

UK's Marine Accident Investigation Branch Submission to ICONS

Introduction

The United Kingdom's MAIB submits that independent and comprehensive marine accident (or casualty) investigations make a major contribution to improving safety at sea and do much to eliminate sub-standard shipping.

Background

History shows that some of the most far reaching and important improvements in ship design, training and general safety regulations owe their origins to marine accidents and their investigation.

On the other hand, too many accidents are never investigated or are only examined superficially. In others, the findings of an investigation are never published, with the result that the bad practices of the past remain and nobody learns from them.

Safety at sea and, by definition, the promotion of quality shipping depends on many factors, including the effective and timely conduct of thorough accident investigations by responsible organisations, unfettered by any form of vested interest.

The situation today

It is well recognised that shipping is not only international in character but also highly competitive. The oxygen that fuels it is money, good and bad. The armour that protects the interests of many in the industry is secrecy, and there is widespread fear that too much openness by flag state, P&I club or class will encourage some owners to switch their allegiance to organisations where operating opaqueness can continue unchallenged.

There is little to reward those who maintain ships to a high standard, or who have the welfare and interests of their crews at heart. It is a sad reflection of the industry today that there is such little incentive to invest in safety, training, or the recruitment and retention of tomorrow's seafarer. One of the consequences is that the number of accidents shows no sign of diminishing.

If a ship is involved in an accident nowadays, there is every prospect that it will not be properly investigated. Although some flag states go to great lengths to conduct investigations within their limited resources, others do not.

At the same time there is a growing tendency for coastal states or regional groupings to pre-empt the outcome of any investigation and resort to knee-jerk reactions to any marine accident with environmental implications. Such reactions rarely have any connection with the actual causes and often distract attention from identifying, and correcting, the real problem; human error.

Very few marine accident investigation organisations have the resources or the knowledge to address both the human factors involved or the commercial and management issues that underpin so much of what goes wrong at sea today. It is often more convenient to ignore them.

The requirement

A thorough accident investigation is one of the very few ways by which shortcomings at sea can be exposed and appropriate measures put in place to prevent them happening again.

To be effective however, investigators must be able to conduct their inquiries without any conflict of interest. The work must be carried out independently of the regulatory regime of the Flag State and the vested interests of the shipping industry. Inspectors must be properly trained to conduct such investigations and be capable of understanding the human factors involved.

Investigation findings must be made publicly available in the shortest possible time.

Inspectors must be given the appropriate statutory powers to conduct their inquiries thoroughly and the sole objective of such investigations must be to prevent similar accidents happening again. This does not stop others from taking civil action or seeking to prosecute offenders, but any such activity must be investigated separately and by a totally different body.

Inspectors must also be given the powers in international law to co-operate fully and to have unfettered access to another Flag State's vessel if it is involved in the same accident. Joint investigations should take place when appropriate and international law should require this to be done with the appropriate safeguards put in place to ensure the confidentiality of evidence. Despite encouragement by the International Maritime Organization (IMO) for flag states to co-operate fully in casualty investigation, the record is poor.

The Flag State Responsibility

It is submitted that the requirement for accident investigation should form part of an agreed charter, based on UNCLOS Article 94, that very clearly lays down what a flag state's responsibility must be. It is not for an accident investigator to say what such a charter should contain, but, in addition to stating the requirement for casualty investigation, it might embrace the state's responsibility for ship safety, the issue of legitimately acquired certificates of competency and the terms of employment for its seafarers.

A flag state should conduct an investigation into any accident where a vessel is lost, where there is serious loss of life or major environmental damage, or where it is in the public interest to do so. The recommendations and any lessons learned must be published without any interference from the Flag State concerned and the responses to recommendations must also be made public. The identities of ships involved in accidents and the names of the owners must be revealed.

Accidents happen and even the best run vessels are victims from time to time. But in global terms too many accidents involve ships that can be described as sub-standard and flagged to states that are not committed to maintaining the highest safety standards. Many people are committed to eradicating such vessels, but it is submitted that a particularly effective way of exposing so much that is wrong is to advocate the mandatory requirement for any state seeking to operate vessels under its flag to have a totally independent means of investigating marine accidents.

Summary

So long as flag states fail to carry out thorough investigations of marine accidents, sub-standard shipping will continue to thrive.

Properly resourced and in-depth investigations carried out by full time professionals can do much to identify sub-standard practices. This requirement should be included in an internationally agreed charter of a flag state's responsibility and will make a positive contribution to eliminating the scourge of sub-standard shipping.

Accident investigations must be independent of a flag state's regulatory regime and the reports must be made public.