

1. INTERNATIONAL ACTIVITIES

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

The 44th session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF 44) was held at IMO Headquarters in London from September 17-21, 2001. Fifty-three (53) member nations, 1 associate member, 2 United Nations specialized agencies, 1 intergovernmental organization, and 14 non-governmental organizations participated. The United States was represented by the Coast Guard with assistance from one private sector adviser.

SLF 44 agenda items included: (1) development of revised chapter II-1 parts A, B, and B-1 of the International Convention for the Safety of Life at Sea (SOLAS Convention); (2) revision of technical regulations of the International Convention on Load Lines (ICLL); (3) revision of the Fishing Vessel Safety Code and Voluntary Guidelines; (4) damage consequence diagrams; (5) guidelines for the conduct of high-speed craft model tests; (6) development of guidelines for ships operating in Arctic ice-covered waters; (7) containership partially weathertight hatch covers; (8) amendments to the High-Speed Craft (HSC) Code; (9) large passenger ship safety; (10) matters related to bulk carrier safety; (11) revision of the model test method specified in the 1995 SOLAS Conference resolution 14; and (12) initial tests of watertight doors in passenger and cargo ships.

Among significant actions taken by SLF 44 are the following:

1. The subdivision and damage stability (SDS) working group made significant progress towards the harmonization of the passenger ship and cargo ship damage stability regulations. The group discussed the issues of minor damage, watertight integrity, definition of watertight envelope, and use of length in the draft text. The intersessional correspondence group was re-established to continue its work on revising SOLAS chapter II-1 parts A, B, and B-1.
2. A working group continued work on revising the ICLL technical regulations. Of particular note, agreement was reached on a new bow height formula. The SLF also reviewed load line issues relating to the HSC Code, reserve buoyancy distribution, bulk carrier safety, and safe access for the crew. The Subcommittee re-established an intersessional correspondence group to continue finalizing the amendments for submittal to SLF 45.
3. A complete draft of the Fishing Vessel Safety Code and the Voluntary Guidelines was produced by the intersessional correspondence group. A working group reviewed this document and completed the revision work. The SLF's final report contains the composite draft text of the Code and the Guidelines for referral to other subcommittees for their review and finalization of the relevant chapters.
4. The United Kingdom submitted revised guidelines for the conduct of high-speed craft model tests, taking into account issues expressed at SLF 43 and during the intersessional period

before SLF 44. The Subcommittee agreed to the interim guidelines with a view to verification and further development in light of experience.

5. At the request of the Subcommittee on Ship Design and Equipment (DE), the SLF reviewed the draft guidelines for ships operating in ice-covered waters and approved the sections under the purview of the SLF.
6. Although the issue of containership partially weathertight hatch covers falls under the purview of the ICLL and the SLF, it also concerns several other subcommittees, i.e., Ship Design and Equipment (DE) with respect to cargo hold pumping systems, Fire Protection (FP) with respect to cargo hold fire fighting systems, and Dangerous Goods, Solid Cargoes, and Containers (DSC) with respect to segregation of hazardous cargo containers. The load line correspondence group prepared draft guidelines on partially weathertight hatch covers during the intersessional period. The SLF accepted in principle the draft guidelines and accepted France's offer to prepare a new draft for consideration at SLF 45, which would incorporate any input from the other subcommittees.
7. Norway submitted two papers proposing amendments to the HSC Code. The SLF agreed to the proposed amendments concerning buoyant spaces and exemption provisions for the requirement to fit inner bow doors. The Subcommittee did not agree to add additional damage stability requirements related to raking damage. The Maritime Safety Committee (MSC) was requested to consider the proposed amendments and delete this item from the SLF work program.
8. Regarding the priority matter of large passenger ship safety, the Subcommittee agreed to the proposals suggested by the United States. These include developing of an analytical relationship between the time to sink and residual damage stability for all damage cases that are not survivable, and combining the structural performance of the ship after damage with the damage stability survivability criteria. The SLF also agreed to add these two large passenger ship safety items, along with bottom raking damage, in the terms of reference for the subdivision and damage stability intersessional correspondence group.
9. The agenda item regarding bulk carrier safety was created to address several possible safety measures that are otherwise outside the scope of the ICLL. Two safety proposals, i.e., prevention of flooding by bolted access covers for chain lockers and water level monitoring and pumping systems in forward spaces, were identified for immediate review by the Subcommittee. This agenda item is scheduled for completion at SLF 45.
10. Concerning the revision of the model test method specified in the 1995 SOLAS Conference resolution 14, the SLF agreed in principle to the technical contents of Sweden's proposal to revise the model test method. However, the Subcommittee agreed that guidance notes should be developed to supplement the new test method. The Subcommittee accepted Sweden's offer to prepare a revised draft model test method and guidance notes for consideration at SLF 45.

