

The STCW Convention & the Manning Resolution NEED Amendment & Improvement

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1 INTRODUCTION

The adoption of the International Convention on Standards of Training, Certification and Watch-keeping in 1978 was a milestone in the history of the International Maritime Organisation. I say so because no amount of advancement or refinement in design, material, construction and equipment would have achieved the ultimate goal of safety unless people were trained to operate safely and efficiently the ship and its equipment. In respect of manning there are two words very closely inter-related – sufficiency and efficiency. The former relates to the “Safe Manning Document” under SOLAS and the latter is the subject of STCW Convention.

The original Convention as adopted in 1978 was the first step in standardisation of training to a global context. However, the Convention was open to different interpretation because of the openness of its language. Far too many things were left “to the satisfaction of the Administration”. The first few years of its operation revealed the areas of weakness that the world shipping community needed to improve. In 1995, the Convention was thoroughly revised - as much as it could be, for acceptance through “tacit approval”. 1995 was the year when IMO concentrated on the human element and developed another Code (later to become a part of SOLAS) known as the International Safety Management Code – commonly referred to as ISM Code. The revised standards of the STCW

Convention commonly referred to as STCW95 (not correct from legal point of view) and the ISM Code together were meant to address the issue of efficiency (human performance).

Things have improved. But there is still more to achieve. Unfortunately some of the important matters in the Convention need to be clarified for uniform interpretation so that Member States can work together to achieve the common goals. The purpose of this paper is to analyse those ambiguities and suggest measures so that standards of training and certification can be further improved.

2 STCW Convention

Convention should call up on Party States to develop suitable domestic training and certification system in line with the Convention for masters of vessels operating in the vicinity of the sea-going vessels and the Engine Operators of vessels of propulsion power of less than 750 kW that operates in short sea voyages. (This requirement may be introduced through a regulation instead of amendment to an Article).

2.1 *Chapter I: Regulation I/10 – Recognition of certificates*

The regulation explains in detail how a Flag State may recognise (after necessary check and verification)

certificates issued by other Party States and issue Endorsements to allow the holder to serve on ships registered under its Flag. However, the regulation does not make it clear that before the Flag State considers recognising the certificate it has to ensure that the certificate issuing State is duly listed by the IMO as one of those States to have given full and complete effect to the provisions of the Convention.

Another matter that causes a lot of confusion is the inspection of facilities and procedures. Some Flag States think they can accept certificates of those who graduate from particular schools. This is wrong because it is supposed to be “State to State” recognition and **not** recognition of individual schools. If the training facilities and procedures (approved by the Administration of the State where they are located) are not of the desired standards then it is best not to recognise certificates issued by that Party State. Recognising certificates originating from particular schools amounts to interfering with internal matters of that State. It is for the Certificate issuing State to ensure that standards of training and assessment in all approved institutes are maintained to the same level.

2.2 Chapter I: Regulation I/11 – Revalidation of Certificates

In paragraph 5 it is stated that for the purpose of updating the knowledge of officers the Administration shall ensure that the texts of recent changes in national and international regulations concerning safety of life at sea and the protection of the marine environment are made available to ships entitled to fly its flag. The Administration is not directly responsible for the operation of the ships under its flag. The objectives could be conveniently achieved by introducing this requirement as a “company responsibility” under regulation I/14 (in addition to present reference in regulation I/11) to state that “Company shall ensure that necessary publications are supplied to the ship under its management so that officers can update their knowledge in relation to latest changes and requirements in respect of safety and environmental protection”.

2.3 Chapter II: Regulation II/2 – 4.1 – Master and Chief Mate on Ships between 500 and 3,000 gross tonnage

It appears that in order to serve as Chief Mate on ships less than 3,000 GT it is only necessary to hold a Certificate under regulation II/1 as Navigational Watch-keeping Officer. This virtually allows a person

having no previous independent watch-keeping experience to suddenly become Chief Mate of a ship as big as 3,000 GT. This is potentially dangerous. The requirement specified in sub-paragraph 4.1 of regulation II/2 is contrary to the fundamental principle of training and experience. This needs to be corrected. Sub-paragraph 4.1 must contain an element of mandatory sea-service while holding II/1 Certificate as a Navigational Watch-keeping Officer.

From the language of the present regulation it appears that training and assessment (A-II/2) is only required for the capacity of master. This is wrong. The training and assessment must also be a mandatory requirement for the capacity of a Chief Mate. There must be the requirement for additional experience (sea-service) while holding II/2 certificate to become a master. This serious ambiguity must be removed.

