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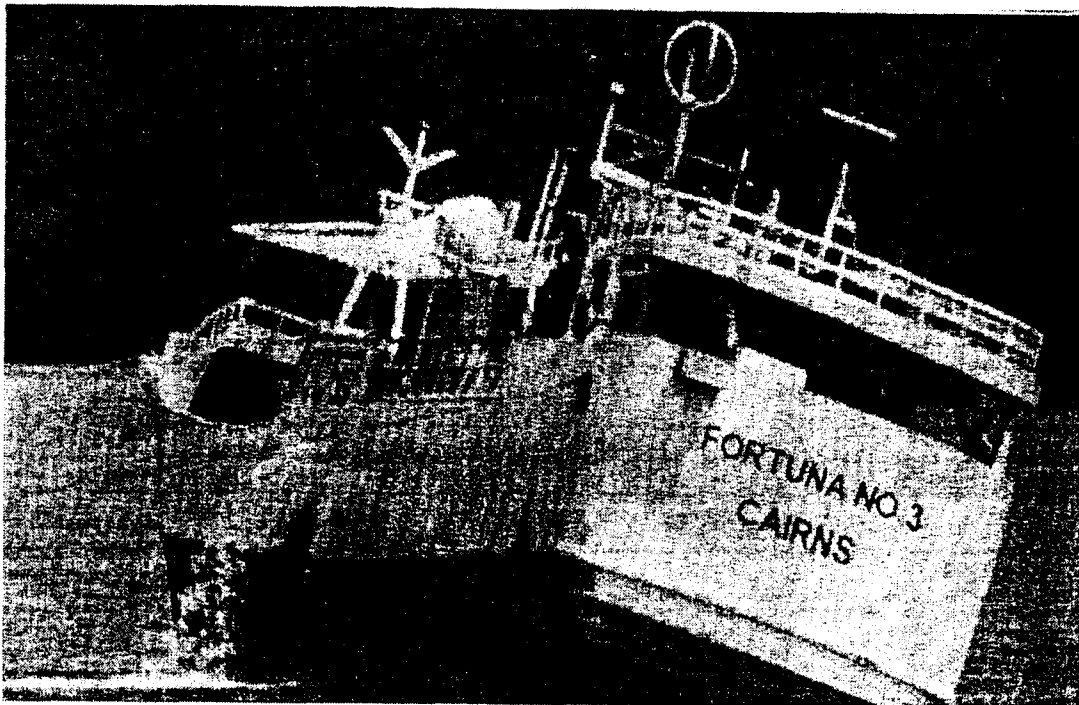
**SECOND PACIFIC COMMUNITY**  
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**SAFETY OF FISHING VESSELS OPERATING  
IN THE PACIFIC REGION**

By Captain Angus Scotland,  
Regional Marine Training Adviser,  
Secretariat of the Pacific Community  
Suva, Fiji

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# SAFETY OF FISHING VESSELS OPERATING IN THE PACIFIC REGION



*Paper presented by*  
Captain Angus Scotland,  
Regional Marine Training Adviser

Regional Maritime Programme  
Secretariat of the Pacific Community  
Suva, Fiji

October 1998

**REGIONAL MARITIME PROGRAMME (RMP) TO THE YEAR 2002**  
*(with special emphasis on Training aspects)*

The mandate of individual projects within RMP are:

- (i) to respond to the needs of regulatory authorities' requests; and
- (ii) to ensure that appropriate safety operating standards are carried out on all vessels.

**Background**

The Regional Maritime Programme (RMP) in conjunction with regulatory authorities has identified several activities that could be implemented before the year 2002. The Regional Marine Training Adviser (RMTA) is currently funded by the New Zealand Government and the Regional Maritime Legal Adviser will be part of SPC's core funding as from the beginning of 1999. It should be noted that the RMTA's existing contract finishes at the end of 1999. It is hoped that both positions will be funded until the year 2002. We have been given assurances from the executive of SPC that it is their intention to give continuity to the programme. This is based on the assumption that management perceives there is a long-term need for a "Maritime Programme".