11. With regard to initial tests of watertight doors in passenger and cargo ships, the SLF agreed with the proposal to amend SOLAS regulation II-1/18.2 to allow prototype testing of watertight doors, as opposed to a water pressure test of each door. Additional text was included to address the installation method and proper seating of the door. A draft amendment to SOLAS regulation II-1/18.2 was forwarded to the MSC for adoption.

For further information, contact Mr. H. Paul Cojeen, Chief, Naval Architecture Division, (telephone: (202) 267-2988, electronic mail: hcojeen@comdt.uscg.mil), or Mr. Jaideep Sirkar, Naval Architecture Division, (telephone: (202) 267-6925, electronic mail: jsirkar@comdt.uscg.mil), Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593.

B. International Maritime Organization (IMO), International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention)

The International Conference on the Control of Harmful Anti-fouling Systems for Ships was held at IMO Headquarters in London from October 1-5, 2001. The Conference was attended by 75 member nations, 1 associate member, 2 intergovernmental organizations, and 24 non-governmental organizations. The United States was represented by the Coast Guard, Environmental Protection Agency, Department of State, National Oceanic and Atmospheric Administration, Department of Defense, and 1 private sector adviser (Chamber of Shipping of America).

As a result of its deliberations, the Conference adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention). The AFS Convention recognizes: (1) the importance of protecting the marine environment and human health from adverse effects of anti-fouling systems; (2) that the use of anti-fouling systems to prevent the build-up of organisms on the surface of ships is of critical importance to efficient commerce, shipping, and impeding the spread of harmful aquatic organisms and pathogens; and (3) the need to continue to develop anti-fouling systems that are effective and environmentally safe and to promote the substitution of harmful systems by less harmful systems or preferably harmless systems. An “anti-fouling system” means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

The AFS Conference also adopted four resolutions concerning: (1) early and effective application of the AFS Convention; (2) future work by the IMO pertaining to the AFS Convention; (3) approval and test methodologies for anti-fouling systems on ships; and (4) promotion of technical cooperation.

The AFS Convention contains 21 articles concerning the following issues: general obligations; definitions; application; controls on anti-fouling systems; controls of waste materials; process for proposing amendments to controls on anti-fouling systems; technical groups; scientific and technical research and monitoring; communication and exchange of information; survey and certification; inspections of ships and detection of violations; prohibition and sanctions for violations; undue delay or detention of ships; dispute settlement; relationship to international law

of the sea; amendment procedures; signature, ratification, acceptance, approval, and accession; entry into force; denunciation; depositary; and languages. It also contains 4 annexes addressing: controls on anti-fouling systems; required elements of an initial proposal to amend the controls on anti-fouling systems; required elements of a comprehensive proposal to amend the controls on anti-fouling systems; and surveys and certification requirements for anti-fouling systems.

Among its major provisions, the AFS Convention: (1) bans the application or re-application of organotin compounds, e.g., tributyltin (TBT), which act as biocides in anti-fouling systems, on or after January 1, 2003, with a requirement to remove or over-coat with a sealer coat the organotin anti-fouling systems by January 1, 2008; (2) establishes a detailed and scientifically based framework for considering international restrictions on anti-fouling systems that may prove harmful in the future; and (3) enters into force 12 months after the date on which not less than 25 states, the combined merchant fleets of which constitute not less than 25 percent of the gross tonnage of the world's merchant shipping, have ratified, accepted, or approved the Convention.

