

1. INTERNATIONAL ACTIVITIES

A. International Maritime Organization (IMO), Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF)

The 46th session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF 46) was held at IMO Headquarters in London from September 8-12, 2003. The session was attended by 51 member governments, 2 associate members, 2 United Nations specialized agencies, 1 intergovernmental organization, and 11 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Navy and a few private-sector advisers.

SLF 46 agenda items included the following: (1) development of the revised chapter II-1 of the International Convention for the Safety of Life at Sea (SOLAS Convention); (2) revision of the Fishing Vessel Safety Code and Voluntary Guidelines; (3) review of the Intact Stability Code; (4) large passenger ship safety; (5) review of offshore support vessel guidelines; (6) consideration of International Association of Classification Societies (IACS) unified interpretations; (7) revision of the technical regulations of the International Convention on Load Lines (LL Convention); (8) improved loading/stability information for bulk carriers; and (9) terms of reference for the SLF.

Among significant actions taken at SLF 46 are the following:

1. The working group on subdivision and damage stability (SDS) continued the harmonization of the passenger ship and dry cargo ship damage stability regulations in SOLAS chapter II-1. The findings and proposals of the HARDER research project, in conjunction with the sample ship calculation results, were reviewed in detail. It was agreed to accept the majority of the HARDER proposals for damage distribution and survivability formulations, subject to further validation of several specific items. The majority of the Subcommittee was of the opinion that there should be a single required subdivision index for all dry cargo ship types. As this would significantly raise the survivability standard for new ro-ro cargo ships, which is beyond the mandate to maintain an equivalent safety level, the SLF requested further guidance from the Maritime Safety Committee (MSC) on this matter. Regarding the general principles for establishing the required subdivision index for passenger ships, the majority of the Subcommittee agreed that the downward trend of survivability for larger passenger ships, as reflected in the current sample ship calculation results, is not acceptable. The majority of the SLF believed that the survivability trend should be upwards for larger ships and for ships with greater numbers of passengers. As this does not conform to the mandate to maintain an equivalent safety level as in the existing SOLAS Convention, the SLF requested further guidance from the MSC on this matter. The Subcommittee also requested a 1-year extension of the target completion date for this item until 2004, and re-established the SDS correspondence group.
2. The working group on intact stability continued to review the Intact Stability Code using a two-phased approach. The short-term phase is considering items that can be completed by

2004, including as a priority the review of the weather criterion, the development of a new structure for the Code, and the consideration of free surface effects of nominally full liquid cargo tanks. The long-term phase, to be completed in 2007, will consider revising the Code using performance-based criteria, and initial efforts will be aimed at identifying areas of concern and areas requiring future research. The SLF also agreed that certain parts of the Code should be made mandatory and invited MSC 78 to note this view. The intersessional intact stability correspondence group was re-established to continue this work.

3. Work continued on the large passenger ship safety tasks. The SDS working group considered the aspects related to damage stability (time domain flooding analysis) and made significant progress. The Subcommittee agreed that the SDS correspondence group should continue the time-to-flood work intersessionally with a view to characterizing the designed survivability of existing large passenger ships. The SLF also considered the structural integrity of a large passenger ship after damage and noted that further work was planned in this area. The SDS correspondence group was tasked to assist in this matter.
4. A working group on fishing vessel safety was established to continue the revision of the Fishing Vessel Safety Code and Voluntary Guidelines. The revision is being approached in two phases: part A and part B of the draft Code. The SLF concluded that, in spite of the progress made during the last intersessional period, the draft text of part A of the Code could not be finalized during this session. Revision of both parts of the Code is expected to be finalized at SLF 47. The Subcommittee re-established an intersessional correspondence group on fishing vessel safety to complete this work.
5. With regard to improved loading/stability information for bulk carriers, the SLF agreed to use a two-way approach. One action was to develop draft amendments to SOLAS, whereby new bulk carriers of less than 150 meters would have to be fitted with a loading instrument capable of providing information on the ship's stability in the intact condition. This item was completed and forwarded to the MSC with a view to approval and subsequent adoption. The second action was to develop the stability part of new guidelines concerning the provision of detailed, comprehensive, and user friendly information covering stability and longitudinal stress characteristics of the ship's hold during loading and unloading, as mandated by MSC 76. In order to make progress on this item, the Subcommittee decided to refer it to the intact stability correspondence group for consideration and preparation of a draft text for SLF 47.

For further information, contact Mr. H. Paul Cojeen, Chief, Naval Architecture Division, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-2988, electronic mail: hcojeen@comdt.uscg.mil).

