on the basis of a system of quality standards.

2. The operational standards referred to in Paragraph 1(f) should include provisions dealing with:

- (a) the qualifications and training required of the management and staff of recruitment and placement services, which should include knowledge of the maritime sector, particularly of relevant maritime international instruments on training, certification and labour standards;
- (b) the keeping of a register of seafarers seeking employment at sea; and
- (c) matters pertaining to medical examinations, vaccinations, seafarers' documents and such other items as may be required for the seafarer to gain employment.

3. In particular, the operational standards referred to in Paragraph 1(f) should provide that each recruitment and placement service:

- (a) maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by its recruitment and placement system, which should include but not be limited to:
 - (i) the seafarers' qualifications;
 - (ii) record of employment;
 - (iii) personal data relevant to employment;
 - (iv) medical data relevant to employment;
- (b) maintain up-to-date crew lists of the vessels for which it provides crew and ensure that there is a means by which it can be contacted in an emergency at all hours;
- (c) have formal procedures to ensure that seafarers are not subject to exploitation by

the agency or its personnel with regard to the offer of engagement on particular ships or by particular companies;

(d) have formal procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the employer and the seafarer which are handled by it;

(e) clearly publicize costs which the seafarer will bear by way of medical or documentary clearance;

(f) ensure that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of particular employers' policies relating to their employment;

(g) have formal procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;

(h) have formal procedures to ensure, as far as practicable, that certificates of competency and medical certificates of seafarers submitted for employment are up-to-date and have not been fraudulently obtained and that employment references are verified;

(i) have formal procedures to ensure that requests for information or advice by families of seafarers while they are at sea are dealt with promptly and sympathetically and at no cost; and

(j) as a matter of policy, supply seafarers only to employers who offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

4. International cooperation should be encouraged between Members and relevant organizations and may include:

(a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;

(b) the exchange of information on maritime labour legislation;

(c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;

(d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and

(e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry.

APPENDIX C

INTERNATIONAL MARITIME ORGANIZATION
IMO



IMO

E

ASSEMBLY
21st session
Agenda item 9

A 21/Res.890
4 February 2000
Original: ENGLISH

RESOLUTION A.890(21)
adopted on 25 November 1999

PRINCIPLES OF SAFE MANNING

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO Article 28(a) of that Convention which requires the Maritime Safety Committee to consider, *inter alia*, the manning of seagoing ships from a safety standpoint,

NOTING that safe manning is a function of the number of qualified and experienced seafarers necessary for the safety of the ship, crew, passengers, cargo and property and for the protection of the marine environment,

RECOGNIZING the importance of the requirements of the pertinent IMO instruments as well as those adopted by ILO, ITU and WHO relevant to maritime safety and protection of the marine environment,

MINDFUL of the provisions of SOLAS regulation V/13 with respect to the issue of an appropriate safe manning document or equivalent as evidence of minimum safe manning,

BEING AWARE that the ability of seafarers to maintain observance of these

requirements is dependent upon their continued efficiency through conditions relating to training, hours of work and rest, occupational safety, health and hygiene and the proper provision of food,

BELIEVING that international acceptance of broad principles as a framework for administrations to determine the safe manning of ships would materially enhance maritime safety and protection of the marine environment.

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventy-first session,

1. ADOPTS the Principles of safe manning, the Guidelines for the application of principles of safe manning and the Guidance on contents and model form of minimum safe manning document, set out respectively in Annexes 1, 2 and 3 to the present resolution;
2. RECOMMENDS that Governments, in establishing the minimum safe manning levels for ships flying their countries' flag, observe the Principles set out in Annex 1 and take into account the Guidelines set out in Annex 2;
3. URGES Governments to ensure that minimum safe manning documents contain, as a minimum, the information given in Annex 3;
4. URGES FURTHER Governments, when exercising port State control functions under international conventions in force with respect to foreign ships visiting their ports, to regard compliance with such documents as evidence that such ships are safely manned;
5. REQUESTS the Maritime Safety Committee to keep this resolution under review;
6. REVOKES resolution A.481(XII).

