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**Keynote Address**

**by**

**Mr. Milhar Fuazudeen**

**Head, Maritime Training and Human Element Section**

**Maritime Safety Division, IMO**

Prof. Dr. Thomas Pawlik,

Dr. Meyer-Meisner,

Excellency’s, Ladies and Gentlemen,

On behalf of the Secretary-General of IMO, Mr. Koji Sekimizu, who is unable to be here due to other commitments, let me thank you for providing me the opportunity to make this presentation today at this seventh Shipping Congress conducted again here in Bremen with a focus on Colleague-Engagement. This Congress has now become a regular event, thanks to the excellent organization by the Hochschule Bremen and its many important sponsors. It is a particular pleasure for me to come to Bremen, a regular (and pleasant) port of call during my career as a seafarer.

The theme of my keynote address is***: “When is a Captain allowed to leave his ship - a Code of Honour for the maritime industry***”, which is an interesting, quite complex and challenging topic. A couple of contrasting examples might help putting this theme into context.

A century ago, Edward John Smith was the Captain in charge of the ‘RMS Titanic’ carrying 2,224 passengers and crew, when it struck an iceberg **in the North Atlantic** during her maiden voyage from Southampton to New York City. By all accounts, he supposedly was still on the bridge when this ship with advanced safety features such as watertight compartments and remotely activated watertight doors, sank a few hours later, with the loss of 1502 lives. By all accounts, Captain Smith did the right thing - there's even a statue to his legacy in Lichfield, England.

Hundred years later, just three months before the centenary of the sinking of the Titanic on 15 April 1912, on Friday, 13 January 2012, the passenger ship Costa Concordia with 4,252 people from all over the world on board, was on the first leg of a cruise around the Mediterranean Sea starting from Civitavecchia in Lazio when it ran aground near the island of Giglio, Italy and capsized with the loss of 32 lives. These are two very different stories that however, have a lot in common and against the background of which the subject of this address becomes very relevant.

But there will be no statue for the Captain Schettino of the cruise ship ‘Costa Concordia’, who apparently left the ship while hundreds of passengers had still to be evacuated. Thirty two people - twelve Germans, seven Italians, six French, two Americans, two Peruvian crew members, a Hungarian, a Spaniard and an Indian – went down with her, **within touching distance of the island**.

The captain of Costa Concordia has been accused of having committed one of the single lowest act of cowardice at sea and has been the subject of ridicule for abandoning the ship so speedily, while the captain of the Titanic is part of maritime folklore - history may or may not judge this differently. What if the captain of Costa Concordia was right in his decision to abandon the Concordia, and the captain of the Titanic wrong to give his life up on the Titanic? History and hindsight might lead a conclusion one way or the other.

Within hours of the incident, various allegations of misconduct by the captain of Costa Concordia were being published across the media. Criminal allegations were brought against him shortly after his arrival ashore. He has been accused of suspected manslaughter, causing a shipwreck and abandoning the vessel. A casualty investigation by Italian authorities is still in progress.

The accusation of abandoning the vessel though is of most interest and relevance to this Congress as it is the key difference between the captain of Costa Concordia and his counterpart of a century ago. Radio transcripts of the exchanges between the captain of Costa Concordia and the Italian Coastguard are deemed to reveal that the captain apparently disembarked from the vessel long before all of the passengers had been rescued and subsequently refused direct orders to return to the vessel.

One of the issues that could arise in the course of the investigation will be a captain's obligations. There is no, and has never been, any universal requirement in any Convention or Code that a captain is expected to go down with the ship, or even be the last to leave the vessel. With many victims of such disasters being rescued hours after a ship sinks or not being accounted for at all, that sort of requirement would often mean the captain would meet the same fate as the captain of the Titanic, while his services might indeed be seen to be more useful, if not essential, elsewhere in the aftermath of the accident.

In 1914, the international community responded to the sinking of the Titanic and other maritime disasters by developing the International Convention for the Safety of Life at Sea (SOLAS) to address and regulate maritime safety in all its aspects. The main objective of the SOLAS Convention was to set out the standards for the way ships are built and operated. As a result of the SOLAS Convention, every ship is required to comply with the International Safety Management Code (ISM Code).

The ISM Code states, *inter alia,* that the Company should define and document the responsibility, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention. Furthermore, it also requires that the Company should clearly define and document, among others, the master’s responsibility with regard to issuing appropriate orders and instructions in a clear and simple manner.

