



IMO has a clear mandate under the UN Convention by which it was established and under the Conventions that have been adopted under its auspices to abide by the wishes of its members states who often seek consensus on various requirements/standards. The role of the Organisation is acknowledged in the United Nations Convention on the Law of the Sea, 1982. On this basis MET providers should accept the IMO's role and the MET standards developed under the STCW but also work to go beyond the current standards and seek excellence.

Professor Ziarati initiated a discussion and commented on other discussion topics related to Maritime Education and Training (MET) in LinkedIn and many people from the maritime community made valuable contributions. The contributions were considered valuable and on that basis a panel was formed by MarEdu (www.maredu.co.uk) to discuss the importance of raising MET standards and take into consideration contributions made by group members of the MET Network. The following is a report written as a development paper for publication in MariFuture Platform. A notice will be posted in the LinkedIn so that those who made contributions to the discussions on Maritime English as well as any new comment could be taken into consideration when developing the full paper for publication in a refereed conference or a maritime journal.

Introduction

It's often argued that the IMO's only option is to abide by the wishes of its member states, who often want minimum standards. The suggestion is that MET providers should accept these minimum standards but still seek excellence. Most political bodies like the IMO are only as relevant as their members allow them to be, presidents, Secretary Generals, CEOs - you name it! The people allow or elect "representatives" who must address the concerns of all, from the lowest common denominator to the highest. So the question: Is IMO only there for its member states' needs? Or is it there to improve standards?

It's noted that the issuing of process of CoC (Certificate of Competencies) differs from one country to another, although, they may all comply with the amended STCW Code. However, it is a major issue that countries do not recognize or accept CoC's issued outside their jurisdiction. So, why can't we undertake maritime training in our own countries and allow the IMO to issue one international CoC for all its member states? They can start with those countries on the so called "white list". For instance, a Pacific islander with a UK deck officer's CoC will find it easy to get a job on-board ship, whereas a seafarer with a Fijian or Papua New Guinea CoC may face some difficulty.

Problems in IMO affecting safety of seas

This might seem a controversial way to start but it is important to clearly identify the role of the IMO. The IMO is a specialised agency of the UN responsible for regulating safety of navigation, maritime security, as well as protecting the marine environment. Why is the IMO so important?

Some people today question the relevance of the IMO, as they claim that the IMO is steered by the wishes of its member state. The question is "*are these state representatives speaking on behalf of their countries' seafarers or businesses?*" It is a trend that those who argue for minimum standards are arguing on behalf of business interests looking for lower costs, rather than seeking higher and more costly standards which protect more effectively the safety of seafarers. The debate of minimum vs.



higher standards is ongoing in the IMO among/between its member states, and the various business and workers' rights groups. Who know what the end result will be?

Many delegates representing their countries at the IMO have never been to sea themselves, and if they have, they do may not have any commercial shipping experience, and hence may not have the needed experience to determine what seafarers' competencies should be, or how MET institutions can improve the training of future seafarers who will be responsible for the safety of navigation/marine engineering, cargo handling and protection of marine environment and so forth.

Some argue that even if the best MET was available as part of IMO regulations, accidents could and would still take place due to the Human factors. It is suggested that MET institutions should work together to find the best global model for training and educating seafarers. For instance, a "Hands On" approach to training is one of the best learning methods, and on-board training is the most important part of any MET system. Therefore, perhaps MET courses should be designed accordingly. However, could more complicated regulations for MET bring about more standardised and high quality MET programmes, or would they lead to more confusion and national differences? And could high standards for MET as regulated by IMO, accommodate all shipping company needs?

Perhaps, standards related to MET programmes should not be drafted and finalised by a "group or committee" but rather to be opened to public, at least open to all maritime nations. Fairness in transparency should come from the heart without monopolising and should not just be depended on a group who appears to be out-dated, when looking forward to bringing the advance along-with prevailing surge of scientific developments. We do need to learn from practical engineers and navigating officers and not just relying on one particularly group of people. Seas/Oceans are accepted to be dangerous and those who work at sea are innocent and hard-working, they should not be put at any on necessary risk if the risk can be assessed and reduced! It should be everyone's duty to view seafarers' welfare ensuring they are safe and sound and that the seas are protected against pollution and mis-use. We should let those who spend most time out at sea to keep the WORLD TRADE active at all times.

Why one COC issued in one country is not accepted by other

The IMO is promoting minimum standards and claiming that this is the wish of its member states; yet those same member states do not recognise each others' CoC or related certificates such as fire fighting. The IMO does not monitor standards, it legislates. But interestingly, despite the power of legislation, it has not given itself the authority to dictate that member states accept each other's certificates. EMSA (The European Maritime Safety Agency) monitors adherence to the minimum standards set by the IMO (STCW) however, EMSA, also have not promoted the concept of mutual recognition of certification in Europe, even among those states with a good record of compliance with IMO STCW. One proposal to solve the issue of mutual recognition of certificates is that the training and evaluation of seafarers is carried out in the seafarers' own jurisdiction, but that the IMO itself grant the COCs.

