

Domestic Ferry Safety

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The objective of this presentation is to share recent developments at IMO in the context of domestic ferry safety and seek your frank and objective views

What is a *Domestic Ferry*?
What are *Domestic Waters*?
What are *Non-Domestic Waters*?
- Are they *Open Waters*?

Who is a *Recognized Entity*?

Structure of presentation

- Background
- Reality
- Outcome of MSC 101
- Way forward
- Recap + interactions
- Articles in the draft Model Regulations
- Key definitions
- Conclusion
- Comments

Background

- In the past 50 years 60,000 (indicative) lives lost in ship incidents (common knowledge)
- Circa 93% of lives lost attributable to domestic ferry incidents, around 1,000+ per year
- Common causes include: domestic ferries unfit for purpose, unrealistic conversions, stability issues particularly lack of damaged stability specifications, over loading, poor passenger management, shortage or unreachability of life-saving equipment, improper cargo stowage, improper carriage of dangerous goods, lack of crew competence, undeclared mass on board, sailing in bad weather, lack of safety culture, corruption (34 identified by the Secretariat)
- Most importantly lack of all-encompassing national legislation

Background - cont.

- IMO Model Ship Safety Regulations for non-convention ships (GlobalReg) 2009-2015 - **these are technical guidance for non-convention ships and have not been validated by any IMO organ**
- Bali Action Plan 2011
- Suva Action Plan 2012
- Nanjing Action Plan 2013
- Manila Action Plan 2013
- Manila Guidelines 2015
- Guidelines for safety of passenger ships not covered by SOLAS (2015)
- Guangzhou Statement 2017

Reality

Domestic ferry incidents in January 2017 - June 2019

- 28 accidents per information in public domain, there might be more
- Countries affected: Indonesia, Malaysia, Taiwan (China), Myanmar, Colombia, Brazil, the Philippines, Portugal, Vanuatu, USA, Kiribati, Thailand, Tanzania, Iraq, Democratic Republic of the Congo (DRC), Hungary
- Unacceptable high levels of accidents
- The above highlight the international dimension of this very important issue
- Since June 2019, three more accidents have taken place: India, DRC and Nigeria/Cameroon
- (see IMO document MSC 102/8)

Reality – cont.

- Unfortunately accidents continue to take place even with the best of intentions and efforts, and provision of guidance
- Numerous action plans have been developed and statements made over the years, mostly repetitive in nature
- The force of law along with the flexibility to achieve “what must be accomplished” need to be strengthened
- It is an international issue and not just specific to any one region or country
- Yet people continue to travel and risk their lives

Outcome of MSC 101 (June 2019)

- A bit what happened at MSC 100 (December 2018)

MSC 101 (June 2019)

- Two main documents on improving domestic ferry safety
- One by the Secretariat (way forward) and the other by China
- Both proposals having similarities but not identical
- The Committee approved the suggested way forward
- Dedicated agenda item on “Measures to improve domestic ferry safety”
- Four sessions to complete framework model regulations
- So what is the way forward (future)?

Way forward

- Led by the Secretariat (Irfan Rahim)
- Major Role of China
- Development of framework *Model Regulations on Domestic Ferry Safety*
- Assistance in the incorporation of model regulations into domestic law
- Collaboration with IMO's International Maritime Law Institute (IMLI)
- Development of online training material on domestic ferry safety
- Expert Group Meeting covering Asia (March 2020)
- MSC 102 Working Group on Domestic Ferry Safety (May 2020)
- All stakeholders encouraged to participate
- Continue with technical cooperation activities

Recap - interactions

- Discussions with UN ESCAP (February 2019)
- Presentation at WFSA (February 2019)
- Collaboration with WHO (February 2019)
- Preparation of document on way forward and interaction with stakeholders (February – June 2019)
- Way forward agreed at MSC 101 (June 2019)
- Lecture and interaction - DMU (September 2019)
- Presentation and interaction - INTERFERRY Conference (October 2019)
- Interaction and lecture - IMLI (October 2019)
- Regional workshop, nine African countries represented - Lagos (October 2019)
- Interaction - UN ESCAP (Secretariat) others (November 2019)
- Interaction and lecture - WMU (November 2019)
- EGM for Asia - UNCC, Bangkok (March 2020) – taking place
- Other invitations and interactions in place

