

**Hon. Peter MORRIS**

**Chair**

**International Commission on Shipping  
(ICONS)**

**Speech Notes**

**MARITIME SAFETY COMMITTEE**

**I M O 4<sup>th</sup> June 2001**

**LONDON**

Thank you Mr Chairman and delegates for the opportunity to provide some background to our report entitled “ Ships, Slaves and Competition” and to respond to any questions that delegates may care to raise.

I have met a number of you over the years wearing hats other than your IMO delegate hat, some as flag state representatives, regulators, port state control officers or shipping industry participants.

My first visit to this building was on the 27<sup>th</sup> September 1985 as Australian Minister for Transport when I presented to IMO on behalf of the Australian people the fine wool hanging that is displayed on the wall opposite the lifts on the ground floor.

I understand that copies of our report have been circulated to each of you so I will not repeat the initiation, composition, program and resourcing of the Commission and its work. However if anyone would like an elaboration of any of those matters please do not hesitate to ask me in question time.

In writing the report we have tried to let the words of the people we met with and their submissions tell the story. I am sure you will recognize them from the extensive footnotes. We did this to bring authenticity and substance to the views expressed in the report.

In the course of its preparation we considered the 126 submissions we received and the information gathered from the more than 430 persons we met with during our visits to Asia, North America, South Africa and Europe.

We were encouraged by the extensive support mostly “in kind” we received from government maritime agencies across the world.

We were also encouraged also by the ready acceptance of our impartiality and independence.

One of our strengths was that we carried no baggage, we were not constrained by government policy or industry strictures and that participation in the process by all was voluntary.

We met quality ship operators who treated their crews well, operated good ships, ran quality businesses and wanted to see sub standard shipping eradicated.

We also met with ship owners, ship managers, Class, port state authorities, trade unions, blacklisted seafarers, representatives of seafarers families, seafarers welfare organisations, Protection and Indemnity Club managements, Ministers for Shipping and with departmental officers.

There was remarkable consistency in what we were told despite the differences in language and culture.

In brief the principal issues raised were:

- Criticism of performance of Class.
- Failure of Flag States to carry out their responsibilities.
- An almost unanimous call for full transparency.
- Concern about the effectiveness of the ISM Code.
- Failure of member states of the International Maritime Organisation [IMO] to support the Organisation in the performance of its duties.

- Criticism of the Convention on Standards of Training Certification and Watchkeeping,[STCW] and the white list process.
- Concern at the lack of competency of crew members and the increasing shortage of skilled officers.
- Fraudulent certificates and the recruitment of unqualified persons as qualified seafarers known as “passport holders.”
- Non-compliance with I L O Convention provisions.
- Inconsistency in port state control processes.
- Ill-treatment, underpayment, intimidation and abuse of seafarers especially from developing nations.
- The lack of recognition by governments, the media and the public of the critical role played by quality international shipping in world trade.

Full details of findings and recommendations of our investigations can be found on our web site or in the hard copies of the report and the Executive summary.

### **The Recommendations**

We sought to base our recommendations on what could be done in a reasonable time, on what was practical, on the preparedness of quality operators to commit to and support action to eliminate sub standard shipping and its customers from the market place and on there being sufficient political will among the parties involved to ensure implementation.

The recommendations are in two main groups:

- The welfare and competency of crew members.[ Rec’s 1 to 7, 9 to 11 and 33].

- Port State control activities.[Recs 22 to 33, 42].

There are recommendations directed for action by flag states, coastal states, Shippers Councils, Classification Societies, the U S government, the European Commission, IMO, ILO, FAO, International Group of P&I clubs, international shipping organisations and owners.

Most of the recommendations are matters for decision by individual administrations. In other words they do not require the approval of other states or international organisations.

However they do require commitment to better treatment of seafarers, safer shipping, more efficient and fairer competition and a responsible attitude to the world's precious marine environment.

Most can be implemented in the 12 to 18 month window of opportunity ahead and the remainder within 5 years.

Let me turn now to the matters specifically related to the I M O.

Recommendation 2 calls on the IMO to develop a database of all seafarer certificates for open electronic access to assist in the elimination of the use of fraudulent certificates of qualification. The Commission was advised that an IMO sub-committee was already working on this project. Our recommendation aims to support and accelerate completion of that work as the Commission considers the prevalence of fraudulent certificates would be significantly reduced if there were speedy and easy access for cross checking purposes to a central international data base of all seafarer qualifications.

Recommendation 3 calls on major labour supplying nations to review their maritime training and labour supply arrangements to ensure compliance with relevant IMO and ILO Conventions.

Recommendation 12 calls for IMO and ILO to examine the reasons why the Torremolinos Convention and Protocol and the STCW-F Convention have not been adopted. The thinking was that understanding the reasons for failure to adopt may assist in the drafting of new proposals that are more likely to be supported.

The Recommendation also includes the drafting of a new binding instrument for fishing vessel construction and manning, covering both safety and working conditions.