2.4 Chapter V: Regulation V/1 – Tanker training and certification

One big change that has been made through the amendments in 1995 is to change the training system from mere knowledge based education to competence based skill and knowledge. This has been achieved by the introduction of four columns to include – competence, knowledge, demonstration and assessment. Unfortunately the tanker training has not yet been put in this new format. The entire syllabus/ course content for tanker training must be re-arranged. Special attention should be given to recent development of the gas technology and its transportation. SIGTTO (Society of International Gas Tanker & Terminal Operators) has done some excellent work in this field and this should be taken into consideration while updating the requirements for gas tanker training. Perhaps it is also time to develop separate training programmes for LPG and LNG tankers.

In regulation V/1.4 it is written “Administration shall ensure that an Appropriate Certificate is issued to”. There are at least two elements of confusion. Firstly the use of the word Administration (means the Administration of the State whose flag the ship carries) makes it restrictive in the sense that only Flag State can train and issue the certificate (contrary to the concept of regulation I/6). It should be the “Party State” (providing training and issuing the certificate) leaving it open for the Flag State to accept the same or insist on its own training and certification. The second part of the confusion is the use of the term “Appropriate Certificate” which has been defined (in regulation I/1) as a certificate

issued and endorsed for a particular capacity with a range of functions which is still in many countries referred to as a “Certificate of Competency”. Surely a certificate testifying to the training and experience required for service on a tanker is different and it should have a certificate to that effect. It is strongly recommended that the sentence must be amended to state “A certificate to the effect that the officer has met the requirements of regulation V/1.2 (for the relevant type of tanker) may be issued”.

2.5 Chapter V: Regulation V/2 & V/3 – Training for service on Ro-Ro Passenger Ships and other Passenger ships

The training requirements are very similar except that training for Ro-Ro Passenger ships also includes design feature, stability, flooding, closing devices and lashing of vehicles etc. etc. Seafarers trained under regulation V/2 get to know more than what is contained in V/3. There is no justification for the seafarer to undertake V/3 training if s/he has already received training under V/2. It is, therefore, strongly recommended that a special note should be added after regulation V/3 to state that “Training and certification under regulation V/2 being more extensive, stringent and onerous will also be valid for service on other passenger ships”.

2.6 Chapter VI: Regulation VI/1 – Familiarisation and Basic Safety Training

Use of the words “training or instruction” is inappropriate. Advice or instruction equates to a briefing. It is quite possible that seafarers may receive instruction (advice or briefing) to familiarise themselves with the lay-out of the ship with special emphasis on individual fire and muster stations. But Basic (Safety) Training cannot be accomplished through mere instruction; it has to be participatory training. This becomes clearer in the last part of the sentence where reference is made to “appropriate standard of competence”. This makes it obvious that Basic Training has to be not only achieved through participatory training but there has to be a degree of assessment to ensure that the standard of competence has been met. The following amendment would remove the confusion and assist in achieving a common standard:

Regulation VI/1 – Every person, other than a passenger, employed on a ship shall immediately upon joining the ship receive the necessary familiarisation instruction with respect to that ship in conformity with Code A-VI/1.1. The familiarisation instruction may be approved by the Administration

or be a part of the approved ISM/SMS procedures. There must be documentary evidence of familiarisation instruction.

Every seafarer employed on a ship as part of ship’s complement for the operation of the ship with designated safety and pollution prevention duties shall have (prior to joining the ship) successfully completed the Basic Training comprising of the four elements referred to in the Code A-VI/1.2.

Code A-VI/1 should be amended accordingly to reflect the requirements of the relevant regulation.

2.7 Regulation VI/3 – Advanced Fire-fighting training

Training in advanced fire-fighting is meaningless unless the person has some idea as to how a ship looks like. There must be an entry requirement of a minimum period of sea-service so that the seafarer has some idea about bridge, engine-room, ship’s galley, cargo space, accommodation, escape route etc. Knowledge of a ship’s general lay-out and arrangements is essential for conducting a successful fire-fighting operation. It is, therefore, suggested that every person who desires to undertake an Advanced Fire-fighting training must have already undertaken the Fire prevention and fire-fighting training (a part of the Basic Training) and at least three months sea-service. Informatively there is a similar requirement of sea-service for undertaking Proficiency in Survival Craft & Rescue Boat.

2.8 Issue of certificates to non-nationals

The Convention does not have any limitation or barrier on nationality. A certificate symbolises one’s qualification and competence. Any Party State that wants to restrict employment of foreign nationals on its ships can do so by having the necessary provisions in the employment law or in the merchant shipping legislation. Yet, some countries like the United States and Canada do not issue certificates to non-nationals. Nothing can be done about this, as the sovereign countries make their own decisions.

In this respect it is important that Party States that do not have their own training facilities within the country should make “State to State” agreement with another Party State for training and certification of their seafarers. Such Party States may also make direct arrangements (approval of training and assessment under regulation I/6) with reputable training centres abroad for the required training and subject to meeting other requirements can issue the Appropriate Certificate to their seafarers. While recognising training centres abroad the Party must

ensure that the relevant training centres are also recognised by their own Administration for similar training purpose. Otherwise it would cause the serious diplomatic embarrassment.