Perhaps, what we have to understand is that the IMO is not a sovereign Government. It cannot enforce legislation on its member states. It is up to Member States to enact the IMO legislation themselves. The IMO is an international organisation, or more precisely an UN agency. It is on the floor of the IMO that the Member States meet and adopt conventions, yet it is for individual State to implement.



A State may have higher standards than the minimums required by the IMO, but despite being Party to a Convention it cannot enforce these standards on visiting foreign ships. Therefore the quality of certification will depend on good training and fair assessment in the individual member state, not by IMO regulations. We often talk about mutual recognition. This is may be wrong; perhaps it is best to recognise that if a State that does not have training and certification systems, it will have to recognize good quality certificates from other member states in order for seafarers to operate on ships under its flag. This is one-sided recognition and may be a practical first step on the road to international “mutual recognition”.

While the IMO as an entity cannot implement or enforce legislation, it is through the IMO member states, implementing and enforcing the conventions that changes are made in member states local laws and regulations. The end goal of CoC mutual recognition is valid but the truth is that in order to achieve it we have to look at where we are coming from, where we are at the moment and where we want to go. The work of EMSA on a global stage is one tool to ensure that the standardised minimum standards are maintained and it is hoped that in a few years when VIMSAS (the Voluntary IMO Member State Audit) is implemented then a more level playing field will be established between the IMO Member States. The ultimate responsibility rests with each member state to ensure that seafarers are provided with the requisite skills sets, training providers and competent examiners to comply with the STCW Convention which may eventually lead to mutual recognition of COCs.

Some argue that the IMO is neither a sovereign government nor an international body, but a regional organization; and that as a regional organisation it should look to cooperate with other regions. For example the training and certification system for merchant marine officers in, Australia and India are claimed to be fantastic. Perhaps the IMO could look at creating procedures that allow them, and their member states to share the good practices and exchange information and know-how which would lead to improved systems for all involved.

It is true that the IMO is mandated to establish International standards, and therefore we should not expect IMO to make policy. That is the domain of individual member countries. The IMO provided the STCW 2010, and it is for member countries to implement it, both to the letter and in spirit of the law. If any member country is flouting the STCW 2010 norms, no one can stop them from doing so. And so, in its current form the IMO cannot legislate that member countries accept each there COCs, and if certain member courtiers are not implementing the full STCW 2010 norms then other member countries are justified in not accepting COCs from those particular member countries. Evidence has even been found of certain IMO member countries advertising their COCs, which comply with STCW 2010 norms, in other member countries but only issuing them at certain price. In these cases, the "target" countries have no option but to blacklist such COCs.

Some argue that in almost every casualty investigation, the Master and officers held an endorsement certificate of competency issued by the Flag country of the vessel on which they were serving, on the basis of the CoC issued by the seafarers' home country! The overwhelming majority of vessels trading internationally will have some officers holding a CoC issued by the Flag country of that vessel, issued because they recognise the validity of the CoC issued by another State. For some, there is no need for the IMO to claim a Convention reflects the wishes of its member states since it is the member states that vote on the conventions and so the issue is self-evident. It is individual shipping companies and not the member states that refuse a particular countries' COCs as per company policy. This could possibly be under pressure from their flag country to safeguard jobs for their own seafarers, or it may be to safeguard their business against COCs issued by smaller flag states flouting the IMO requirements as per STCW 2010.



It has been argued that any country should have the right to question an entity which crosses its maritime boundaries with regards to safety and other environmental concerns. Would it be safe to have a super tanker to come into a country's economic zones manned by sub-standard officers? Even the "International driving licence" issued by one country is not recognised by other countries and if they are accepted, often they have a shelf life of only 1 year. The examination systems across flag states vary widely from multiple choice questions to essay type and comprehensive examination often followed by a viva voce.

There is also the problem of fraudulent practices. To avoid such practices it is necessary to internationalise the process of issuing COCs. Since shipping is an international business therefore only the IMO should be entrusted with the assessment and issuing of the COCs. It is possible to design an online assessment system. Maybe the classification societies could be entrusted with part of the work involved in the process of issuing COCs. The training could be entrusted to the individual Administrations with the help from private institutes and approvals given by the Classification Societies. The COCs could be validated at the website by a click of the mouse. Any country which has safety/environmental concerns should hold/conduct additional online examinations (like TOEFL, SAT, IELTS, MarTEL) for any willing seafarer to prove his competence and work in their Maritime region. International bodies like ICS, ISF, and INTERTANKO could take lead in this field. It can be a simple win-win solution for all!

