

John Lang

President

Association of Sail Training Organisations



Recent Sail Training Accidents and Incidents

A Marine Accident Investigator
Reflects





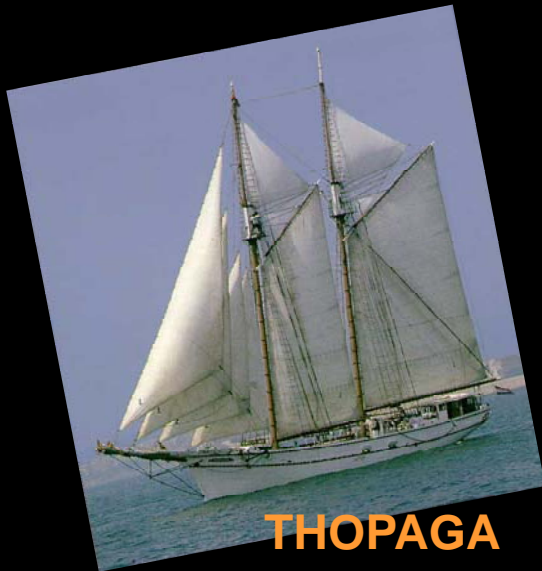
ASGARD II

GYPSY MOTH IV



CONCORDIA

FRYDERYK CHOPIN



THOPAGA

LORD RANK



ROYALIST

“As another sail training ship goes down, is this a worrying trend?”

- What is it about training ships that seem to attract disaster? In the past few years we've had the loss of the Irish sail training vessel *Asgard*, *Gipsy Moth's* disastrous stranding in the Pacific, the capsizing of the Canadian square rigger *Concordia* off Brazil and now the loss of the *Lord Rank*.
- It does make you wonder if there is enough supervision on training boats.

Elaine Bunting. “*Yachting Monthly*”



Reactions to Disaster

- “There but for the Grace of God go I.”
- “Who is to blame,” or “Who is responsible?”
- “How on earth did that happen?”
- “Focus on the things that went well.” and “We must learn the lessons .”
- “Should we prosecute?”
- “Are their lessons to be learned?”
- “What was the cause of death?”
- “Say nothing in case we are held liable.”

Greece

Nordland captain faces court

By Nigel Lowry ■ Athens

THE Polish master of the cargo ship *Nordland* was due to appear in a Piraeus courtroom today to face charges of causing a shipwreck and pollution stemming from the accident two weeks ago when his vessel ran aground on the Greek island of Kythira.

The master was uninjured in the grounding but has spent the last week in hospital, which has prevented him from attending an initial hearing.

About a mile of shoreline at the small resort of Diakofti was affected by the fuel oil spill, although there have been some unconfirmed reports of pollution reaching the southern coast of the Ioponnese.

At Diakofti, a cleanup conducted by the Environmental Protection Engineering firm has removed most traces of the oil from the area's beaches and steam-planting of rocks began at the

weekend. With all oil now removed from the vessel's fuel tanks, divers were poised to begin the job of removing lubricants and other pollutants from the sunken engine room.

After sinking steadily by the stern in the days following the unexplained accident, only the bows of the vessel are visible at a dramatic angle above the waterline.

However, the casualty stopped sinking last week when the stern rested on the seabed in about 25 m of water.

The 1986-built vessel was bound for Ghent with a cargo of 8,000 tonnes of purlite when the accident occurred.

The master is understood to have been alone on watch at the time of the incident and unofficial sources investigating the casualty are ascribing the mishap to human error rather than a technical fault.

Locals said that several vessels have stranded on the small outcrop of rock just outside their port over the years.

The *Nordland* was entered with the Gard P&I club. Club legal representatives have told the small community of fishermen and hoteliers that the club is prepared to consider individual claims, wherever these are fair and due.

Loucas G Matsas Salvage & Towage is handling the salvage operation under a Lloyd's Form with Scopic.

However, any action to remove the vessel – a prime demand of the local community – will not be taken until hull insurers decide whether the vessel is to be declared a total loss.

This, in turn, will determine whether the operation is to be salvage or wreck removal.