**Training and Certification**

Every Pacific Island Country (PIC) that wished to make a Submission to the Secretary General of the International Maritime Organization (IMO) should have done so before the 1<sup>st</sup> August 1998 deadline. However, many PICs do not have in place adequate regulations prescribing Quality Systems or means of auditing the processes and procedures. This will mean that PICs who come under this category, will need further assistance in this regard before either:

- (a) they are included in the White List; or
- (b) the expiry of the 1<sup>st</sup> February 2002 final deadline.

PICs may also be required to be externally audited within a year or more of their new procedures being implemented. The RMP will provide this assistance.

Comparison of South Pacific Maritime Code (SPMC) training Standards to 1995 STCW Standards

- Expand table of concordance with defined refresher programmes throughout the PICs training schools.
- Evaluate where and how training can be effectively carried out in the region and overseas. (Hopefully the EU consultancy that we may undertake in 1999 should assist)

Competence based training and assessment

- Mount training programmes for the region to develop skills in this area.
- Develop Class 3/Watchkeeper modules and implement the mounting of these as per regional demand and amend submissions accordingly.

Update incomplete Submissions that have been returned to PICs

Assist PICs in re-submitting their submissions as necessary.

**Assist in the development of Regional Maritime Rules and Guidelines**

- Sea Service equivalents
- Quality standards
- Examiners Guide
- Data Base guide
- Surveyors Instructions
- Regional Maritime Training Syllabuses

**Replacement of the South Pacific Maritime Code**

The SPMC was published in 1986 (just a Code - and not a law or regulation). It had no legal effect and was in fact a layman's guide to five international maritime conventions. Now, large portions of the SPMC are out of date, either superceded by the new STCW Regulations that most PICs have enacted in order to comply with the 1995 Amendments to the International Convention on Standards of Training, Certification of Watchkeeping for Seafarers (STCW-95) or the conventions that the Code purported to simplify have been significantly amended. Thus, the SPMC will have to be replaced. It was thought that the SPMC could be amended to incorporate the changes in the IMO conventions, but if portions of it can be replaced by national regulations promulgated under individual Shipping Acts, there is no need for a Code. A replacement SPMC would include:

- |                             |   |
|-----------------------------|---|
| SAFETY                      | SOLAS Convention vessels > 500 gross tonnage<br>Non-Convention sized vessels < 500 gross tonnage<br>Small Boats and Small Boat Licensing<br>Fishing Vessels |
| TRAINING &<br>CERTIFICATION | STCW Regulations<br>Rules for the Conduct of Examinations<br>Quality Standards<br>Small Boat Operator Certificate Curriculum                                |
| COLREGS                     | Regulations implementing the Convention on the International Regulations for Preventing Collision at Sea, 1972  |
| TONNAGE                     | Regulations implementing the International Convention on Tonnage Measurement of Ships 1969, as amended  |

LOAD LINES                      Regulations implementing the International Convention on Load Lines 1966

Regulations would also have to be developed to incorporate the new provisions of SOLAS to include the now mandatory **International Safety Management (ISM) Code** and the requirements stemming from the recently implemented **Global Maritime Distress and Safety System (GMDSS)**.

**Liability and Compensation for Oil Spills**

The two international maritime conventions dealing with compensation for marine pollution and liability for shipowners, the Civil Liability and Fund Conventions, were significantly amended in 1992, raising the maximum amounts of limitation and providing larger amounts for catastrophic oil spills where the damage exceeds the amount of the shipowner's liability. It is necessary that PICs that are Parties to the 1969 CLC and 1971 FUND Conventions become Contracting Parties to the 1992 CLC and FUND Conventions. Furthermore, the IMO Legal Committee 77<sup>th</sup> Session reviewed proposed alternatives for an international regime for liability and compensation for damage in the event of damage caused by oil from ships' bunkers. This might be a stand-alone convention or incorporated by protocol in an existing convention such as CLC. In any event, the Regional Maritime Programme (RMP) will provide advice and assistance on both the above issues. At the same time, training will have to be provided for Port State Control Officers in respect of marine pollution and compliance with MARPOL 73/78.

**Prevention of Marine Pollution**

MARPOL 73/78 is expected to be significantly amended in the near future. Specific issues dealt with at the 41<sup>st</sup> Session of the Marine Environment Protection Committee included:

- banning of toxic anti-fouling paint
- controls over air pollution from ships
- harmful aquatic organisms in ballast water
- adequacy of reception facilities.