B. International Maritime Organization (IMO), Subcommittee on Dangerous Goods, Solid Cargoes and Containers (DSC)

The 8th session of the Subcommittee on Dangerous Goods, Solid Cargoes and Containers (DSC 8) was held at IMO Headquarters in London from September 22-26, 2003. The session was attended by delegations from 54 member nations, 1 associate member, 1 observer

organization, and 19 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Research and Special Programs Administration, the National Cargo Bureau, and the Port of Corpus Christi.

DSC 8 agenda items included the following: (1) amendments to the International Maritime Dangerous Goods (IMDG) Code and supplements, including harmonization of the IMDG Code with the United Nations (UN) Recommendations on the Transport of Dangerous Goods; (2) review of the Code of Safe Practice for Solid Bulk Cargoes (BC Code), including evaluation of properties of solid bulk cargoes; (3) Cargo Securing Manual; (4) casualty and incident reports and analysis; (5) development of a manual on loading and unloading of solid bulk cargoes for terminal representatives; (6) guidance on serious structural deficiencies in containers; (7) measures to enhance maritime security; (8) ship/terminal interface improvement for bulk carriers; and (9) alternative hold loading ban for bulk carriers.

Among significant actions taken at DSC 8 are the following:

1. The DSC agreed, in principle, to the content of Amendment 32 of the IMDG Code. Following approval by the Maritime Safety Committee (MSC) in June 2004, it will then be circulated to member governments for adoption so that it can be implemented on January 1, 2005, on a voluntary basis and on January 1, 2006, on a mandatory basis in accordance with the amendment procedures set forth in the International Convention for the Safety of Life at Sea (SOLAS Convention). Amendment 32 will ensure overall harmonization with the 13th revised edition of the UN Recommendations on the Transport of Dangerous Goods as well as the implementation of those recommendations in other modal regulations.
2. The Subcommittee made progress on a review of Annex III of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78). The purpose of this review is to determine how and when the environmental criteria for aquatic toxicity, emanating from the globally harmonized system for the classification and labeling of chemicals, could be implemented with respect to Annex III. It was agreed that no changes should be made in this regard for IMDG Code Amendment 32, but that they could be introduced in conjunction with both IMDG Code Amendment 33 and appropriate revision of MARPOL Annex III (harmful substances in packaged forms, freight containers, or portable tanks).
3. The DSC convened a working group concerning the review of the BC Code and made several decisions based on the results of the working group's deliberations. In consideration of various incidents concerning the transport of hazardous cargoes in bulk, the Subcommittee agreed to a DSC circular calling attention to the need to adhere to the BC Code. The DSC agreed that there is not sufficient information to support new procedures for evaluating the liquefaction potential of solid bulk materials. The Subcommittee endorsed the view that, although making the BC Code or parts of it mandatory may improve safety, a comprehensive review of the Code and other IMO instruments is necessary to do so. In addition, it is desirable to first complete the revision of the BC Code into a user-friendly format before further consideration is given to making the Code mandatory.

4. With respect to safety aspects of ballast water management, the DSC noted the conclusions of the study undertaken by the International Association of Classification Societies (IACS) that no action is needed to account for conditions of ballast water exchange in the Cargo Securing Manual. Based on these conclusions, the DSC agreed that no further work is needed on this issue.
5. The Subcommittee evaluated a report pointing out the hazards detected in certain containerized shipments of lighters and lighter refills and decided to disseminate the information by means of a DSC circular to be prepared by the IMO secretariat. After reviewing reports on container inspection programs from member governments and a consolidated report prepared by the secretariat, the DSC agreed that the process might benefit from improved reporting and invited member governments to submit proposals in this regard.
6. A working group, chaired by the United States, was convened to continue development of a manual on loading and unloading of solid bulk cargoes for terminal representatives as directed by the MSC. In reviewing the progress of the working group, the DSC agreed to continue development of the draft manual through an intersessional correspondence group and to invite the MSC to extend the target completion date for the work to 2004.
7. Concerning the development of guidance on serious structural deficiencies in containers, the DSC considered a report of a correspondence group, as well as submissions from several members and observers. A drafting group, chaired by Bangladesh, was established to continue this work. As a result of the progress made, the DSC agreed to establish a correspondence group to further the work intersessionally and prepare a submission for review and completion at DSC 9.
8. The DSC formed a drafting group to continue consideration of measures to enhance maritime security, which entails possible inclusion of security measures in specific IMO guidance documents regarding the safe transport of dangerous cargoes and related activities in port areas and the packing of cargo transport units. The DSC agreed to continue the work intersessionally through a correspondence group, chaired by the United Kingdom. Also, the Subcommittee identified other cargo-related IMO instruments that may need to be amended in light of security considerations and agreed to bring them to the attention of the MSC for further instruction as to possible future action.
9. With regard to ship/terminal interface improvement for bulk carriers, the Subcommittee prepared a draft MSC circular to take into account the following risk control options developed by the MSC: (a) improvement of ship/shore communications; (b) training of stevedores and terminal operators and better control of loading capabilities; and (c) urging governments, ship owners and operators, and terminal operators to apply the Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code).

