

## **TWO YEARS AFTER THE IMPLEMENTATION OF STCW '95**

**BY**

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In June 1995, Parties to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), adopted amendments to the Convention that were designed to raise the level of competence of seafarers.

These amendments, known as the STCW '95 amendments entered into force on 1 July 2002. The Convention has now inherited the title STCW '95. The correct title being STCW '78 as amended by the 1995 conference. For this paper, I shall refer to it as STCW '95.

South Africa as a party to the STCW '78 Convention adopted the amendments to stay in line with international requirements and more importantly, to ensure that South African qualified seafarers meet international standards. This ensured their continued employment on foreign flagged ships.

STCW '95's major objective is to level the playing fields by introducing uniform levels of competency and by requiring Parties to demonstrate that they are giving complete and full effect to the Convention. Each party has to supply details on how they are going to achieve compliance to a panel of five competent persons. The competent persons are appointed by the Secretary-General of the IMO from a list of names submitted by respective member Governments.

The report to the panel of competent persons on an assessment of a Party's submission is, after consideration by the Secretary-General of the IMO, delivered for final consideration and confirmation to the Maritime Safety Committee of the IMO. On the acceptance of the report, the Party's confirmation is published in an internationally recognized "White List".

At the seventy-sixth session of the Maritime Safety Committee in December 2002, the names of Bahrain, the United Arab Emirates and Vanuatu were added to the list of 106 confirmed parties. There are 144 Parties to the Convention and currently the "White List", (MSC/Circ. 1066) lists 109 Parties as giving full and complete effect to the Convention.

Further confirmation that a Party is giving complete and full effect to the Convention is required by the submission of a quality standards evaluation undertaken in accordance with the requirements of the STCW Code. The evaluation has to be completed by qualified persons who are not themselves involved in the activities of the Administration. These evaluations have to be done every five years and the first report is due 1 February 2004.

### STCW'95 Amendments:

|  |                  |
|--|------------------|
| Were adopted                             | 7 July 1995;     |
| Were accepted                            | 1 August 1996;   |
| Entered into force                       | 1 February 1997; |
| Noted as giving full and complete effect | 1 February 2002. |

Where do we stand in South Africa?

- 1) South Africa has amended legislation implementing the STCW'95 amendments. The amended legislation is:
  - The Merchant Shipping (Training and Certification) Regulations, 1999;
  - The Merchant Shipping (Safe Manning) Regulations, 1999; and
  - The Code for South African Maritime Qualifications.
- 2) South Africa is on the "White List" (MSC 73. December 2002)
- 3) SAMSA is introducing an ISO quality assurance programme within its organization, and a section of the programme will cover seafarer's competence processes.
- 4) Under the STCW '95 amendments SAMSA has issued the following STCW '95 Certificates.

|                     | <u>On Examination</u> | <u>On Revalidation</u> |
|---------------------|-----------------------|------------------------|
| Deck Officers       | 224                   | 336                    |
| Engineer Officers   | 122                   | 407                    |
| Deck Ratings        | 255                   | 268                    |
| Engine Room Ratings | 101                   | 71                     |
| Total               | 702                   | 1082                   |

*(Figures for 1/12/1999 to 31/1/2003)*

There is discord in the industry that the "White List" is window dressing and that some Parties on the list should never have got there. I suspect that the discord is based on perceptions. Be that as it may, and I am not going to comment on the above, there is a second more exacting requirement in the STCW '95 that could (and should) discourage Parties from not giving complete and full effect to the Convention.

That is the requirement of regulation I/10 of STCW '95 dealing with the "Recognition of Certificates". If South Africa wishes to endorse the certificates issued by the United Kingdom for use on South African ships, it has to put into place an undertaking with the UK Government. This requires, the UK Government, to promptly notify South Africa of any changes they have made in the training and certification of UK seafarers. This undertaking is agreed to after South Africa has confirmed, through all necessary measures, which may include inspection of facilities and procedures, that the United Kingdom is giving full and complete effect to STCW '95.