Master arrested on pollution charges

THE master of the 21-year-old *Eurobulker IV*, the Ilias Shipping bulk carrier which ran aground off Sardinia, has reportedly been arrested on pollution charges by the Italian authorities, writes Giovanni Paci. The master, Kostyantyn Dyadrov, a 41 year-old Ukrainian, was arrested on Friday morning.

while approaching the port of Portovesme last Friday morning. None of the 17-crew were injured.

Enel, the Italian state-controlled electricity generator and coal importer, said it would not accept wet coal for its generators so the

Increasing tendency to Criminalise the Seafarer

Hebei Two sentence deals 'serious blow' to industry

Owners fear that youngsters will shun a career in shipping

Keith Wallis
Singapore

SHIPOWNERS have warned that the jailing of the 'Hebei Two' in South Korea last week will deal a "serious blow" to attempts by the global shipping industry to attract youngsters to the industry.

The Hong Kong Shipowners Association said that the incarceration of Jaspri Chawla and chief officer Syam Chetan by Daejeon district appeal court "dealt a grievous blow to seafarers around the world".

Association chairman Peter Cremers said: "The knock-on effect of this blatant and totally unjustifiable case of criminalisation is a serious blow to shipping as a career — at a time when the industry faces the biggest shortage of professional officers ever."

Anglo-Eastern shipmanagement group added: "It is not the way to encourage young men to enter shipping, with a constant threat of criminalisation and potential jail terms hanging over their heads; all dependent on the whims of authorities and legal systems that protect their own national interests and corporate bodies at all costs — leaving facts and fair play far out in international waters."

Capt Chawla was jailed for 18 months and Mr Chetan for eight months after prosecutors appealed against the decision by Daejeon district court in June to clear the officers of any blame in the *Hebei Spirit* accident a year ago.

Hebei Spirit, a 1993-built, 269,600 dwt very large crude carrier, was at anchor off Taean county when it was hit by a drifting crane barge operated by Samsung Heavy Industries last December during stormy conditions.

The crane barge holed three of the tanker's cargo tanks spilling 10,500 tonnes of crude oil into the sea and polluting a vast stretch of South Korea's west coast to cause the country's worst environmental disaster.

In its first public comment, Hong

the VLCC, said it was "examining the options" in the light of the verdict and the accident investigation. "We are following the case very closely".

A statement issued by the International Chamber of Shipping added its "serious concern" over the court's decision and said that it stood "united with all seafarers in their efforts to free these two officers as soon as possible".

"This incident highlights the fact that, in the course of providing this important service, seafarers are exposed to the vagaries of different national laws, with some jurisdictions imposing criminal sanctions for oil pollution even when there is no intentional or willful misconduct," said ICS chairman Spyros Polemis.

"There is a real need for uniformity based on the internationally agreed MARPOL standards so that seafarers know where they stand".

The investigation by Korean maritime officials has already been strongly criticised, and the HKSQA added to this on Friday, saying that Korean officials had "blatantly ignored the internationally recognised IMO interim guidelines and IMO code for the investigation of marine casu-

Commenting on the impact of the officers' imprisonment, the HKSQA asked: "Already faced with excessive security regulations and lack of shore leave when in ports, what incentive is there for seafarers and cadets to pursue a career in shipping?"

Capt Chawla echoed these views in an exclusive interview with Lloyd's List in July.

The master, who joined VShips as a cadet back in 1991, said: "I don't want to see a ship again." He added that the legal process had left him unsure of taking another command.

He said that before the accident he would have advised anybody, including his own son, to look at all job options including a seafaring career.

"Now I would discourage them from seafaring," he said.

The HKSQA said: "To be handcuffed and led out of court like common criminals; with the prospect of months in a jail with real criminals, after having already been detained in Korea for over 12 months — despite being found innocent some six months ago — is outrageous."

Intermanager initiative aims to tackle seafarer criminalisation

John McLaughlin

INTERMANAGER is preparing to launch a major, industry-wide initiative aimed at confronting head-on the scourge of seafarer criminalisation.

VShips president Roberto Giorgi, who was recently elected to head the international shipmanagers' grouping, argued strongly that criminalisation could be the issue on which the industry finds a voice loud enough to match its economic weight.