For further information, contact Mr. Manny Pfersich, Hazardous Materials Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0083, electronic mail: epfersich@comdt.uscg.mil).

C. International Maritime Organization (IMO), Legal Committee (LEG)

The 87th session of the Legal Committee (LEG 87) was held at IMO Headquarters in London from October 13-17, 2003. Delegations from 69 member nations, 2 associate members, and 24 intergovernmental and non-governmental organizations attended the session. The United States was represented by the Coast Guard and the Department of State with assistance from the Transportation Security Administration, the Department of Defense, the Department of Justice, the Maritime Administration, the National Imagery and Mapping Agency, and 2 private-sector advisers.

LEG 87 agenda items included the following: (1) examination of the draft Convention on Wreck Removal; (2) review of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (SUA Protocol); (3) provision of financial security; (4) places of refuge; (5) treatment of persons rescued at sea; (6) Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery at Sea; and (7) measures to protect crews and passengers against crimes committed on vessels.

Among major actions taken at LEG 87 are the following:

1. The Committee focused on the revised U.S. text to amend the SUA Convention, both in plenary and in an informal working group. Issues addressed included provisions and policies regarding: (a) criminal offenses related to weapons of mass destruction (WMDs), non-WMDs, the environment, and transportation; and (b) shipboarding. These amendments are designed to facilitate, strengthen, and expand international cooperation and coordination in combating criminal activity, particularly terrorist acts against or involving ships. The United States has taken the lead in proposing amendments to the SUA Convention and the SUA Protocol and is coordinating an intersessional correspondence group that will continue to work on the text for the new criminal offenses and the shipboarding provisions during the intersessional period.
2. The LEG worked on the draft Wreck Removal Convention (DWRC) both in plenary and in a working group. Issues addressed included reporting of wrecks, liability exclusion regarding acts of terrorism, the relationship to other liability instruments, and the safeguarding of sovereign rights on the high seas. The issues requiring further consideration are: (a) application of the DWRC to the territorial sea; (b) exclusion of liability regarding acts of terrorism; (c) identification of the person normally in charge of the day-to-day operation of the ship who might not necessarily be the registered owner as presently defined in the DWRC; and (d) the extent to which the Convention would apply to non-parties. These issues and others will be discussed in the on-going correspondence group and at LEG 88.
3. With regard to places of refuge for vessels, the LEG considered the draft Assembly resolution regarding guidelines on places of refuge for ships in need of assistance, and noted that the draft resolution had been submitted to the 23rd session of the Assembly (A 23) for adoption. The Committee also provided guidance, as requested by the Subcommittee on

Safety of Navigation (NAV), regarding the international instruments to be listed in the annex to the draft Assembly resolution.

4. The LEG decided to recommend to the Council that, since budgetary restrictions dictate that there will be only one diplomatic conference during the biennium 2004-2005, both the SUA Convention amendments and the WRC should move forward simultaneously. In the event both are in a state to be submitted to a diplomatic conference, preference would likely be given to the SUA Convention for consideration in the 2004-2005 diplomatic conference.

For further information, contact Capt. Joseph Ahern, (telephone: (202) 267-1527, electronic mail: jahern@comdt.uscg.mil), or Lt. Martha Rodriguez, (telephone: (202) 267-0733, electronic mail: mrodriguez@comdt.uscg.mil), Office of Maritime and International Law (G-LMI), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593.

D. International Maritime Organization (IMO), Assembly (A)

The 23rd session of the Assembly (A 23) was held at IMO Headquarters from November 24 – December 5, 2003. Among those sending delegations to participate at A 23 were 149 member nations and 3 associate members. The United States was represented by the Coast Guard and the Department of State with assistance from the Transportation Security Administration and a private-sector adviser.