For further information, contact Mr. Bryan Wood-Thomas, Office of International Environmental Policy, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, (telephone: (202) 564-6476, electronic mail: wood-thomas.bryan@epamail.epa.gov).

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

The 83rd session of the Legal Committee (LEG 83) was held at IMO Headquarters in London from October 8-12, 2001. Delegations from 64 member nations, 1 observer state, 1 associate member, the International Labor Organization (ILO), and 27 intergovernmental and non-governmental organizations attended the meeting. The United States was represented by the Coast Guard with assistance from the Department of State and several private sector advisers.

LEG 83 agenda items included: (1) amendments to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (Athens Convention); (2) consideration of the report of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury, and Abandonment of Seafarers; (3) draft Convention on Wreck Removal; (4) monitoring implementation of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention); and (5) review of the Suppression of Unlawful Acts (SUA) treaties.

Among significant actions take at LEG 83 are the following:

1. The Committee confirmed its recommendation to the governing bodies of the IMO that a diplomatic conference should be called in the 2002-2003 biennium for adoption of a draft protocol to amend the Athens Convention. The draft protocol revises the Athens Convention's basis of liability, in part by introducing strict liability for certain events and creating an option for unlimited liability, and adds financial security provisions, including compulsory insurance. The LEG confirmed the recommendation for a diplomatic conference

only after spending 2 days addressing certain unresolved issues concerning such matters as burden of proof for personal injury claims in non-shipping incidents, defect in the ship, damages, willful misconduct defense, suspension of time-bar limitations, limiting the right of direct action, and limits of liability for personal injury.

2. The Joint IMO/ILO Working Group submitted two resolutions and related guidelines for the Committee's approval: (a) the draft resolution and related guidelines on provisions of financial security in case of abandonment of seafarers and (b) the draft resolution and related guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers. The Committee approved both submissions, and recommended that both resolutions and related guidelines be submitted to the IMO Assembly for consideration and adoption. The LEG also approved the continuation of the working group.
3. All delegations that spoke on the issue of the draft Wreck Removal Convention (WRC) expressed support for having the Committee continue to work on the WRC as a priority. The U.S. delegation voiced its appreciation for the consideration shown by the Netherlands and Germany in responding to the concerns of the United States and other delegations regarding the consistency of the draft WRC with the UN Convention on the Law of the Sea. The LEG agreed to allot time for a substantive discussion on the draft WRC at LEG 84.
4. The Committee took note of the HNS correspondence group's work, including a guide to the HNS Convention. The Committee also reviewed a proposed draft Assembly resolution, the purpose of which is to call attention to the importance of the HNS Convention and the need for states to adopt a coordinated approach towards its effective implementation. The LEG approved the draft resolution, subject to some technical corrections, and also approved the continuation of the correspondence group.
5. In response to the IMO Secretary-General's request, the Committee gave its unanimous approval to review the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (SUA Protocol) as a priority in the LEG work program.

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

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

The 22nd biennial session of the Assembly (A 22) was held at IMO Headquarters in London from November 19-29, 2001. Delegations from 135 member nations were among those attending the session. The Assembly was preceded by the 21st extraordinary session of the IMO Council (C/ES 21) and followed by the 87th regular session of the Council (C 87). The United States was represented by the Coast Guard and the Department of State. Coast Guard Commandant Admiral James Loy headed the U.S. delegation.