He said a major lesson of the *Hebei Spirit* affair was "how powerful this industry is when it comes together around an issue".

South Korea's Supreme Court bailed the master and chief officer of the vessel on January 15 after an unprecedented and concerted campaign on their behalf across the maritime industry. Perhaps most

significantly, the campaign included threats that South Korean ships would be boycotted at ports around the world, and potentially severe implications for the country's trade with India.

Mr Giorgi added: "When everyone is aligned, this industry has the ability to stop a nation's trade. If it is intent on proving its case, it can back its argument with muscle."

That was a powerful asset, particularly in a recession, he said.

VShips' industrial relations manager Brian Martis was named this week to set up a working group on criminalisation within Intermanager. He hopes to have it up and running within 10 days.

It is likely to address a number of key issues, including the need for a single, watertight international legal standard for the treatment of seafarers in such cases.

This is a crying need. Mr Martis cited the disparities between the new European Union directive on ship-source pollution and prevailing regulations under the International Convention for the Prevention of Pollution from Ships and the United Nations Convention on the Law of the Sea.

"The EU directive uses phrases like

'serious negligence', which is open to wide interpretation by member states. It has to be remembered that seriousness of pollution and seriousness of negligence do not always go hand in hand," Mr Martis said.

Securing agreement on a common approach from the P&I clubs would also be critical. Clubs had been very supportive in individual cases, he said.

"In the *Prestige* case, they advanced funds to bail the captain. This is not yet standard practice."

He said that agreement from the clubs was necessary before Intermanager approached the International Maritime Organization with this initiative, but he was hopeful they would participate.

"The clubs are also mindful of unfavourable precedents being set. This is in everyone's interest."

As for the *Hebei Two*, who are now awaiting an appearance before South Korea's supreme court, Mr Giorgi said the court made "the right move" in allowing them out on bail. "We believe the court will come out with a judgment that is fair and right," he said.

However, he warned that if the two seafarers were not released, "the show of muscle will be unprecedented".



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Seafarers are 'easy targets' in today's knee-jerk blame culture says Rhodin

IN FORMER times the theft of a silk handkerchief in London might have ended in a sentence of transportation to Australia.

Naturally, the norms of crime and punishment change with the times, but it is dangerous to assume that modern society always displays a more humane sense of balance. In the maritime context, for example, there is a growing view that the mere presence of an individual at the scene of an accident may constitute a "crime".

Lars Rhodin, deputy managing director of The Swedish Club, says: "No ship's master harbours a secret desire to spill thousands of tonnes of oil or chemicals over the nearest coastline. Yet some administrations now behave as though those caught up in a genuine accident have

acted recklessly or even set out with the deliberate intent to cause mayhem.

"Seafarers are easy targets. They also have their uses as decoys whenever errors of judgement are made by others, such as politicians and bureaucrats.

"It is easy to understand how the unfortunate drift towards criminalisation took hold. Concern over the disastrous impact of severe spills, such as the *Prestige*, increased the pressure on the political front. The results are evident in two notable cases — the *Prestige* and *Tasman Spirit*. In the former case, Captain Mangouras remains trapped in Spain, awaiting trial and unable to return home to his family in Greece. As for the *Tasman Spirit*, seven members of the crew, together with the sal-

vage master, were held in detention in Pakistan for some months.

"We are at risk of losing our perspective on the difference between prevention and punishment. In a spill situation, compensation is designed to restore the position of those parties suffering loss. Action against the commercial interests involved may well have a preventive element, in that the penalties include a component aimed at deterrence, so as to avoid similar accidents in the future. Yet, we have now moved firmly into the realm of punishment — and harsh punishment at that.

"Traditionally, sanctions, in terms of penalties, were directed at companies rather than individuals, but there appears to be a growing view that this is not enough. Indi-

viduals must be targeted and punished, as it is impossible to send a company to prison. It is specious, however, to argue that the only way forward is to threaten individuals with financial penalties and/or a custodial sentence."

