

# **The Manila Amendments to the STCW Convention and Code – An Overview**

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## **Introduction**

1. Metropolitan Manila hosted the International Conference that adopted the Manila Amendments to the STCW Convention 1978 from 21 to 25 June 2010. In order to further mark the significance of the Manila Amendments and the vital role of seafarers in international shipping, the Conference agreed to propose that 25<sup>th</sup> June be commemorated as the “Seafarers Day”. The 25<sup>th</sup> of June being the date the Manila Amendments were formally adopted by the Conference that closed at the end of 5 days of some intensive negotiations after all parties agreed to a compromise to finally seal the Manila Amendments.

2. There were 85 State Parties, 3 associate members of IMO, 1 observer State and 23 international organizations that attended the weeklong Conference. The large number of delegations demonstrated the global importance of the STCW Convention, perhaps, all being aware of the impact the Amendments will bring to international shipping.

## **Background**

3. Serious talk on the need to amend the STCW Convention began at the 37<sup>th</sup> STW Sub-Committee meeting in 2006. In his opening address, Mr. Mitropoulos, the IMO Secretary General, raised the suggestion that it was perhaps timely for the STCW Convention, as amended in 1995, be revised in view of the developments in the shipping industry. The Secretary General indicated the need to give some preliminary consideration to the need for, and the timing of, another comprehensive review of the STCW Convention to ensure that it met the new challenges facing the shipping industry in the years to come. Some of the reasons raised when considering the need to amend the Convention included –

- .1 The number of ad hoc amendments and future anticipated amendments to the Convention and Code might create confusion and difficulties in their implementation;
- .2 Inconsistencies that are present in the existing text of the STCW Convention and Code; and
- .3 Requirements for demonstration of competence under chapter VI of the STCW Convention.

4. However, many delegates (including Malaysia) at the 37<sup>th</sup> STW could not agree for a comprehensive revision of the Convention and Code. On the other hand, it could support a “review” exercise that is limited to

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resolving inconsistencies that had been identified to allow for a better implementation of the provisions in the Convention and Code. Malaysia's philosophy approaching the STCW review was "address the mere essentials, iron out the anomalies and inconsistencies, retain the present structure of the convention and avoid making life more difficult for seafarers". We now know that while the Manila Amendments did not really amount to a complete overhaul of the STCW Convention, the Convention was, indeed, subject to a complete revision with a number of new provisions added.

### **The STCW Convention, as amended in 1995**

5. The STCW Convention, when it was first introduced in 1978, attracted huge interests the world over. This was rather anticipated in view of the impact the Convention brought to the international shipping industry and more specifically to the more than 1 million seafarers serving on ships worldwide. However, some 17 years later, when the International Maritime Organization (IMO) introduced the 1995 amendments, an even greater impact was caused to all in the shipping industry. Indeed, many will say the 1995 amendments revamped the whole aspects of training and certification of seafarers worldwide. While the main articles (17 altogether) of the original Convention remained intact, the 1995 amendments introduced many mainly technical changes that encompassed an entirely different system for the training and certification of seafarers and also included greater control on the processes involved.

6. The 1995 amendments necessitated wide ranging changes at all levels that covered regulatory authorities, training institutions and the shipping industry. Such was the administrative challenge brought about by those changes that Malaysia only managed to have our laws ready in 1999, some 4 years after the adoption of the amendments. Indeed, some States have only just recently completed the change process from the old 1978 system to the "new" 1995 one. However, such was the essential nature of the STCW Convention that there are now 154 State Parties representing about 99.12% of the world's shipping tonnage.

7. One of the major features of the 1995 amendments was the division of the technical annex into regulations and the introduction of a new STCW Code, to which many of the technical regulations were transferred. The Code itself contains 2 parts; Part A is mandatory and Part B is recommendatory. One obvious benefit of dividing the main Convention into different segments is that it makes administration of the Convention easier. It follows that the task of revising and updating the technical components of the Convention is made simpler procedurally, as there is no need to convene a full conference to make changes to the Codes.

8. Another major change in the 1995 amendments was the requirement for State Parties to provide detailed information to the IMO concerning the administrative measures taken to ensure compliance with the Convention. Under Chapter I of Regulation I/7, State Parties are required to provide detailed information to IMO concerning administrative measures taken to ensure compliance with the Convention, education and training courses, certification procedures and other factors relevant to implementation. The information is reviewed by IMO, through a panel of competent persons, which will result in the production of a list of "confirmed Parties" in compliance with the STCW Convention. This is now famously known also as the "White List" States.