2.9 Training and Certification of Deck and Engine-room Ratings

The Certificate of Qualification as an “Able Seaman” dates back to an ILO Convention of 1946 when IMO did not exist. Recently ILO has decided to hand-over this responsibility to IMO (now the competent body for maritime training matter) to develop a suitable replacement qualification. IMO has taken the opportunity to develop two new qualifications known as Able Seafarer (Deck) under regulation II/5 and Code A-II/5 and Able Seafarer (Engine-room) under regulation III/5 and Code A-III/5. The new qualifications will be of a level higher than II/4 and III/4. Party States should make provision for utilising the skill such as those of a mechanic or electrician learnt ashore for certification under regulation III/5 (of course with additional sea-related training).

2.10 GP Rating

There is quite an old concept of GP (General Purpose) Rating referring to those who are qualified both as Deck as well as Engine-room rating. It is time that we recognise this concept. This can be conveniently done by necessary amendment in Chapter VII. Ratings that are qualified under both II/4 and III/4 may be referred to as GP2. Ratings that are qualified under both II/5 and III/5 may be called GP1.

2.11 Certificate of Qualification as Ship’s Cook

The ILO Convention of 1946 has now become obsolete. It never had any requirement of safety training. We should draw up new requirements for training and certification of Ship’s Cook (combining minimum period of sea-service, safety training and professional cooking with knowledge and understanding of health, hygiene and dietary supplement).

2.12 Issue of Ratings’ Certificates

Certificates for ratings are issued against regulations II/4 and III/4. Soon there will be new ratings’ certificates under regulations II/5 and III/5. There could be also Certificate of Qualification as Ship’s Cook. (It is to be noted that the Cook’s certificate was always referred to as a Certificate of Qualification and not Competency so that it

is not confused with officers’ certificates). These certificates (the final document) should be issued by the Administration of a Party State. This is because these certificates relate to specific capacities defined in the Safe Manning Document. They are not mere training components for which training institutes could be approved and authorised. However, these certificates not being officers’ certificates need not be endorsed (reference Article VI.2) by the issuing administration (regulation I/2) or the flag administration in recognition (as referred to in regulation I/10).

It is unfortunate that some states have authorised companies to issue watch-rating certificates. Some have even provided companies with printed forms or letter-heads of the administration to issue such certificates. This cannot be accepted as it dilutes the whole requirement of quality control. It is a total compromise of standards. Any amendment or revision of the STCW Convention must make specific reference to this matter and should try to develop a common format for the certificates (watch-rating and other new types of ratings) so that it includes the name of the issuing administration, capacity for which it is issued with reference to the regulation of the Convention.

2.13 Security (ISPS) training

In view of the global threat of terrorism and piracy, the need for security training has taken priority over many other issues. Security training needs to be included within the STCW Convention. The Convention deals with seafarers’ training and as such it may not include the training for Company Security Officer which the Administration will have to deal with as required under the Code.

The training for Ship’s Security Officer may be included in Chapter VI (as new regulation VI/5) which already deals with Emergency, Safety, Medical and Survival functions.

However, it is also felt that all seafarers should have some basic security awareness training. This can be included in the revised “Basic Training” as the fifth new component.

(Suitable training requirements are already given in paragraphs 13.3 and 13.4 of the Part “B” of the ISPS Code).

2.14 High Speed Craft (HSC) Training

Having discussed all training matters, it appears that the only training component still left out of the Convention is the training for service on High Speed Craft. The inclusion of HSC training will

make the Convention a comprehensive document of seafarers' training. This may be included in Chapter V (as new regulation V/4) which already deals with training for specialised vessels.

When new standards of training and certification for operation of WIG (Wing in Ground) are adopted, it could be also included in Chapter V (perhaps a new regulation as V/5).

3 CONCLUSION

The process of technological development will continue. Training requirements will have to keep pace with it. This paper looks at the situation as it stands today. There is a need for a comprehensive review. There is need for consolidation, clarification and interpretation. There must be no scope for different interpretation of the same matter. Only then we will have a common platform from where we can move together to a better standard of training and certification. However, any amendment or revision must not touch the Articles in which case it would have to be a Protocol to the Convention and make it difficult to achieve.

However, in consultation with the legal division of the IMO, efforts should be made to find a simple way by which newer training requirements (such as AIS, VDR and BWM etc.) introduced by LL, SOLAS and MARPOL may be taken on board.

Revision of A-890 (Principles of Safe Manning):

The MAIB (UK), NTSB (USA) and a number of other accident investigation agencies have in recent days blamed cumulative fatigue for many accidents and casualties. This is happening because of commercial pressure and unhealthy competition where not only owners and operators but even administrations are also becoming a party to insufficient manning. It is time that for the cause of better safety A-890 should be reviewed and revised.