Mr Rhodin believes criminalisation generates new risks. He says: "There are real worries, on both safety and environmental counts. A hostile, uncompromising attitude on the part of an administration may lead to delays in responding when an emergency occurs. Owners may be reluctant to send personnel to the scene of an accident if they risk being detained. Salvors may be reluctant to get involved if their personnel and vessels are subject to such risks."

Some shore authorities may also fail to strike an ap-

propriate balance in respect of the International Ship and Port Facility Security Code. Mr Rhodin explains: "It would be unfortunate if it were to become 'politically incorrect' to offer frank comment on ISPS. Certainly, there is no room for complacency in this area. The terrorist attack on the tanker *Lamburg* makes the point.

"At the same time, do we really have to go to such an extreme that innocent seafarers are denied a few hours' shore leave? Seafarers are not robots. They require rest and time ashore if they are to remain fresh and fit to meet their demanding shipboard responsibilities.

"It would seem that, in this war against terror and the struggle to avoid another *Prestige*, some jurisdictions are more inclined to presume

Criminalising of seafarers 'may hinder investigations'

THE chief executive of the London Club says continued efforts to criminalise seafarers are hindering the industry's attempts to implement a robust and vigorous accident investigation procedure.

Paul Hinton believes the efforts of international governments to prosecute seafarers for incidents and accidents is breeding an environment whereby investigations are being hindered amid fears that crews will be punished for every error they make.

He says: "We, as with every P&I club, would fully support any action taken against vessels and crews which wantonly pollute or act in a dangerous or illegal manner.

"However, while ship standards are improving, where I feel we are falling down is the fact that we do not have an accident investigation regime at the level of that used in the aviation market."

Mr Hinton fears the reason is the continuing move to criminalise seafarers which is not only driving talented

crews away from the industry but also breeding an environment where there are cover-ups by crews which fear prosecution.

"We have a choice," he says. "The priority can be towards making the victims feel better after they have become victims, or we can look at how we investigate incidents thoroughly and then disseminate those findings so that we can learn from those errors to ensure they are not repeated — thereby avoiding victims in the first place. We are moving towards criminalisation and it is promoting cover-ups."

Mr Hinton says that on the whole the market is in a positive state with stable rates and improvements in ship systems which will enhance safety and lower claims.

However, he adds, P&I clubs cannot be seen as pseudo-classification societies as the clubs' agenda and structure are different.

"We do not have the huge scale of operations enjoyed by

the classification societies," he says. "There has been talk that the P&I clubs have sought to take on such a role but that is not the case.

"Ship standards are for the classification societies. The work the clubs have been doing is really to fill in the gaps classifications have left.

"Take hatches for example. The classification societies want to ensure that they are able to stop a ship from sinking and will not be too bothered if there is minor leakage around the seals.

"However, for the P&I club it is that leakage that can cause claims and we want to ensure that the risk management systems to reduce the numbers and level of claims are in place. We are looking at the vessels with different criteria.

"If you take the *Prestige*, the authorities were looking for those they could hold responsible and sought to treat the P&I club as a classification society when that is not our role."

7. 5. 06

Letter to the Editor

No-blame analysis is best for safety at sea

From Rear Adm John Lang

SIR, Few would argue that the most effective measures to improve safety of life at sea owe their origins to casualty investigations where the emphasis is placed on rather than trying to find someone to blame. All too often the search for a culprit, especially when there is loss of life or substantial environmental damage, leads to investigations that completely lose sight of the main aim, which should be to prevent the same thing happening again.

As more than one P&I club and marine insurer is discovering, the underlying cause of too many accidents today is being categorised as 'human error' with seemingly little effort being made to establish the underlying causes. Thank-accident investigation organisations, and the International Maritime Organization, are doing their best to probe the human factors that lie behind such mistakes.

It therefore follows that responsible flag administrations can do much to improve safety at sea by thoroughly investigating any incident that involves the human factor. Being able to do so in circumstances where there is no loss of life or environmental damage is an immense advantage as it enables the investigations to progress without the distraction of either the media or vested interests trying to duck responsibility.

Tragically, there are too many examples where such investigations are not carried out. Fear of publicity, shallow arguments that publication of any findings might compromise judicial proceedings or the perceived appointment of liability, tend to be the dominant sentiment in deciding not to investigate.

