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# Cultural Readjustment – shifting the investigation paradigm



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# **Review of the International Code for the Investigation of Marine Casualties and Incidents**

***Current Status***

***Vision for the Future***

# **Regulation 21**

**Safety of Life At Sea Convention 1948**

**Safety of Life At Sea Convention 1960**

**Safety of Life At Sea Convention 1974**

**Load Line 1966**



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## Part C

### *Casualties*

- (a) Each administration undertakes to conduct an investigations into any casualty occurring to any of its ships subject to the provisions of the present convention **when it judges that such an investigation may assist in determining what changes in the present regulations may be desirable.**
- (b) . . . No reports . . . Shall disclose the identity of the ships concerned or in any manner fix or imply responsibility upon a ship or person.



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# **Cultural Readjustment**

- **Barry Turner analyzed 84 Formal UK inquiries into accidents, including 33 Courts of Inquiry into shipping accidents.**
- **Turner developed a six stage model to explain accidents.**
- **The last stage was termed “Full Cultural Readjustment”**
  - **the stage at which an inquiry is carried out and leads to changes in the way things are done and hazards are regarded.**



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# British Talent

Technological inertia – latent factor

1952 electrical safety standards in a  
1966 increased loading rate  
environment



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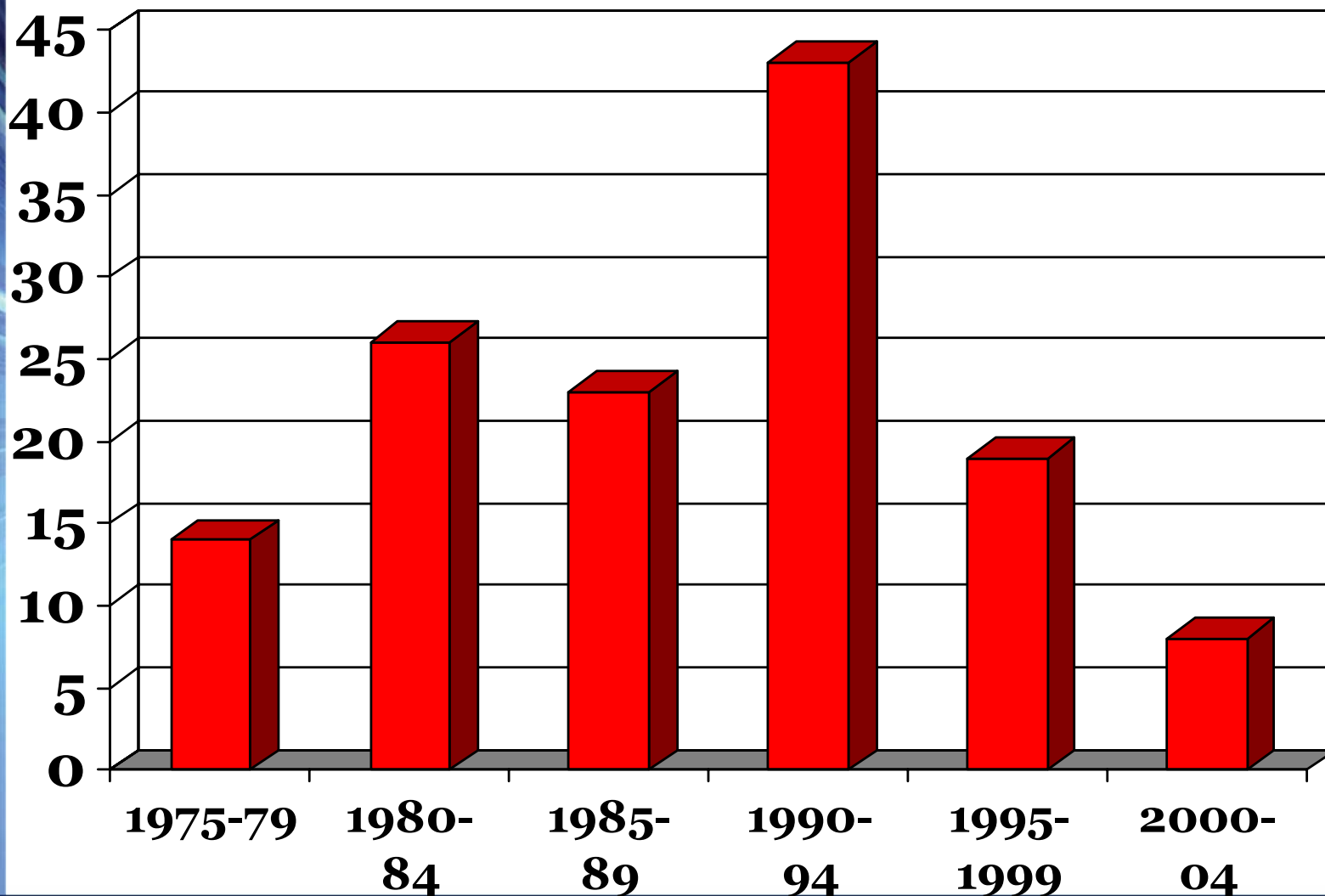