9. The STCW Convention, as amended in 1995, comprised of 8 chapters and 37 regulations as follows-

- .1 Chapter I: General provisions (15 regulations)
- .2 Chapter II: Master and deck department (4 regulations)
- .3 Chapter III: Engine department (4 regulations)
- .4 Chapter IV: Radio-communication and radio personnel (2 regulations)
- .5 Chapter V: Special training requirements for personnel on certain types of ships (3 regulations)
- .6 Chapter VI: Emergency, occupational safety, medical care and survival functions (4 regulations)
- .7 Chapter VII: Alternative certification (3 regulations)
- .8 Chapter VIII: Watchkeeping (2 regulations)

10. The more detailed technical standards are placed in Codes; Part A being mandatory standards and Part B recommended guidance. The technical details contained in the Codes followed the same structure as the main chapters for ease of reference.

11. Today, 15 years after the adoption of the 1995 amendments to the STCW Convention we are faced with another set of amendments. Some of the questions asked have been: How extensive are the changes and what would be their consequences to the industry as well as the regulators?

### **The Manila Amendments 2010**

12. The Manila amendments to the STCW Convention and Code were adopted on 25 June 2010, marking a major revision of the STCW Convention and Code some 15 years since its last revision in 1995. These amendments are set to enter into force on 1 January 2012 under the tacit amendment procedure and are aimed at bringing the Convention and Code up to date with current developments and to address issues that are anticipated to emerge in the foreseeable future.

13. The bulk of the revision to the STCW Convention and Codes was settled during the many meetings of the Sub-Committee on Standards of Training and Watchkeeping (STW) held from 2007 to 2009. Malaysia, through the Marine Department took active participation in those activities. That being the case, the Manila Diplomatic Conference was left to consider issues that were not able to be resolved at the Sub-Committee level as well as issues of policy. These issues were-

- .1 Medical standards under Regulation I/9
- .2 The need for the communication of information under Section A-I/7
- .3 Minimum age for young seafarers
- .4 Training standards for Electro-Technical Officers and the need for Senior Electrical Officer under Regulation III/6, Section A-III/6 and Section B-III/6
- .5 Certificates and endorsements under Regulation I/2

- .6 Onboard training requirements (applicable only to the 12 months approved “seagoing service route” under Regulation III/1, Section A-III/1 and Section B-III/1
- .7 Exception to hours of rest in Section A-VIII/1
- .8 Conference Resolutions

14. The Manila Diplomatic Conference adopted the Final Act of the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 that comprised 19 Resolutions, including the resolutions to amend the Convention and Code-

- .1 Resolution 1: amendments to the annex to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;
- .2 Resolution 2: amendments to the Seafarers’ Training, Certification and Watchkeeping (STCW) Code,
- .3 Resolution 3: Expression of appreciation to the host Government;
- .4 Resolution 4: Transitional provisions and early implementation;
- .5 Resolution 5: Verification of certificates of competency and endorsements;
- .6 Resolution 6: Standards of training and certification and ships’ manning levels;
- .7 Resolution 7: Promotion of technical knowledge, skills and professionalism of seafarers;
- .8 Resolution 8: Development of guidelines to implement international standards of medical fitness for seafarers;
- .9 Resolution 9: Revision of existing model courses published by the International Maritime Organization and development of new model courses;
- .10 Resolution 10: Promotion of technical co-operation;
- .11 Resolution 11: Measures to ensure the competency of masters and officers of ships operating in polar waters;
- .12 Resolution 12: Attracting new entrants to, and retaining seafarers in, the maritime profession;
- .13 Resolution 13: Accommodation for trainees;
- .14 Resolution 14: Promotion of the participation of women in the maritime industry;
- .15 Resolution 15: Future amendments and review of the STCW Convention and Code;
- .16 Resolution 16: Contribution of the International Labour Organization;
- .17 Resolution 17: Role of the World Maritime University, the IMO International Maritime Law Institute and the International Maritime Safety, Security and Environment Academy (IMSSEA) in promoting enhanced maritime standards;

- .18 Resolution 18: Year of the Seafarer; and
- .19 Resolution 19: Day of the Seafarer.

15. The Manila Amendments to the Convention comprised of 8 chapters and 43 regulations. There is an addition of 6 new regulations. The STCW Convention, as amended in 2010, now comprise the following-

- .1 Chapter I: General provisions (15 regulations)
- .2 Chapter II: Master and deck department (5 regulations)
- .3 Chapter III: Engine department (7 regulations)
- .4 Chapter IV: Radio-communication and radio personnel (2 regulations)
- .5 Chapter V: Special training requirements for personnel on certain types of ships (3 regulations)
- .6 Chapter VI: Emergency, occupational safety, medical care and survival functions (6 regulations)
- .7 Chapter VII: Alternative certification (3 regulations)
- .8 Chapter VIII: Watchkeeping (2 regulations)

16. The whole of the STCW Code was also reviewed in line with the amendments made to the regulations. The detailed technical standards have been retained in the Codes i.e. Part A being mandatory standards and Part B recommended guidance. Basically, the whole structure of the STCW Convention, as amended in 1995, has been retained and only the details have been amended. This avoided the complication of adapting to a completely different format that was faced as a result of the earlier 1995 wholesale changes.