Every so often, however, an accident occurs where the human element is so obviously a key factor that it becomes imperative that as thorough an investigation as possible be conducted.

In the early hours of December 8, 2007 such an accident occurred.

A few miles to the east of the Bab el Mandep Traffic Separation Scheme and in the Gulf of Arden, the 2006-built Panamanian registered container ship *MSC Prestige* collided, bow-to-bow, with the 2007-built French-flagged crude oil tanker *Samco Europe*. As the *Lloyd's List* casualty reports emphasised, there were no injuries and no pollution. To the world it but in practice, it was a particularly severe collision as the two ships impacted at an angle of about 90° with an unusually high expenditure of kinetic energy. Both vessels sustained substantial damage. Had the collision occurred five seconds sooner or later, it would have been among the most serious of all times.

Visibility was good, both ships were fitted with working radars and ARPA, and both altered course in the minutes before the accident. Both were fitted with Voyage Data Recorders. Provided the two investigate flag states, Panama and France, cooperate fully, establishing precisely what happened will be relatively straightforward. Finding out why it happened will be the more difficult challenge.

It appears, however, that while France was all too ready to carry out an investigation (*Lloyd's List*, December 13, 2007), in the immediate aftermath the Panamanian Maritime Authority has shown a distinct reluctance to do likewise.

Should the two states fail to co-operate in the manner advocated by the IMO, then a golden opportunity to establish why two well equipped ships collided in the manner they did, will be lost. It is in the interests of all that this accident be properly investigated and the findings published.

Failure to do so will ensure that it could, and probably will, happen again.

John Lang, Rear Admiral
Martyr Worth
Winchester
Hampshire

Accidents

- Are never caused by a single event.
- They **are** caused by several things going wrong over time.
- The origins of any accident may well have occurred many months, and even years, beforehand.



JOHN CARTNER

The criminalisation of seafarers brings delay and added cost to a voyage as well as harassment and detention of individuals. But there are ways to reduce risk with training, information and support

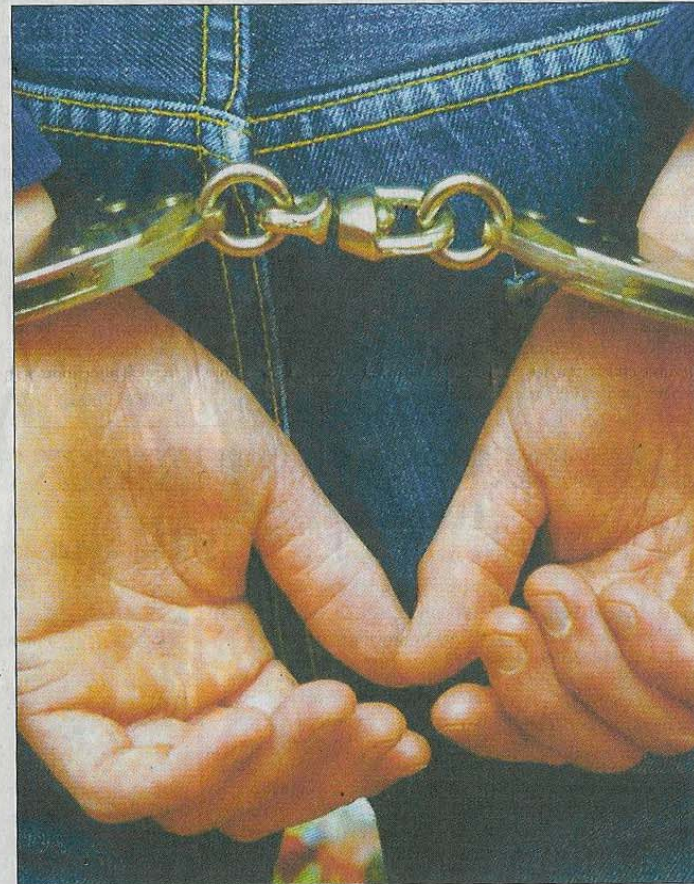
Masters must learn to navigate the law

OUR industry deals in large things, concepts, volumes and people — sometimes larger than life. We are long on history and past, a status shared by religion, law and politics. We have outlived nations, empires, kings, princes, governments and wars. We are entrusted annually with more value than any state gross domestic product or defence budget. Our ships require great capital. They are the largest mobile earth-bound contrivances and are the only machines wherein the people who operate them live in them.

