

MARITIME SAFETY COMMITTEE
91st session
Agenda item 21

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ANY OTHER BUSINESS

Concerns regarding non-compliance with resolution A.949(23), *Guidelines on places of refuge for ships in need of assistance* and resolution A.987(24), *Guidelines on fair treatment of seafarers in the event of a maritime accident*

Submitted by the International Chamber of Shipping (ICS), BIMCO, INTERCARGO, the International Parcel Tankers Association (IPTA) and INTERTANKO

SUMMARY

<i>Executive summary:</i>	This document provides comment on the M/T Stolt Valor incident and MEPC 64/INF.30 by the Regional Organization for the Protection of the Marine Environment (ROPME)/Marine Emergency Mutual Aid Centre (MEMAC) that reported on this incident. Concern is expressed regarding the lack of adherence to the Organization's Guidelines and the suggestions therein for actions to be taken.
<i>Strategic direction:</i>	7.0
<i>High-level action:</i>	7.2.1, 7.2.3
<i>Planned output:</i>	7.2.1.2, 2.0.1.19
<i>Action to be taken:</i>	Paragraph 12
<i>Related documents:</i>	MEPC 64/INF.30; resolutions A.1038(27), A.949(23), A.849(20) and A.987(24)

Background

1 The co-sponsors refer to MEPC 64/INF.30 in which the Regional Organization for the Protection of the Marine Environment (ROPME)/Marine Emergency Mutual Aid Centre (MEMAC) reported on an explosion and fire aboard the M/T **Stolt Valor** during which a fatality occurred. The incident occurred 40 nm from Ras Abu Ali, Kingdom of Saudi Arabia, on 15 March 2012.

2 It is recognized that MEPC 64/INF.30 was not submitted to the Maritime Safety Committee (MSC), but since this Committee also has purview over places of refuge for ships and the fair treatment of seafarers, the co-sponsors are of the view that the matter should also be considered by the MSC.

3 It is understood that repeated requests to the coastal States represented by ROPME for the casualty to be granted access to a Place of refuge (POR) were denied and formal permission to access a POR was not granted until 25 June 2012 with the ship reaching the Arab shipbuilding and repairing yard (ASRY) in Bahrain three days later. A period of over 100 days elapsed from the initial incident to reaching the POR. Industry associations are deeply concerned at this excessive response time and question the apparent failure to fully apply the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949(23)).

4 The co-sponsors express concern that regional and international arrest warrants are reported to have been sought for the Master and Chief Engineer of the M/T **Stolt Valor** and that this action indicates a failure to apply IMO/ILO Guidelines.

Comment

5 Had a place of refuge been more quickly provided, the removal of the remaining cargo and bunkers could have been carried out much more quickly, in greater safety and with less risk to the environment. In the circumstances, the salvors were forced to conduct these hazardous operations in the open sea where waves of up to 6 m were experienced causing inevitable delays. During this period, the ship and those seeking to save the remaining cargo and bunkers from causing pollution were harassed and threatened by some regional military forces. Despite experiencing these difficult conditions, during the entire incident no fuel oil was spilled from the vessel. This is testament to the planning and hard work of the owners, local and international salvors, as well as Saudi Aramco who retained control of the operation at all times. Expert assessment advises that the cargo burn rate was sufficient to account for all cargo lost from the ship's tanks.

6 The co-sponsors understand that regional and international arrest warrants have been sought for the Master and Chief Engineer of the M/T **Stolt Valor**. Pertinent information has been made freely available to those concerned and alternative arrangements to interview the Master and Chief Engineer in a neutral jurisdiction, at the owner's expense, have been offered and declined. It therefore appears completely unjustifiable that arrest warrants should be issued.

7 It is not apparent what charges are associated with the above-requested arrest warrants. Further concern is expressed that the future international employment opportunities of the particular officers will be threatened by warrants that do not appear to be based on any particular charge or breach of international law.

8 The co-sponsors express serious concern at this unwarranted criminalization of the Ship's Officers contrary to accepted international best practice as endorsed by the Organization. It is clear that the crew's decision to abandon ship was the correct one; there could certainly have been further loss of life from a subsequent larger explosion that occurred shortly after the evacuation had been completed. There was no need for the crew to remain in Bahrain to assist with the salvage operation as salvors had all of the required information and the immediate need was to fight the fire.

9 It is noted that resolution A.1038(27) – *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium* – includes the **Strategic Direction 7.2, Developing and facilitating the implementation of effective measures for mitigating and responding to the impact on the environment caused by shipping incidents and operational pollution from ships**. This item includes the following **High-level Actions (HLAs)**:

7.2.1 *Keep under review the Guidelines on the identification of places of refuge.*

7.2.2 *Keep under review the adequacy of the legal framework.*

7.2.3 *Foster cooperation and mutual assistance between Member States under the provisions of the OPRC Convention and OPRC-HNS Protocol.*

It is suggested that the concern expressed in regard to the M/T **Stolt Valor** incident is particularly relevant to further anticipated consideration of these HLAs by the Organization.

Proposal

10 The Committee is urged to consider what additional measures may be appropriate and to stress the need for all States to apply the following IMO and IMO/ILO instruments:

- .1 *Code for the investigation of marine casualties and incidents (resolution A.849(20));*
- .2 *Guidelines on places of refuge for ships in need of assistance (resolution A.949(23)); and*
- .3 *the ILO/IMO Guidelines on fair treatment of seafarers in the event of a maritime accident (resolution A.987(24)).*

11 Furthermore, the Committee is urged to consider what further action may be appropriately taken in regard to resolution A.1038(27), *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, and the commitments therein.

Action requested of the Committee

12 The Committee is invited to consider the proposal above and to take action as appropriate.