ANNEX 1

PRINCIPLES OF SAFE MANNING

- 1 The following principles should be observed in determining the minimum safe manning of a ship:
 - .1 the capability to:
 - .1.1 maintain safe navigational, engineering and radio watches in accordance with regulation VIII/2 of the 1978 STCW Convention, as amended, and also maintain general surveillance of the ship;
 - .1.2 moor and unmoor the ship safely;
 - .1.3 manage the safety functions of the ship when employed in a stationary or near-stationary mode at sea;
 - .1.4 perform operations, as appropriate, for the prevention of damage to the marine environment;
 - .1.5 maintain the safety arrangements and the cleanliness of all accessible spaces to

- minimize the risk of fire;
- .1.6 provide for medical care on board ship;
- .1.7 ensure safe carriage of cargo during transit; and
- .1.8 inspect and maintain, as appropriate, the structural integrity of the ship; and
- .2 the ability to:
 - .2.1 operate all watertight closing arrangements and maintain them in effective condition, and also deploy a competent damage control party;
 - .2.2 operate all on-board fire-fighting and emergency equipment and life-saving appliances, carry out such maintenance of this equipment as is required to be done at sea, and muster and disembark all persons on board; and
 - .2.3 operate the main propulsion and auxiliary machinery and maintain them in a safe condition to enable the ship to overcome the foreseeable perils of the voyage.

2 In applying such principles, Administrations should take proper account of existing IMO, ILO, ITU and WHO instruments in force which deal with:

- .1 watchkeeping;
- .2 hours of work or rest;
- .3 safety management;
- .4 certification of seafarers;
- .5 training of seafarers;
- .6 occupational health and hygiene; and
- .7 crew accommodation.

3 The following on-board functions, when applicable, should also be taken into account:

- .1 ongoing training requirements for all personnel, including the operation and use of fire-fighting and emergency equipment, life-saving appliances and watertight closing arrangements;
- .2 specialized training requirements for particular types of ships;
- .3 provision of proper food and drinking water;
- .4 need to undertake emergency duties and responsibilities; and
- .5 need to provide training opportunities for entrant seafarers to allow them to gain the training and experience needed.

ANNEX 2 GUIDELINES FOR THE APPLICATION OF PRINCIPLES OF SAFE MANNING

1 Introduction

1.1 These guidelines should be used in applying the principles of safe manning set out in Annex 1 to this resolution to ensure the safe operation of, and the prevention of pollution from, ships to which article III of the 1978 STCW Convention, as amended, applies.

1.2 The Administration may retain or adopt arrangements which differ from the provisions herein recommended and which are especially adapted to technical developments and to special types of ships and trades. However, at all times the Administration should satisfy

itself that the detailed manning arrangements ensure a degree of safety at least equivalent to that established by these guidelines.

2 Hours of work or rest

2.1 Every company is obliged to ensure that the master, officers and ratings do not work more hours than is safe in relation to the performance of their duties and the safety of the ship. The same responsibility is placed on the master in relation to the members of the ship's complement. Manning levels should be such as to ensure that the time and place available for taking rest periods are appropriate for achieving a good quality of rest. Further guidance about fitness for duty is contained in section B-VIII/1 of the STCW Code.

2.2 A record of the actual hours of work performed by the individual seafarer should be maintained on board, in order to verify that the minimum periods of rest required under relevant and applicable international instruments in force have been complied with.

3 Determination of minimum safe manning levels

3.1 The purpose of determining the minimum safe manning level of a ship is to ensure that its complement includes the grades/capacities and number of persons required for the safe operation of the ship and the protection of the marine environment.

3.2 The minimum safe manning level of a ship should be established taking into account all relevant factors, including the following:

- .1 size and type of ship;
- .2 number, size and type of main propulsion units and auxiliaries;
- .3 construction and equipment of the ship;
- .4 method of maintenance used;
- .5 cargo to be carried;
- .6 frequency of port calls, length and nature of voyages to be undertaken;
- .7 trading area(s), waters and operations in which the ship is involved;
- .8 extent to which training activities are conducted on board; and
- .9 applicable work hour limits and/or rest requirements.