**Oil Spill co-operation and response**

Furthermore, the OPRC Convention recommends that regional oil pollution and response co-operation plans be formulated. It is proposed that these activities be carried out in joint ventures between the RMP and SPREP. A recent meeting confirmed that SPREP will be requesting that the RMLA develop a regional generic version of a Pacific Island Prevention of Marine Pollution Act to be funded by IMO and CSPODP-II.

**Fishing Vessel Safety**

Recent tragedies and near-tragedies in our region involving the sinking of fishing vessels has highlighted the need to provide some regulatory regime in respect of fishing vessels. At the moment, fishing vessels are not covered by IMO conventions – the one convention that was attempted never received world wide approval – and local maritime administrations tend to shy away from establishing regulations in respect of fishing vessels or inspecting fishing vessels under existing regulations. In many PICs, there is

competition for jurisdiction between maritime departments and those agencies responsible for fisheries. As a result, there are no standards for the safety of fishing vessels and no standards for the training of fishing vessel crews.

### **Draft wreck removal convention**

IMO is reviewing a revised draft wreck removal convention that would deal with:

- reporting and locating of ships and wrecks
- determination of hazard
- rights and obligations to remove hazardous ships and wrecks
- financial liability for locating, marking and removing ships and wrecks
- jurisdiction
- financial security
- settlement of disputes

These issues are of the utmost importance to the Pacific Region and must be dealt with as soon as possible.

### **Port State Control**

To initiate further training for PSC inspectors and look at the possibility of a regional memorandum of understanding linked to the Tokyo Memorandum. This memorandum could be expanded to include foreign flagged fishing vessels that operate out of Pacific Island Countries ports.

### **To provide ongoing secretariat assistance to the Association of Pacific Islands Maritime Training Institutions and Maritime Authorities implementing STCW 95 and provisions/regulations for Non-Convention vessels**

The RMP has provided leadership, support and administrative assistance in launching and maintaining this Association. It is an important forum for Pacific Island countries to gain information on what the IMO requirements are, share experience with fellow officers from other countries, and seek assistance in the solution of any problems or difficulties in meeting the requirements of STCW 95 and provisions for Non-Convention vessels. The Association has had its third annual meeting and appears to be fulfilling its original mandate. Although country delegates are enthusiastic and supportive of the Association, because the office bearers are located in different countries it is necessary that a committed and energetic secretariat support the Association between meetings.

Provide delegates with information - on-going basis and arrange the meetings. This function will be necessary after the year 2002.

### **Pacpol Project Maritime Pollution Education in Maritime Training Institutions.**

Work with SPREP on the development of a maritime pollution education component, with teaching resources, for use by regional maritime training institutes.

**Develop a regional Cadet and Junior Officer crewing agency to enhance training opportunities for seafarers in the region.**

Work with the region in securing seagoing positions on vessels serving world wide in order for seafarers to obtain the necessary qualifying service required for senior classes of STCW certificates competency.

**Act as a Competent Person as designated for PICs who have acceded to the 1978 Convention**

**PICs may require the service of RMP to provide the external audits required by STCW 1995**

**Develop a Data Bank of marine examinations that give effect to STCW 1995 standards. This will be developed to include Non-Convention vessels (Fishing vessels)**

**Produce quarterly Maritime newsletter.**

RMTA Suva, October 1998

**FISHING VESSEL SAFETY AND  
OFFICERS & CREWS CERTIFICATION**

- Paper 1 - Introduction : Overview of the role of Regional Maritime Programme, Suva (*with special emphasis on training aspects*) and its anticipated work programme to the year 2002.
- Paper 2 - South Pacific Maritime Code : Phasing out of the South Pacific Maritime Code (SPMC) and its replacement with a generic set of regulation and standards/rules for merchant and fishing vessels.
- Paper 3 - Officers and crews certification : Certification of officers and crews on fishing vessels and merchant ships.
- Paper 4 - SPC Modular Courses : Modular course development for region that incorporates training for merchant navy crews and fishing vessel crews.