A 22 agenda items included the following: (1) application of article 56 of the IMO Convention; (2) report on the status of the IMO Convention and membership of the IMO; (3) report on the status of conventions and other multilateral instruments in respect of which the IMO performs functions; (4) report of the Council to the Assembly; (5) reports and recommendations of the Maritime Safety Committee (MSC); (6) reports and recommendations of the Legal Committee (LEG); (7) reports and recommendations of the Marine Environment Protection Committee (MEPC); (8) reports and recommendations of the Technical Cooperation Committee (TCC); (9) report and recommendations of the Facilitation Committee (FAL); (10) proposed amendments to the Convention on the International Regulations for Preventing Collisions at Sea (COLREG); (11) reports of diplomatic conferences, e.g., the Conference on International Cooperation on Preparedness and Response to Pollution Incidents by Hazardous and Noxious Substances, the International Conference on the Revision of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, the International Conference on Liability and Compensation for Bunker Oil Pollution Damage, and the International Conference on the Control of Harmful Anti-fouling Systems for Ships; (12) 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; (13) maritime training programs, e.g., the World Maritime University, the IMO International Maritime Academy, the IMO International Maritime Law Institute, and development and implementation of model courses; (14) privileges and immunities; (15) arrears of contributions; (16) accounts and audit reports; (17) organizational review; (18) work program and budget for the 22nd financial period 2002-2003; (19) long-term work plan; (20) review of the IMO's financial framework in accordance with Assembly resolution A.877(21); (21) relations with the United Nations and the specialized agencies; (22) relations with intergovernmental organizations; (23) relations with non-governmental organizations; (24) election of members of the Council, as provided in articles 16 and 17 of the IMO Convention; (25) approval of the appointment of the Secretary-General; (26) report on World Maritime Days, 2000 and 2001; (27) International Maritime Prize; (28) memorial to seafarers; and (29) maritime security.

Among the many significant actions taken at A 22 are the following:

1. On November 20th, the Assembly approved a resolution addressing maritime security in the wake of the September 11th terrorist attacks in the United States. The action followed Admiral Loy's statement seeking urgent action to address maritime security and suggesting that the IMO host a meeting of maritime security experts early next year to examine concrete security measures. Following its approval of the resolution on terrorism, the Assembly scheduled an intersessional meeting of experts for February 11-15, 2002, and an IMO conference to be held in conjunction with the December 2002 MSC meeting to adopt necessary changes to various instruments in order to strengthen maritime security. A 22 also approved the long-term work program of the IMO to include the prevention of acts of terrorism against shipping as a high-priority item. Among security issues being considered are: (a) issues related to the installation of automatic identification systems on ships; (b) the need for security plans on ships, facilities, and off-shore terminals; (c) the need for identification verification and background security checks for seafarers; and (d) ensuring a secure chain of custody for containers from their port of origin to their destination.

2. The United States and all category A and B members were reelected to the Council by acclamation. In fact, all candidates were elected, although some will not assume their seats until the Council is expanded from 32 to 40 members in November 2002.
3. The Assembly reviewed safety measures and procedures for treatment of persons rescued at sea, maintaining flexibility on repatriation procedures for illegal migrants interdicted at sea. The issue of treatment of people rescued at sea will remain under review by the MSC.
4. The Assembly also: (a) approved amendments to the International Regulations for Preventing Collisions at Sea; (b) adopted a Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships; (c) adopted guidelines for the recording of events related to navigation and for the onboard operational use of shipborne automatic identification systems; (d) adopted measures to further strengthen flag state implementation; (e) adopted revised guidelines on the implementation of the International Safety Management (ISM) Code for use in phase II of ISM Code implementation on July 1, 2002; (f) adopted guidance to assist flag states in the self-assessment of their performance; and (g) adopted revised guidelines for the designation of Special Areas and for the identification and designation of Particularly Sensitive Sea Areas. In addition, the Assembly approved the reports of various IMO committee meetings.
5. The Assembly approved resolutions urging adoption and acceptance of: (a) the International Convention on Maritime Search and Rescue, (b) the International Convention on the Control of Harmful Anti-fouling Systems on Ships, (c) the 1993 Torremolinos Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, (d) the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, (e) Annex VI (prevention of air pollution from ships) of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the 1978 Protocol, as amended, and (f) measures to prevent the registration of phantom ships.
6. There was overwhelming support for the Secretary-General's "zero real growth" budget calling for a 6.7 percent increase in spending and assessments in 2002-2003 over the previous biennium. The United States and the Bahamas were the only delegations to advocate zero nominal growth.

For further information, contact Mr. Gerard P. Yoest, Director, International Affairs and Foreign Policy Advisor (G-CI), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-2248, electronic mail: gyoest@comdt.uscg.mil).