The IMO has issued guidance to facilitate how one country could recognise certificates from other countries (See GUIDANCE ON ARRANGEMENTS BETWEEN PARTIES TO ALLOW FOR RECOGNITION OF CERTIFICATES UNDER STCW REGULATION I/10). Some insist that the IMO should focus more on facilitating better ways to combat fraudulent certificates. In a Sub-Committee on STW (Standard of Watchkeeping), one of the items on the agenda is "Unlawful practices associated with certificates of competency". Normally, this agenda item only considers a report made by IMO secretariat on a 'list' of fraudulent certificates issued by member states. The IMO should find a way to eliminate those unlawful practices all together, rather than just monitoring them. In the past, efforts have been made to make the certificate "on-line". However the problems with this solution have grown, largely due to the problem of hackers being able to hack the proposed COC awarding website and issuing fraudulent COCs.

It is relatively simple for a 'good hacker' not only to 'issue' the CoC, but also to log on to the issuing organisations and place a copy of the fraudulent documentation in their database, which then, upon query, appear to be the genuine article! That way they can issue as many fraudulent COCs as they like without having to hack into the issuing organisations database every time. Also, what happens if the issuing organisations themselves issue the certificates without training/assessing the seafarers adequately? Could using a 'bar-code' on the physical certificates be a solution?

It has been suggested that the IMO devise a procedure to check on such malpractices and disqualify such member countries from IMO membership. In order to implement such a suggestion there first needs to be standards and conditions set for any country to qualify for the membership of IMO. This would be a matter for discussions in the Maritime Safety Committee, but they believe this problem could be eliminated by strict State Port Controls. If the Inspector comes across fraudulent certificates then the following actions are suggested:



1. The ship can be considered NOT manned by duly qualified officers, and be detained until it is properly manned. This would be a lesson to any ship-owner who encourages these practices.
2. The officers concerned can be charged for committing a criminal offence (fraud) and jailed.
3. The Flag State of the vessel is informed so that they can take action against the company.
4. The administration of the seafarers' country is informed so that they can take action against the seafarer when they return home. They can also cancel the license of the RPS agency.

For instance, in the early '90s in Florida (USA), in order to graduate, one had to take an exit exam called CLEP (College Level Examination Program). The idea was that you could not graduate unless you proved mastery in five subject areas including English and English Composition. The test is still used in some places today. Many administrators thought it was a fantastic way to ensure those who have not mastered the material did not get their diploma and graduate with a COC (Certificate of Competency); the trouble is, that the system prevented individuals from getting a diploma and graduating whom the administrators had not expected. Perhaps, some Global Maritime Examination (GME) or equivalent that all would agree is a way to go forward.

The MariFuture Approach

There are good practices in every country; and we should identify these and learn from them. The IMO is doing what it can and EMSA is ensuring that the minimum standards (STCW) are enforced in EU member states and those countries visiting its ports. The main issues are inconsistencies and deficiencies in the IMO standards - see MariFuture's February and March 2013 Development papers (www.marifuture.org). It is true that MariFuture is a European Platform but shipping issues are global. We have visited some 20 countries in recent years including China and India, Indeed we are sending some 10 students to China. Two of the drivers coordinating the work of MariFuture's MET development are a Captain educated and trained in India, and an officer educated and trained in Turkey, both based at C4FF (www.c4ff.co.uk) and both with MCA qualifications. The intention is to widen the merit of MariFuture and include other partners/members who can demonstrate innovation in MET. MariFuture is inviting any project group/MET provider who/which is of the view that they have a good practice to tell us about and we will make sure that they are given a platform to promote their good practice and work with us at the grass-root level to improve the quality of MET. It is worth mentioning that the weakness of MET is in the assessment methods (see MariFuture Development Papers, February and March 2013, for instance). We have to encourage the IMO member states to work together and improve the CoC examination arrangements and at the same time promote the higher level of standards as set by projects such as UniMET (www.unimet.pro).

One way of solving this problem is to raise standards above the current minimum set by the IMO but ensuring that the minimum standards (STCW) requirements form the core of any revised standard. In a project recently funded by the EU, UniMET (www.unimet.pro), an attempt is being made to streamline standards, helping countries to accept each others' CoC and other auxiliary/safety/good practice certificates such as fire fighting, BRM (Bridge Resource Management) and so forth. The problem of recognition of certificates in smaller vessels and yacht sector is even more acute (for more information see the attempts being made to get three EU member states, UK, Germany and Spain, accepting each other's certificates in these sectors at www.trecvet.eu).

MariFuture, while being a European platform has no intention of excluding countries outside Europe; so if you have been involved in developing/implementing a good practice you can join us, irrespective of where you are on the globe. We have reviewed the IMO STCW and have identified its



Development Paper

inconsistencies and its deficiencies - see MariFuture online e-learning platforms at www.marifuture.org. Review our publications especially our Development Papers. All our products are free of charge. Our intention is not to seek financial gains but to make the seas safer. One major finding of our work is that the assessment system, leading to CoC, in many countries is in need of review, and in some cases serious review. For this reason we are supportive of any form of external monitoring by professional institutions (especially those advocating peer assessment/accreditation) or agencies such as EMSA.

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