3.3 The determination of the minimum safe manning level of a ship should be based on performance of the functions at the appropriate level(s) of responsibility, as specified in the STCW Code, which include the following:

- .1 navigation, comprising the tasks, duties and responsibilities required to:
 - .1 plan and conduct safe navigation;
 - .2 maintain a safe navigational watch in accordance with the requirements of the STCW Code;
 - .3 manoeuvre and handle the ship in all conditions; and
 - .4 moor and unmoor the ship safely;
- .2 cargo handling and stowage, comprising the tasks, duties and responsibilities required to:
 - .1 plan, monitor and ensure safe loading, stowage, securing, care during the voyage and unloading of cargo to be carried on the ship;
- .3 operation of the ship and care for persons on board, comprising the tasks, duties and responsibilities required to:

- .1 maintain the safety and security of all persons on board and keep life-saving, fire-fighting and other safety systems in operational condition;
- .2 operate and maintain all watertight closing arrangements;
- .3 perform operations, as appropriate, to muster and disembark all persons on board;
- .4 perform operations, as appropriate, to ensure protection of the marine environment;
- .5 provide for medical care on board the ship; and
- .6 undertake administrative tasks required for the safe operation of the ship;
- 4 marine engineering, comprising the tasks, duties and responsibilities required to:
 - .1 operate and monitor the ship's main propulsion and auxiliary machinery and evaluate the performance of such machinery;
 - .2 maintain a safe engineering watch in accordance with the requirements of the STCW Code;
 - .3 manage and perform fuel and ballast operations; and
 - .4 maintain safety of the ship's engine equipment, systems and services;
- 5 electrical, electronic and control engineering, comprising the tasks, duties and responsibilities required to:
 - .1 operate the ship's electrical and electronic equipment; and
 - .2 maintain the safety of the ship's electrical and electronic systems;
- 6 radiocommunications, comprising the tasks, duties and responsibilities required to:
 - .1 transmit and receive information using the radio equipment of the ship;
 - .2 maintain a safe radio watch in accordance with the requirements of the ITU Radio Regulations and the 1974 SOLAS Convention, as amended; and
 - .3 provide radio services in emergencies;
- 7 maintenance and repair, comprising the tasks, duties and responsibilities required to:
 - .1 carry out maintenance and repair work to the ship and its machinery, equipment and systems, as appropriate to the method of maintenance and repair used.
- 3.4 In addition to the factors and functions in paragraphs 3.2 and 3.3, the determination of the minimum safe manning level should also take into account:
 - .1 the management of the safety functions of a ship at sea when not under way;
 - .2 except in ships of limited size, the provision of qualified deck officers to ensure that it is not necessary for the master to keep regular watches by adopting a three-watch system;
 - .3 except in ships of limited propulsion power or operating under provisions for unattended machinery spaces, the provision of qualified engineer officers to ensure that it is not necessary for the chief engineer to keep regular watches by adopting a three-watch system;
 - .4 the maintenance of applicable occupational health and hygiene standards on board; and
 - .5 the provision of proper food and drinking water for all persons on board, as required.

3.5 In determining the minimum safe manning level of a ship, consideration should also be given to:

- .1 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; and
- .2 the capability of the master and the ship's complement to co-ordinate the activities necessary for the safe operation of the ship and the protection of the marine environment.

4 Responsibilities of companies

4.1 The Administration may require the company responsible for the operation of the ship to prepare and submit its proposal for the minimum safe manning level of a ship in accordance with a form specified by the Administration.

4.2 In preparing a proposal for the minimum safe manning level of a ship, the company should apply the principles, recommendations and guidelines contained in this resolution and should be required to:

- .1 make an assessment of the tasks, duties and responsibilities of the ship's complement required for its safe operation, for protection of the marine environment, and for dealing with emergency situations;
- .2 make an assessment of numbers and grades/capacities in the ship's complement required for its safe operation, for protection of the marine environment, and for dealing with emergency situations;
- .3 prepare and submit to the Administration a proposal for the minimum safe manning level based upon the assessment of the numbers and grades/capacities in the ship's complement required for its safe operation and for protection of the marine environment, justifying the proposal by explaining how the proposed ship's complement will deal with emergency situations, including the evacuation of passengers, where necessary;
- .4 ensure that the minimum safe manning level is adequate at all times and in all respects, including meeting peak workload situations, conditions and requirements, and is in accordance with the principles, recommendations and guidelines contained in this resolution; and
- .5 prepare and submit to the Administration a new proposal for the minimum safe manning level of a ship in the case of changes in trading area(s), construction, machinery, equipment or operation and maintenance of the ship, which may affect the safe manning level.