The person on a ship with whom every interested party talks is the master. He makes local decisions and takes local heat. We transact with public and private bodies which enforce standards and laws upon our machines and their people. However, masters are often abused and sometimes criminalised by the self-same bodies which rely on us. How can this be?

Frankly, no one has come up with an answer except identifying social variables producing the phenomenon. We can rail against it; we have not been able to deter it. We can, however, limit it.

A vessel entering a state is often disadvantaged. This means a higher probability of harassment, delay, detention, listing and arrest of its officers for crimes. Criminalising states are often Organisation for Economic Co-operation and Development members. The US is the current leader, with France not far behind. These and others use laws as weapons and not for justice. One factor is common: some states have compared the rights of seafarers and their immediate concerns with pollution and have chosen aspirations of environmental purity over human rights.



A common factor among criminalising states is that some have put seafarers' rights in the balance with pollution only to decide that environmental purity outweighs human rights.





Channel deaths under investigation

Two died when a charter yacht got into difficulties off France

DISMASTING

BERTHING INCIDENT

MAN OVERBOARD

GROUNDING

FLOODING

FOUNDERING

CAPSIZE

FIRE OR EXPLOSION

COLLISION

PERSONAL INJURY

FALLING FROM MASTS OR RIGGING













Grounding Lessons

- Plan the passage properly.
- Identify and highlight hazards.
- Check to see the course ordered is safe.
- Use clearing bearings.
- Use second person to monitor navigation until in safe water.



HMS ASTUTE

RON MILLER/CALCO UK



SHEN NANG



MV LYFOSS

LONDON'S QUALITY NEWSPAPER

Evening Standard



THE TAX CUT BATTLE
HOW LOW CAN BROWN AND CAMERON GO?
PAGES 4 & 5

Tuesday 11 November 2008 www.standard.co.uk Incorporating The Evening News 50P

QE2 AGROUND

.....And even the QE2! 23







Gives Confidence

Helps to overcome fear

Personal Achievement

**Perfectly safe providing
rules are followed**





“Tall Ship Dismasted”

The captain of a tall ship has blamed a "freak gust" of wind for crippling his vessel.

The Fryderyk Chopin lost both its masts about 100 miles (160km) south west of the Isles of Scilly on Friday.

The vessel, which had 36 14-year-olds on board, was towed into Falmouth Bay by a tug and moored to a buoy earlier.