The ISM Code specifies that the ship's owners or operators must clearly define and document the Master's responsibility with regard to safety, within an overarching Company safety management system. It will invariably contain a statement that the Master has the overriding authority and responsibility to make decisions with respect to safety, security and pollution prevention - an unequivocal statement of the Master's authority on board the ship, as also stipulated in SOLAS regulation V/34-1.

The cornerstone of good safety management is commitment from the top. In matters of safety and pollution prevention it is the commitment, competence, attitudes and motivation of individuals at all levels that determines the end result. Therefore, although the master has the ultimate authority on board the ship, the company responsible for the ship plays a significant role in setting standards related to a Master's obligations and authority.

As a matter of common sense and good seamanship, it could be logical to expect the captain, who under the ISM Code and the ship's safety management system will be responsible for issuing an order to abandon ship and overseeing her evacuation, would remain on board the vessel while doing so. That, however, is based on an assumption that the captain, through professional pride and good governance, is best placed to fulfil his or her obligations by being on the ship. Could a captain possibly be of more use elsewhere rather than on the ship?

National laws - those of the flag State, as well as those of the country in the territorial waters of which the accident took place (port State) - are as important as international rules. The master is bound by all relevant and applicable national and international laws. That being the case, the captain of Costa Concordia was bound to observe the laws of the flag State and port State, both of which were that of Italy in this instance.

Italy has specifically criminalised the act of abandoning ship by a captain before an evacuation is complete. It is not a common criminal provision but in this case it explains why the charge has been brought against captain of Coast Concordia as he has allegedly breached a legal obligation under Italian law. If fatalities occur, as in the case of the Costa Concordia, the penalty could be a lengthy prison sentence.

The moral obligation, however, is no less important. Some might even argue that the legal obligation is irrelevant. The captain leads of the chain of command on board, and without the captain on board there is no direct command contact with those outside the vessel co-ordinating a rescue. The investigation into the Costa Concordia disaster could perhaps provide more details or shed more light on this issue.

It is an almost universally accepted norm that the Master of a ship remains with the ship as long as possible, which is the traditional position and remains so to this date. Indeed, several crew members of the Costa Concordia did remain on board because it was important to their duty and self-respect, part of the sailor's traditional code of honour – good seamanship.

This is, however, not an obligation that is enforced by any international law. Although provisions may be set out in local laws such as those of Italy that criminalise the act of a captain leaving a ship before the passengers and crew are accounted for, in principle the captain is not legally required to go down with the ship. But the legal position may not be the most relevant and debatable one.

Meanwhile, the Secretary-General has stressed that the international nature of the accident with respect to passengers and crew — with some 70 nationalities involved in the Costa Concordia incident — highlighted the need for an international response, through IMO, to take the appropriate and necessary action in evaluating, developing, and implementing any provisions that might be recommended and needed, following consideration of the outcome of the casualty investigation and any other relevant information.

The Maritime Safety Committee, in May last year, called for a clear timetable to consider the need for improvement or modification to the international regulations, based on the outcome of the casualty investigation. In this context, the Secretary-General highlighted that the key issue for the credibility of the Organization would be the speedy conduct of the casualty investigation by the flag State authority and submission to the Organization of any findings, so that the committee could take the necessary action as soon as possible.

However, more than a year later, the shipping community still awaits the official casualty investigation report into the vessel’s grounding and capsizing. Notwithstanding the lack of an official investigation report, the Secretary-General called for IMO to take action now, based on discussions and decisions at the two Committee meetings in May and November last year, and on information provided by Italy so far.

The Secretary-General stipulated in particular that what was required now was to develop operational and management measures robust enough to prevent recurrence of the type of navigation the international community witnessed which resulted in the fatal grounding of the ship. He made it clear that “not to make progress on the pressing issues, simply because of the lack of the official investigation report, would seriously damage the credibility and authority of the organization.”

The Maritime Safety Committee, meanwhile, has echoed the need for the proposed operational review, bearing also in mind the immediate response of the Cruise Lines International Association which initiated a global cruise industry operational safety reviewto inspect the cruise industry’s safety practices. First, it pushed for the need for newly embarked passengers to be put through muster immediately, instead of “within 24 hours”, as the current regulations require for ships whose passengers will remain on board for more than 24 hours.