5 Approval by the Administration

5.1 A proposal for the minimum safe manning level of a ship submitted by a company to the Administration should be evaluated by the Administration to ensure that:

- .1 the proposed ship's complement contains the number and grades/capacities of personnel to fulfil the tasks, duties and responsibilities required for the safe operation of the ship, for protection of the marine environment and for dealing with emergency situations; and
- .2 the master, officers and other members of the ship's complement are not required to work more hours than is safe in relation to the performance of their duties and

the safety of the ship and that the requirements for work and rest hours, in accordance with applicable national regulations, can be complied with.

5.2 The Administration should require a company to amend a proposal for the minimum safe manning level of a ship if, after evaluation of the original proposal submitted by the company, the Administration is unable to approve the proposed composition of the ship's complement.

5.3 The Administration should only approve a proposal for the minimum safe manning level of a ship and issue accordingly a minimum safe manning document if it is fully satisfied that the proposed ship's complement is established in accordance with the principles, recommendations and guidelines contained in this resolution, and is adequate in all respects for the safe operation of the ship and for the protection of the marine environment.

5.4 The Administration may withdraw the minimum safe manning document of a ship if the company fails to submit a new proposal for the ship's minimum safe manning level when changes in trading area(s), construction, machinery, equipment or operation and maintenance of the ship have taken place which affect the minimum safe manning level.

5.5 The Administration should review and may withdraw, as appropriate, the minimum safe manning document of a ship which persistently fails to be in compliance with rest hours requirements.

ANNEX 3

GUIDANCE ON CONTENTS AND MODEL FORM OF MINIMUM SAFE MANNING DOCUMENT

1 The following information should be included in the minimum safe manning document issued by the Administration specifying the minimum safe manning level:

- .1 a clear statement of the ship's name, port of registry, distinctive number or letters, IMO number, gross tonnage, main propulsion power, type and trading area and whether or not the machinery space is unattended;
- .2 a table showing the number and grades/capacities of the personnel required to be carried, together with any special conditions or other remarks;
- .3 a formal statement by the Administration that, in accordance with the principles and guidelines set out in Annexes 1 and 2, the ship named in the document is considered to be safely manned if, whenever it proceeds to sea, it carries not less than the number and grades/capacities of personnel shown in the document, subject to any special conditions stated therein;
- .4 a statement as to any limitations on the validity of the document by reference to particulars of the individual ship and the nature of service upon which it is engaged; and
- .5 the date of issue and any expiry date of the document together with a signature for and the seal of the Administration.

2 It is recommended that the minimum safe manning document be drawn up in the form corresponding to the model given in the appendix to this Annex. If the language used is not English, the information given should include a translation into English.

APPENDIX

MODEL FORM OF MINIMUM SAFE MANNING DOCUMENT

MINIMUM SAFE MANNING DOCUMENT

(Official seal) (State)

Issued under the provisions of regulation V/13(b) of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended
under the authority of the Government of

.....
(name of the State)

by

(Administration)

*Particulars of ship**

Name of ship

.....
Distinctive number or letters

.....
IMO number

.....
Port of registry

.....
Gross tonnage:

National

.....
International Tonnage Convention, 1969

.....
Main propulsion power (kW)

.....
Type of ship

.....
Periodically unattended machinery space yes/no

* Alternatively the particulars of the ship may be placed horizontally.

Trading area**

The ship named in this document is considered to be safely manned if, when it proceeds to sea, it carries not less than the number and grades/capacities of personnel specified in the table(s) below.

Grade/capacity	Certificate (STCW regulation)	Number of persons
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Special requirements or conditions, if any:

Issued at on the day of
(month and year)

Date of expiry (if any)

.....
(Seal of the Administration)

.....
(Signature for and on behalf of the Administration)

** Where a trading area other than unlimited is shown, a clear description or map of the trading area should be included in the document.