17. There were a number of important changes to each chapter of the Convention and Code that were adopted in the Manila amendments. They included:

- .1 Improved measures to prevent fraudulent practices associated with certificates of competency and strengthen the evaluation process (monitoring of Parties' compliance with the Convention);
- .2 Revised requirements on hours of work and rest and to harmonize as much as possible with the provisions under the Maritime Labour Convention 2006 adopted by the International Labour Organization;
- .3 New requirements for the prevention of drug and alcohol abuse, as well as updated standards relating to medical fitness standards for seafarers;
- .4 New certification requirements for able seafarers;
- .5 New requirements relating to training in modern technology such as electronic charts and information systems (ECDIS);
- .6 New requirements for marine environment awareness training and training in leadership and teamwork;
- .7 New training and certification requirements for electro-technical officers;

- .8 Updating of competence requirements for personnel serving on board all types of tankers, including new requirements for personnel serving on liquefied gas tankers;
- .9 New requirements for security training, as well as provisions to ensure that seafarers are properly trained to cope if their ship comes under attack by pirates;
- .10 Introduction of modern training methodology including distance learning and web-based learning;
- .11 Near coastal trade voyage;
- .12 New training guidance for personnel serving on board ships operating in polar waters; and
- .13 New training guidance for personnel operating Dynamic Positioning Systems.

18. There are enough changes to ensure that everyone involved in the implementation of the Convention will be fully occupied in fully understanding these new requirements and in its implementation. The various people that are involved in the implementation of the STCW Convention will have to review these changes with a view to implementing them. These include regulators, shipowners, seafarers and training institutions.

19. Where do these changes impact?

19.1. The parties impacted by the above changes may be summarized in the table below –

Changes	Impacted Party
1. Improved measures to prevent fraudulent practices associated with certificates of competency and strengthen the evaluation process (monitoring of Parties' compliance with the Convention)	Regulator
2. Revised requirements on hours of work and rest and to harmonize as much as possible with the provisions under the Maritime Labour Convention 2006 adopted by the International Labour Organization	Regulators Shipowners Seafarers
3. New requirements for the prevention of drug and alcohol abuse, as well as updated standards relating to medical fitness standards for seafarers	Regulators Shipowners Seafarers
4. New certification requirements for able seafarers	Regulators Seafarers Training institutions
5. New requirements relating to training in modern technology such as electronic charts display and information systems (ECDIS)	Regulators Seafarers Training institutions
6. New requirements for marine environment awareness training and training in leadership and teamwork	Regulators Seafarers Training institutions
7. New training and certification requirements for electro-technical officers	Regulators Seafarers Training institutions
8. Near coastal trade voyage	Regulators Shipowners

Changes	Impacted Party
9. Updating of competence requirements for personnel serving on board all types of tankers, including new requirements for personnel serving on liquefied gas tankers;	Regulators Seafarers Training institutions
10. New requirements for security training, as well as provisions to ensure that seafarers are properly trained to cope if their ship comes under attack by pirates	Regulators Shipowners Seafarers Training institutions
11. Introduction of modern training methodology including distance learning and web-based learning	Regulators Training institutions
12. New training guidance for personnel serving on board ships operating in polar waters	Regulators Shipowners Seafarers Training institutions
13. New training guidance for personnel operating Dynamic Positioning Systems	Regulators Shipowners Seafarers Training institutions

#### 14. Transitional provisions

- 14.1. The Manila Amendments will enter into force on 1 January 2012. As a transitional provision, Regulation I/15 allows for a State Party to continue to issue, recognize and endorse certificates under the present provisions of the STCW Convention until 1 January 2017. However, this is only in respect of seafarers who commence their approved seagoing service, approved education and training programme, before 1 July 2013.
- 14.2. In addition to the above, a State Party may continue to renew and revalidate certificates and endorsements in accordance with the current provisions of the STCW Convention until 1 January 2017.
- 14.3. However, critical provisions under the existing Convention are given a transition period of 5 years before they are required to change. As an example, certificates of competency issued prior to the Manila Amendments will be allowed to be used for up to a period of 5 years or until they expire, from then on the new certificates issued must be in compliance with the Manila Amendments.

#### 15. Major milestones of the Manila Amendments

- 15.1. The major milestones under the Manila Amendments may be summarised in the table below –

Date	Action/Activity
25 June 2010	Adoption of the Manila Amendments
1 July 2011	Manila Amendments deemed to be accepted

Date	Action/Activity
1 January 2012	Manila Amendments enter into force
1 July 2013	Full application of the STCW Convention as amended in 2010
1 January 2017	End of transitional period. Full enforcement of the Manila Amendments. Electronic based information.