The same applies in reverse if the United Kingdom wishes to recognize South African certificates for use on its flagged ships.

The following is a list of undertakings agreed to by South Africa:

- 1) Australia
- 2) Bahamas
- 3) Barbados
- 4) Dominica
- 5) Hong Kong
- 6) Isle of Man
- 7) Liberia
- 8) Marshal Islands

- 9) Netherlands
  - 10) Singapore
  - 11) United Kingdom
  - 12) Vanuatu
- (valid 31/1/2003)

In the case of Australia, Hong Kong and the United Kingdom, the recognition flows both ways. SAMSA has conducted inspections in Australia and the United Kingdom and they have conducted inspections here in South Africa. Hong Kong was the first Party to inspect South Africa's facilities and procedures. In the case of Liberia, and the other Parties listed above, it is only for Liberia to recognize South African certificates for use on Liberian flagged ships.

Responsible Governments are not obliged to recognize a foreign certificate by the mere fact that it is on the "White List". They are going to carry out an inspection and this will no doubt play a role in the enhancement of seafarer standards.

The implementation of STCW '95 was in effect a good thing for South Africa. It forced SAMSA, the then Chief Directorate Shipping (CDS) in the Department of Transport, to review the examination procedures. The CDS had in the past allowed some institutions to conduct examinations on its behalf. This was done on an ad-hoc basis with varying standards.

STCW '95 set conditions and procedures for the delegation of examinations to training institutions. This is also in line with the requirements of the South African Qualifications Authority. It came at an appropriate time just after South Africa's acceptance into the International arena. This coupled with the positive report of the United Kingdom's inspection of South Africa's facilities and procedures, opened up South African qualifications for international shipping.

To date, SAMSA has accredited fifty-eight courses for the qualification of South African seafarers. Ship owners who have approved accelerated training courses number seven. Maritime training institutions that are accredited to provide the training for Deck and Engineering officers and ratings number six.

#### What of the future

STCW '95 introduced some hard issues that South Africa has to come to grips with. One of them is the requirement for under-pinning knowledge. The requirement for formal education. A skipper under 100GT certificate of competency is no longer just an oral exam. Some principles have to be understood. There are no institutions providing these courses. Who should provide the courses? Some people say SAMSA. It is not in SAMSA's mandate to provide for the training and education of seafarers.

It would appear that if our training institutions cannot financially justify the course by numbers of students, the course is not presented. The question then is, should these courses be subsidized and if so, by who? The Department of Education, industry or TETA?

Some owners only want to pay for what they perceive their personnel require. Perhaps his or her vessel works in sheltered waters and does not carry a life raft. The owner feels the life raft course issued for the certificate of competence should not come off his or her salary bill

and that his or her employee should have a special certificate of competence endorsed “no life raft qualification”. What about the transportability of qualifications?

Some seafarers think they do not have to pay for their training. Contract seafarers who do not get paid study leave have leveled this complaint at SAMSA. Should the training of South African seafarers be subsidized, if so, by who?

SAMSA can and will enter into debate on the many issues that are confusing with the implementation of STCW '95. However, South Africa, subscribes to the principles in STCW '95 and to ensure that South African seafarers get international recognition, we have to abide by those principles. Quite simply, if marine engineers do not get formal education in their marine engineering subjects, then South African qualified marine engineers lose the right to work on foreign flagged ships.

In conclusion, I feel that STCW '95 is on track. It has a while to go for proper bedding down. We have unique problems in South Africa. I think the most pressing one is the lack of education for the lower qualified officers. (Not enough students, not viable and therefore not run.)

I leave you with the problems I have mentioned above. Perhaps this conference can propose a resolution to take to Government.

Thank you

Ref:

- STCW '78 as amended by the 1995 Conference
- Report of MSC 76
- Competent Crews = Safer Ships by WSG Morrison