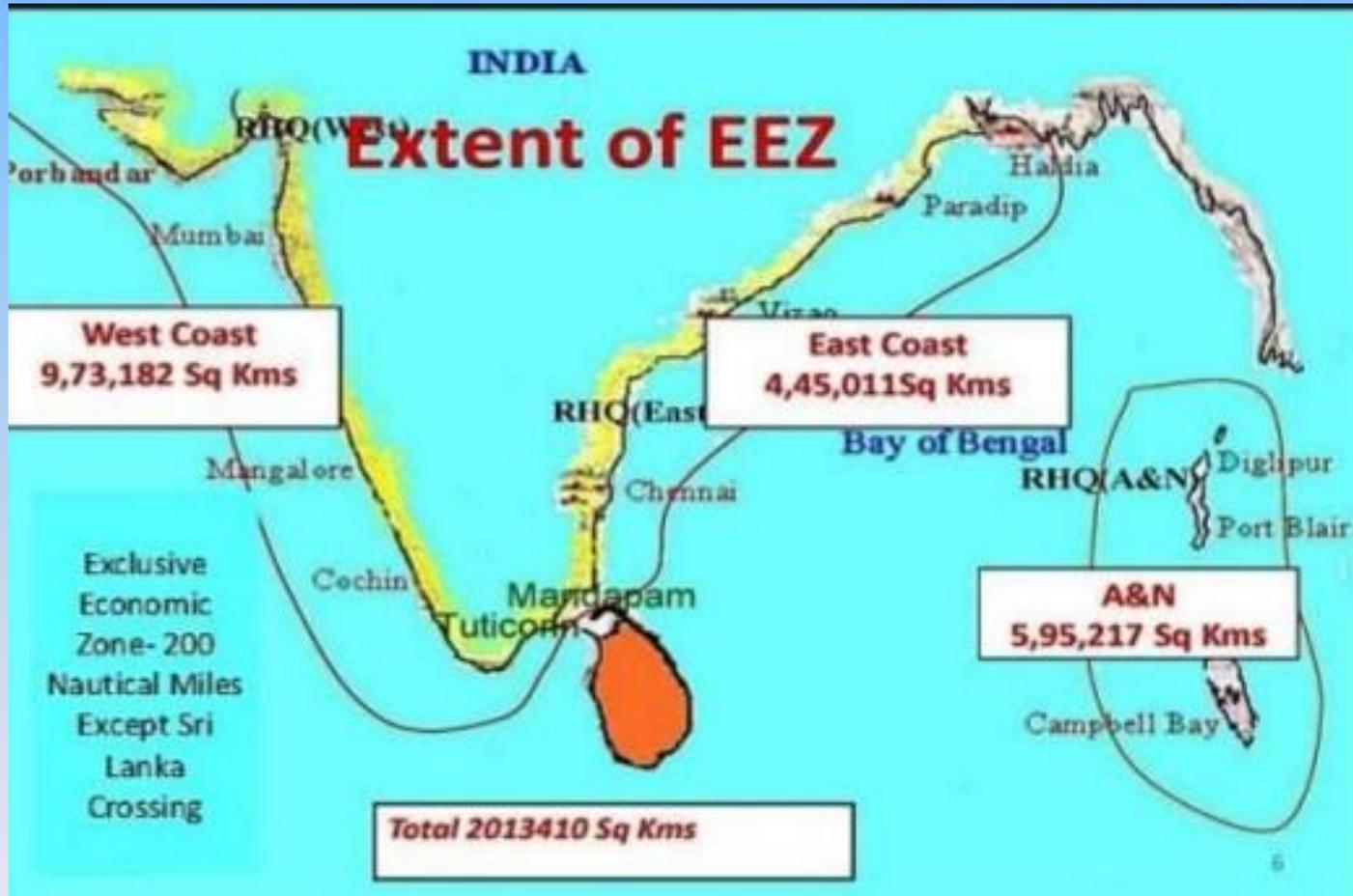
Draft Model Regulations on Domestic Ferry Safety

Progress so far 35 Articles + three Annexes

Preamble, (1) Application; (2) General; (3) Safety Culture; (4) Surveys; (5) Responsible Sale; (6) Responsible Purchase; (7) New Built Domestic Ferry; (8) Conversion to Domestic Ferry; (9) Repair, Modification and Conversion; (10) Registration; (11) Education and Training; (12) Manning; (13) Safety Management; (14) Occupational Health and Safety; (15) Navigation; (16) Maintenance; (17) Stowage and Securing; (18) Embarkation and Disembarkation; (19) Prior to Departure and arrival; (20) Certificates; (21) Exemption; (22) Aids to Navigation; (23) Accidents; (24) Duty to Render Assistance; (25) Search and Rescue; (26) Breach of Regulations; (27) Domestication; (28) Translation; (29) Amendments; (30) Conflict; (31) Withdrawal; (32) Implementation; (33) Interpretation; (34) Disputes; (35) Three Annexes (Navigational Area, Check List, and Education and Training)

Key definitions (draft)

(for the purposes of model regulations only)



Key definitions (draft) - cont.

(for the purposes of model regulations only)

- **Competent authority** means a government entity responsible for the implementation of these regulations
- **Domestic ferry** means a craft of any type and construction, using any means of propulsion, primarily used for the carriage of passengers and their belongings over water, meant to undertake a voyage or voyages within domestic waters only and is certified as such by the competent authority
- **Domestic waters** mean waters, which shall not extend more than 200 nautical miles from the baseline, including waters landwards of the baseline, without encroaching into the domestic waters of another country unless expressly agreed otherwise, in which the domestic ferry may operate, clearly identified, designated and promulgated as such by the competent authority

Key definitions (draft)- cont.

(for the purposes of model regulations only)

- *Open waters* mean waters which are seaward of domestic waters' limits
- *Recognized entity* means an entity, duly qualified, experienced, accredited and authorized to carry out surveys, issue certificates and to undertake any other activity required per these regulations at the request and on behalf of the competent authority, and includes authorized experts

Conclusion

- The development of **framework** *Model Regulations on Domestic Ferry Safety* and their incorporation into national law will provide mandatory domestic ferry safety regimes for compliance, yet providing the flexibility of how to meet the requirements
- Expect the model regulations completed by 2022
- Interested IMLI students will incorporate the model regulations in respective domestic law as part of assignments
- Development of explanatory notes
- Online training material will provide training to all concerned
- The focus will be on safety
- The above will ensure safe domestic and regional ferry operations
- Basis for bilateral or multilateral agreements
- Potential to become regional intergovernmental agreement on domestic ferry safety
- Potential to become a convention on domestic ferry safety

Thank you