Recommendation 13 calls for the IMO, the ILO and the FAO to establish a joint working group to develop voluntary guidelines for port State control of fishing vessels covering both safety and work conditions and

To expedite their joint efforts to update the codes and guidelines for smaller fishing vessels relating to the safety, design, construction of vessels and on fisherman's training and certification, including provision of specific authority for port state control.

The Commission was informed of high death and injury rates onboard fishing vessels that were 2 to 21 times the national average occupational fatality rate.

The ill treatment, abuse and injury rates prevalent in the fishing industry cannot be explained away by the difficulties involved in getting international agreement on corrective measures.

There is an urgent need for action, which is why the Commission has called for voluntary guidelines for port state control of fishing vessels. One cannot help but observe that a higher priority has been given by governments to saving the fish stocks rather than the fishermen. We cannot wait for decade long deliberations, fishers are dying daily.

Fishing, particularly distance fishing stands out as the horror story of the sea.

Recommendation 17 deals with Flag State issues concerning the monitoring of their Recognised Organisations in accordance with the relevant IMO Resolutions.

Recommendation 18 deals with the delegation of the monitoring of the application of national labour laws to recognised organisations.

Recommendations 35-37 are directed at the IMO. R35 calls upon the IMO to vigorously pursue the Flag State self-assessment form initiative with the eventual aim of mandating its completion and lodgment.

R36 calls upon the IMO to initiate concerted action for the adoption of comprehensive, binding quality criteria for Flag State administrations and ship registers.

R37 calls upon IMO to maintain and strengthen the ISM Code momentum by increasing the frequency of shipboard audits to an annual basis.

Turning from the recommendations to the issues at large;

How can the resources of people, influence and knowledge housed in this building be marshaled and utilized to eradicate sub standard shipping and end the abuse and exploitation of seafarers? I suspect that many of you before me are former seafarers yourselves and understand only too well what is happening.

On numerous occasions we were told that this auditorium is a theatre for role playing where firm measures to eradicate sub standard shipping and to require delinquent flag states to carry out their responsibilities are stalled, side lined or stifled.

Our observation was that unless the organisation of IMO was given the power by its member states to deal with non-compliance then IMO would increasingly be seen as irrelevant to the question of compliance.

Such a situation would see a growth in unilateralism and regionalism.

The IMO could well settle into its role as the international technical standards setter and find itself increasingly marginalized by regional and unilateral actions.

Is this what you want?

The contrast between the role of ICAO and IMO was regularly drawn to the attention of ICONS.

The reality is that some of the nations that have accepted the ICAO inspection regime have opposed a similar role for IMO.

This schizoid behavior of some flag states was highlighted by a longstanding former IMO representative of a flag state who when asked for an explanation stated, (with a smile) that's "Politics."

The growing impatience of local communities with those responsible for ship sourced pollution and ship caused damage to their local environments and commercial conditions demands much faster means of response from IMO.

The political energy generated by disasters like the ERIKA point to what is likely to happen increasingly in the future.

IMO will need to be prepared for such events if it is not to be pushed to the sidelines.

For example, the failure of the FSI Committee to make any determined progress in dealing with delinquent flag states in the nine years of its existence has been a great disappointment to many people in international shipping.

The E C sees itself as providing a spur and support to the IMO.

Delinquent flag states laugh at the work of the IMO. They know they can operate in a business as usual manner.

I have been fascinated by the problem some people with the title of our report. The title describes the subjects covered in the report.

These people have felt so indignant they have not been able to get past the title to the substance of the document. This 'head in the sand' approach is indicative of some shipping interests today.

They should set the standards of management and operation of the industry. They should lead in promoting those standards and compliance with them.

They should keep the pressure on maritime agencies and flag states to see that the international maritime safety requirements are observed. They should press for the definition of competition in shipping to be competition between ships that comply with the required international standards.

I would suggest that this is not far removed from your roles in this forum.

We have been greatly encouraged by the positive and constructive response to the report of the Commission.

We are particularly heartened by the words of Mr Keith Hill, UK Minister for Shipping who has said in a letter to me dated 3 May 2001:

‘Having now had the opportunity to study this summary report, I am confident that the proposals put forward do indeed represent a realistic vision of what might be achieved, given the right commitment from all parties involved.’

Further, Mr Hill said ‘ There is much in the report that the UK would wish to support now.’

Similarly, the Australian Deputy Prime Minister has been supportive of the Report and will personally present it to the coming APEC Transport Minister’s meeting. He said that ‘companies that seek to undercut rates through non-compliance must be identified, targeted and driven out of the industry.’

The Commission today resolved to commence a second phase of its activities to monitor and comment upon progress with the report and to help drive the implementation of its recommendations.

ICONS has played a catalytic role in facilitating discussion and development of the recommendations. We believe that this is an approach that is fruitful and constructive.

In conclusion, let me thank those of you who have supported us in our task over the past year in whatever manner, particularly, Canada, Singapore, Cyprus, Hong Kong, India and the US Coast Guard.

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