The draft amendments will now be circulated for consideration, with a view to being adopted at the next session in June 2013, and could enter into force at the end of 2014. The Committee also agreed a revised circular on recommended operational measures, before adopting any mandatory measures that may come out of the official marine accident investigation report into the loss of Costa Concordia. These measures include: additional guidance on common elements to be included in passenger muster and emergency instructions; recommending that the nationality of each person on board is recorded; guidance on lifeboat loading for training purposes; and for companies owning and/or operating passenger ships and the ship’s master to ensure that changes to the voyage plan are consistent with company policies.

This followed a series recommendations approved in May 2012 for voluntary measures, including carrying additional lifejackets to be readily accessible in public spaces — at the muster/assembly stations, on deck or in lifeboats — so that in an emergency, passengers need not return to their cabins to retrieve their own lifejackets.

The Committee further intends to review the way that emergency instructions are communicated on board passenger ships. It also recommended that access to the bridge should be limited to those with operational or related functions during periods of restricted manoeuvring, or while manoeuvring in conditions that the master or company bridge procedures and policy deem to require increased vigilance.

Finally, the Committee called for the ship’s voyage plan to take into account the IMO’s guidelines and, if appropriate, guidelines on voyage planning for passenger ships operating in remote areas.

The action plan for long-term work on passenger ship safety, agreed at the last session, was updated to include additional items on the review of SOLAS regulation III/27, to add the nationality of all persons on board. The current regulations require a count of all passengers, their names and gender, distinguishing between adults, children and infants and including details of any special assistance that a particular passenger might need, for search and rescue purposes.

While the review process is progressed by the Committee, the Paris Memorandum of Understanding on port State control is organizing a 12 months harmonized verification programme on operational controls on passenger ships. Port State control officers will witness an operational control comprising a standard emergency scenario that will include a simulated machinery space fire, a passenger evacuation and muster drill and an abandon ship drill in which lifeboats will be lowered into the water and taken away under power. The results of the campaign will be analysed and the findings submitted to the IMO for consideration.

As can be seen from the aforementioned, the current review is mostly focussing on operational and procedural issues, and it is in this context that the theme of this keynote address may be of relevance.

The question arises, whether there should be such a thing as a ‘Code of Honour’ to be applicable in such distress situations. Would it help and make a difference? Would the captain of the Costa Concordia have acted any differently if such a Code existed, or would he not? Did the captain of Titanic abide by a Code or did he act through professional pride? It is probably more a question of leadership and leadership training at an early stage in the seafarer’s career. Leadership training has been incorporated in the mandatory part of the STCW Code pursuant to the adoption of the Manila Amendments STCW Convention and Code in 2010. It is the responsibility of all to change the leadership culture of seafarers - they are required even as a rating to display such leadership already– e.g. as lifeboat man or fire fighter – definitely as an officer, but most certainly as master of a ship. This has to be part of the training, as it was done, and probably still is, being done here at the Hochschule Bremen and in many, if not most, other training institutions around the world. Notwithstanding any training provided, it falls on the aptitude and competence of a seafarer not only to develop leadership skills but to effectively display them when required. Leadership training is now part of the competence to be acquired for certification of competency pursuant to the STCW Convention. Leadership training is imparted to our future seafarers from the beginning of their seagoing career and up to certification as masters and chief engineers.

The potential development of a Code of Honour or associated guidance may indeed make sense. This could form part of a wider package whereby seafarers respect appropriate procedures put in place by a shipping company which does not expect or allow the master to engage in navigating and commanding the ship in a way which might endanger her safety at any time. The company should meanwhile ensure that captains receive the necessary familiarization and leadership training before being given command of a ship.

Perhaps the time has come to look through the ISM Code, to focus attention on developing some performance indicators related to, for example, on board decision support systems, ship-to-shore communications, search and rescue plans, records of crew training, supply of emergency power, operation of watertight doors and other relevant operating procedures.

Distinguished delegates, ladies and gentlemen,

In concluding, I would ask you all to take the opportunity of this Congress and in particular workshop 1, to consider the pros and cons and the challenges of the topic of my address, and develop some proposals which could be further considered in an international arena such as IMO.

Before closing, please let me thank the Government of Bremen and, in particular, the Hochschule Bremen for organizing this event, and giving me the opportunity to speak to you on this challenging topic, and to extend my thanks to all the sponsors of the event for their support. I wish everyone a successful seventh Shipping Congress of Bremen.

Thank you.

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