A 23 agenda items included the following: (1) application of article 56 of the IMO Convention; (2) establishment of the committees of the Assembly; (3) report on the status of the IMO Convention and membership of the Organization; (4) report on the status of conventions and other multilateral instruments in respect of which the IMO performs functions; (5) report of the Council to the Assembly on the work of the IMO since the 22nd regular session of the Assembly; (6) IMO Model Audit Scheme; (7) arrears of contributions – Working Capital Fund; (8) presentation of accounts and audit reports; (9) work program and budget for the 23rd financial period 2004-2005; (10) long-term work plan of the IMO; (11) review of the IMO's financial framework; (12) consideration of the reports and recommendations of the Maritime Safety Committee (MSC); (13) consideration of the reports and recommendations of the Legal Committee (LEG); (14) consideration of the reports and recommendations of the Marine Environment Protection Committee (MEPC); (15) consideration of the reports and recommendations of the Technical Cooperation Committee (TCC); (16) consideration of the reports and recommendations of the Facilitation Committee (FAL); (17) reports on diplomatic conferences; (18) progress report on the review of safety measures and procedures for the treatment of persons rescued at sea; (19) progress report on the review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships; (20) report on the performance of secretariat functions and other duties related to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, as amended, (London Convention (LC)); (21) maritime training programs; (22) relations with the United Nations and the specialized agencies; (23) relations with intergovernmental organizations; (24) relations with non-governmental organizations; (25)

election of members of the IMO Council; (26) World Maritime Day; and (27) farewell to retiring Secretary-General William A. O'Neil.

Among significant actions taken at A 23 are the following:

1. Elections of members for the IMO Council Categories A, B, and C were held. Final election results are as follows: Category A – China, Greece, Italy, Japan, Norway, Panama, Republic of Korea, Russian Federation, United Kingdom, and United States. Category B – Argentina, Bangladesh, Brazil, Canada, France, Germany, India, Netherlands, Spain, and Sweden. Category C – Philippines, Singapore, Malta, Cyprus, Egypt, Bahamas, South Africa, Indonesia, Australia, Turkey, Portugal, Mexico, Venezuela, Chile, Ghana, Algeria, Saudi Arabia, Nigeria, Denmark, and Poland.
2. Led by a strong U.S. intervention, the Assembly unanimously adopted an Assembly resolution on the voluntary IMO Model Audit Scheme. This Audit Scheme is scheduled to be fully implemented by the next Assembly and will be a major step forward in improving flag state performance.
3. The Assembly determined that the theme for World Maritime Day 2004 will focus on maritime security.
4. The U.S. delegation was successful with a proposal to name Secretary-General William A. O'Neil as Secretary-General Emeritus.
5. Assembly Committee One considered issues related to administrative, financial, legal, and technical cooperation. Reports accompanying resolutions were considered and referred back to plenary where they were adopted by the Assembly. Of particular note, the IMO work program was approved. However, as a result of significant U.S. efforts, the proposed 2004-2005 biennium budget increase was reduced from 13.6 percent to 7.7 percent. The budget was adopted by unanimous consensus for the first time in many Assembly sessions.
6. Assembly Committee Two considered issues concerning technical aspects related to maritime safety, security, and environmental protection. Reports and 18 accompanying resolutions were considered, approved, and referred back to plenary. Resolutions of particular significance address: places of refuge for ships, policies and practices to reduce greenhouse gas emissions from ships, guidelines on ship recycling, principles of safe manning of ships, training and certification and operational procedures for maritime pilots, and the continuous synopsis record to improve maritime security. The Assembly adopted all of these resolutions.

For further information, contact Mr. Joseph J. Angelo, Director of Standards (G-MS), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-2970, electronic mail: jangelo@comdt.uscg.mil).

E. International Maritime Organization (IMO), Marine Environment Protection Committee (MEPC)

The 50th session of the Marine Environment Protection Committee (MEPC 50) was held at IMO Headquarters in London on December 1 and 4, 2003. The session was attended by 107 member nations, 2 associate members, 2 United Nations agencies, 3 intergovernmental organizations, and 25 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State and 2 private-sector advisers.

MEPC 50 was held to consider and adopt amendments to Annex I (oil) of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78 or MARPOL Convention). After considerable debate, MEPC adopted by consensus the following:

1. Amendments to regulation 13G of MARPOL Annex I to accelerate the phase-out schedule of single-hull tankers;
2. A new regulation 13H of MARPOL Annex I to ban the carriage of heavy grades of oil on single-hull tankers; and
3. Consequential amendments to the Condition Assessment Scheme (CAS) for detailed inspection of single-hull tankers.

These amendments to MARPOL 73/78 will enter into force beginning in April 2005. The United States reserved its position on the amendments to regulation 13G and the CAS because they are not consistent with U.S. legislation, i.e., the Oil Pollution Act of 1990. The United States reserved its position on the new regulation 13H because this regulation incorporates by reference provisions in regulations 13F and 13G to which the United States is not a party. The United States must now decide whether to become a party to these amendments. If the United States decides not to become a party, it must notify the IMO that its express approval is required before the amendments enter into force for the United States, as it did in 1992 when regulations 13F and 13G were developed and again in 2001 when regulation 13G was last amended.

For further information, contact Mr. Joseph J. Angelo, Director of Standards (G-MS), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-2970, electronic mail: jangelo@comdt.uscg.mil).