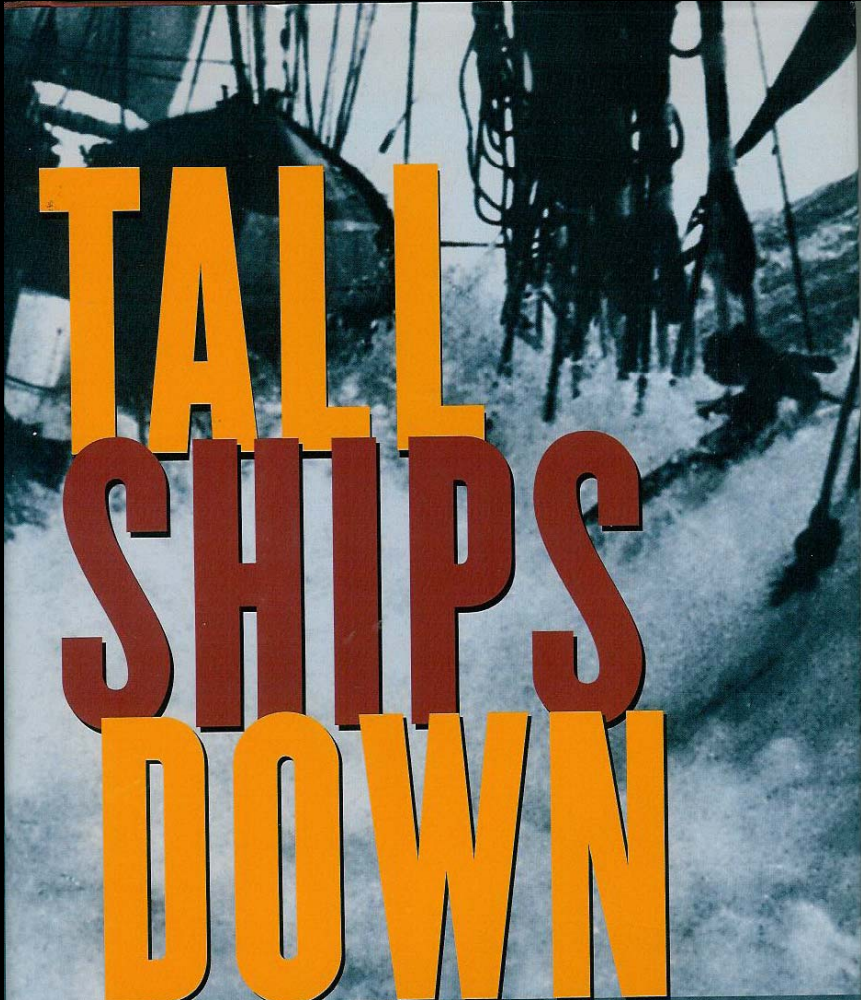
Dismasting



BAD WEATHER TACTICS

Shipmasters of old

“A ship’s survival depended almost solely on the competence of the master and on his constant alertness to every change in the weather. There was no one to tell him that the time had now come to strike his light sails and spars, and snug her down under close reefs and storm trysails. His own barometer, the force and direction of the wind, and the appearance of sea and sky were all that he had for information. Ceaseless vigilance in watching and interpreting signs, plus a philosophy of taking no risk in which there was little to gain and much to be lost, was what enabled him to survive.”



TALL SHIPS DOWN

THE LAST VOYAGES OF THE *PAMIR*, *ALBATROSS*,
MARQUES, *PRIDE OF BALTIMORE*, AND *MARIA ASUMPTA*

DANIEL S. PARROTT
CAPTAIN OF THE *PRIDE OF BALTIMORE II*



Foundering

“To fill with Water and Sink”

- The hull is breached.
- Underwater pipe or fitting gives way.
- Through an open door, hatchway or port when it should be shut.
- Failure or inability to get rid of excess water.
- Flooding not pumping!
- Lack of adequate watertight integrity.

FOUNDERINGS

- **Asgard II** **Foundered off French Coast
(Bay of Biscay) 11 Sep 2008
No loss of Life**
- **Concordia** **Foundered off Brazilian Coast
19 February 2010
No loss of Life**

Marine Casualty Investigation Board



WWW.MCIB.IE

**REPORT OF THE
INVESTIGATION INTO
THE
LOSS OF THE
BRIGANTINE SAILING
SHIP
STV “ASGARD II”
ON THE
11th SEPTEMBER 2008**

On 10th September, 2008, the STV "Asgard II" departed Dournenez, France, bound for La Rochelle, France, with 5 crew and 20 trainee crew onboard.