### **Who are affected and what they have to do?**

16. The Manila Amendment will have an all round impact to all stakeholders involved in the training and certification of seafarers. Each and everyone will have to keep abreast of the new provisions under the amendments and be prepared for their implementation.

#### **17. Regulators**

17.1. Just as with any international convention, regulators or maritime administrations play an important role to implement the STCW Convention. They are responsible, firstly, to ensure the provisions of the convention are sufficiently provided under national laws for effective implementation and subsequent enforcement. Without national laws the provisions cannot be fully implemented. Administrations are also expected to inform all parties of the new provisions. This should follow with promotion and awareness programmes.

17.2. For Malaysia, the Marine Department is the main regulatory agency and, thus, will need to take adequate measures for the full implementation of the Manila Amendments. Legislative action may necessitate amendments to our national laws i.e. the Merchant Shipping Ordinance 1952 and the rules made under the Ordinance. Malaysian Shipping Notices that clarify technical details of the Convention, mainly the Codes, will also have to be amended to reflect the changes adopted in the Manila Amendments.

17.3. There are other actions that need to be taken and these include whether existing MOUs need to be reviewed and building sufficient monitoring system to determine full compliance to the Convention. This may include a thorough evaluation of the seafarers' certification process before any previous recognition is continued.

17.4. There must also be sufficient promotion of the Manila Amendments to ensure all parties are aware of the requirements and take the necessary measures to ensure they are prepared for the implementation.

#### **18. Shipowners**

18.1. Shipowners need to ensure that seafarers employed on board ships display the necessary health and fitness level and possess the necessary qualifications and competencies. This is to ensure their ships will continue to be manned and operated by competent seafarers and also not be subject to detention or unnecessary delays by Port State Control officers.



- 18.2. On the operational level, shipowners must ensure the hours of rest determined under the Convention are fully complied with. Owners must ensure they have enough seafarers on board to enable a roster that complies with the new requirements and that no seafarers are overly worked on board ships. This is to avoid the fatigue that, in turn, contributes to accidents.
- 18.3. Shipowners with a large roster of seafarers should ensure that there is a systematic programme in place to ensure that their seafarers attend the necessary training that will allow the continued recognition of their certificates. Shipowners should also provide adequate support, including financially, allowing their seafarers to fully comply with the new requirements.
19. Seafarers
- 19.1. This is, by far, the most important target group, since, without seafarers there will be no ships, or ships will not be sailing. It is vital that seafarers fully understand the whole STCW Convention, in order that they are aware of the full requirements for obtaining a certificate of competency as prescribed by the new Manila Amendments.
- 19.2. The above is especially relevant in respect of new requirements including the need for new certifications and training as in the case for ratings as able seafarers (both for deck and engine) and for electro-technical officer.
20. Training institutions
- 20.1. Training institutions play a critical role in developing training programmes that meet all the requirements under the revised STCW Convention. This may involve the restructuring of courses and retraining of instructors, especially for the modules or course contents.
- 20.2. Training institutions should ensure these programmes are in place well in time when the Manila Amendments are fully enforced, taking into consideration the 5 years transitional period that has been allowed under the Convention.

### Summary of actions

21. A summary of the important actions to be undertaken by the relevant parties involved –

Party	Action
Regulator	<ol style="list-style-type: none"> <li>1. Promotion and awareness</li> <li>2. Amendment of rules, regulations and guidelines</li> <li>3. New certificates: Electro-Technical Officer, Able Seafarer</li> <li>4. Review MOUs and create new ones (near coastal voyages)</li> <li>5. Review quality systems</li> </ol>
Shipowners	<ol style="list-style-type: none"> <li>1. Ensure health, training (include re-training) and qualifications of crew</li> <li>2. Manning levels to meet hours of rest requirements</li> <li>3. Prepare training funds</li> </ol>
Seafarers	<ol style="list-style-type: none"> <li>1. Awareness of new requirements, especially on training and certification</li> </ol>
Training institutions	<ol style="list-style-type: none"> <li>1. Training programmes in place</li> <li>2. Restructuring of training courses</li> </ol>

Party	Action
	3. Re-training of trainers 4. Review quality systems

## Conclusion

22. The 2010 Manila Amendments brought significant changes to the STCW Convention generally aimed at bringing the Convention and Code up to date with current developments and to address issues that are anticipated to emerge in the foreseeable future. At the same time, the Manila Amendments were also intended to address the anomalies that have long been left aside in the Convention. On the whole, the Manila Amendments will further improve the training and qualification of seafarers to make them better prepared and competent for working on board ships.

23. The Manila Amendments call for various parties involved in the implementation of the STCW Convention to take the necessary steps to ensure the requirements are being fully implemented. Our objective is to ensure everything is in place come 1 January 2012 and that we are ready to fully implement the Manila Amendments.