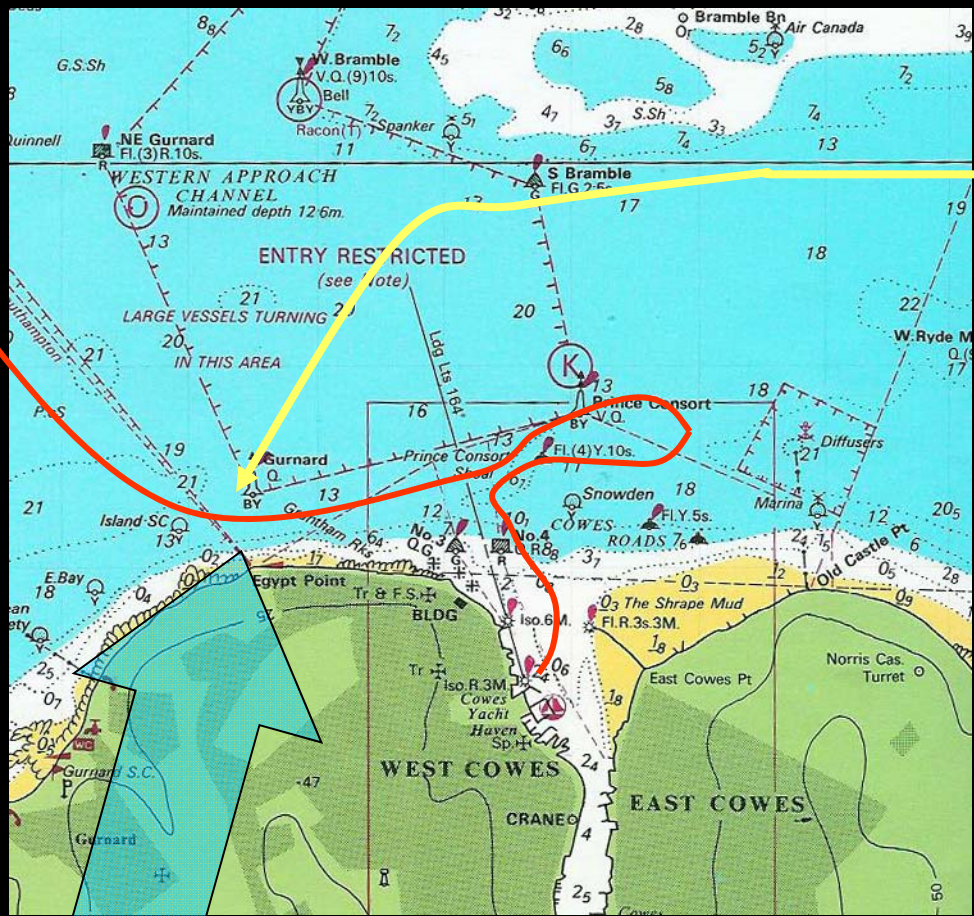
At approximately 01:00 hrs GMT on 11th September, 2008, when off St. Nazaire in the Bay of Biscay at position 47.18.3' N, 003.32.00' W, water ingress was observed in the Trainee Mess. At 01:05 hrs a PAN PAN message was broadcast. At about 01:15 hrs a Mayday Relay message was received by French Search and Rescue (French SAR), as the water in the Trainee Mess continued rising rapidly. The crew attempted to pump the flood water without success. The ship was abandoned by liferaft at approximately 01:50 hrs. Two French lifeboats rescued all 25 persons from the liferafts. During the abandonment, the floor of one of the three liferafts failed and the persons on board were successfully transferred to other liferafts. No loss of life occurred and no injuries were reported.











Gurnard Buoy









Avoiding Accidents

- The Safety Record is good.
- We cannot afford to be complacent.
- Accidents do occur from time to time.
- Think how they occur and beware blame.
- Correcting underlying causes improves safety.
- Learn from others misfortunes

The Importance of Having a Reliable Skipper



Federal Bureau of Maritime Casualty
Investigation - Germany

Accident Investigation Board of
Finland

Marine Accident Investigation Branch -
UK

National Transportation Safety Board -
USA

Icelandic Marine Accident
Investigation Board

Transportation Safety Board of
Canada

Marine Casualty Investigation Board -
Ireland

BEAmer - France

Accident Investigation Board - Norway

Marine Accident and Incident
Investigation Unit - Malta

Danish Maritime Investigation
Division

Australian Transport Safety Bureau

Japan Transport Safety Board



Recommendations to: The Regulatory Authority

Press for an urgent review of the process and principles of safe manning at the IMO to reflect the critical safety issue of fatigue and the use of dedicated lookouts.

To instigate robust, unilateral measures to address the fatigue of bridge watchkeeping officers on vessels in UK waters and to ensure that a dedicated lookout is always posted at night and during restricted visibility.

Safety Recommendations



**It is recommended
that.....**

**Do you have effective
operating
procedures?**

**Are the trustees
satisfied they can be
implemented and are
being followed?**

If not.....!