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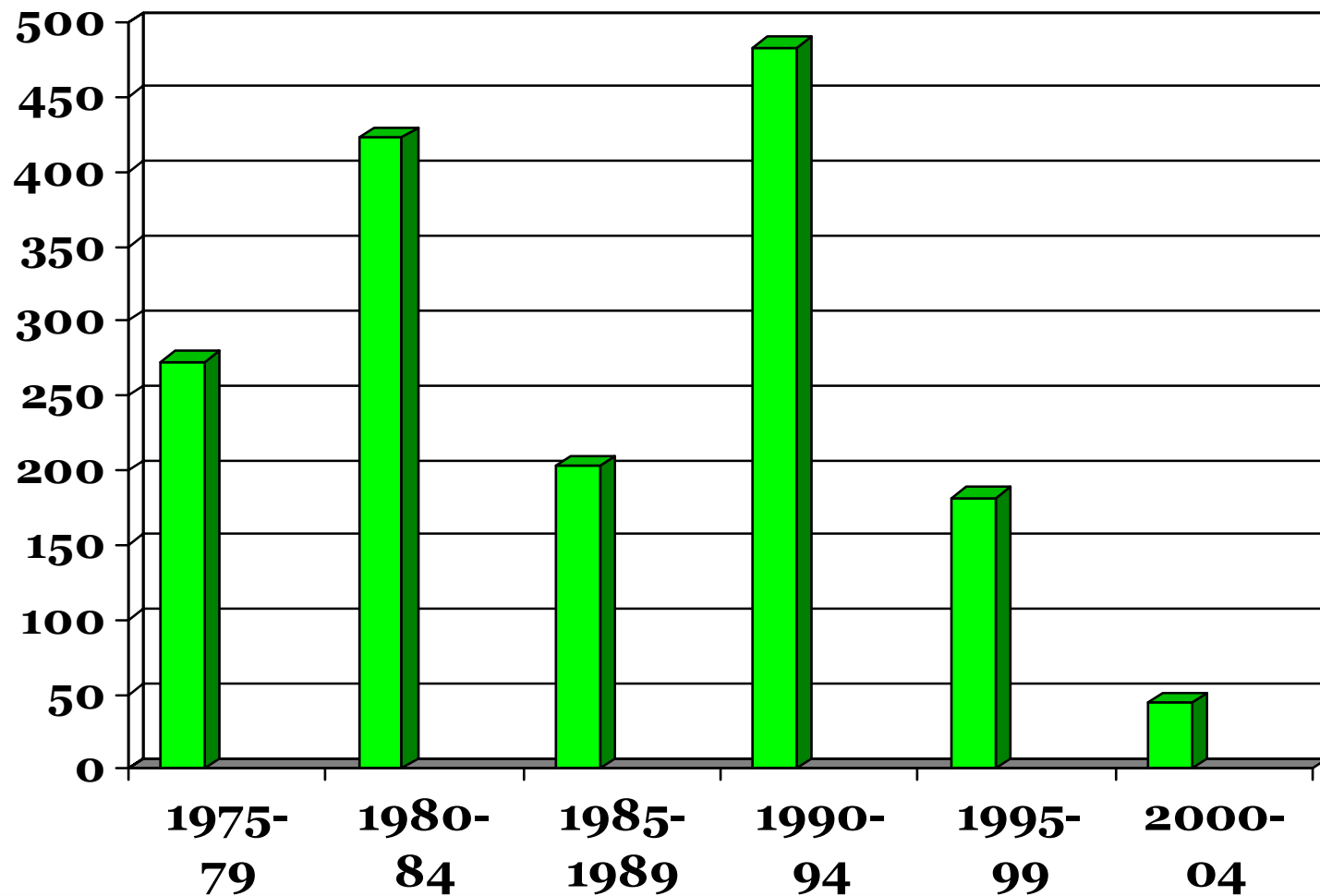
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## Number of bulk carriers >10000gt lost from structural or hatch failure or classed as missing



**Lives lost – Bulk Carriers . 10000gt aboard vessels  
lost from structural or hatch failure or from ships  
listed as missing**



# **The Code –**

**Original submission by Australia, Hong Kong and Vanuatu submitted to MSC 63 in 1993**

**Change in emphasis to recognise the interests of the coastal State**


## **Objective:**

**It is not the purpose of such investigations to determine liability, or apportion blame. However, the investigating authority should not refrain from fully reporting the causes because fault or liability may be inferred from the findings.**



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**Although the coastal State has an interest in meeting public (and political) expectation, the onus remains with the flag State to investigate under LOS article 94(7)**



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**The Code is becoming a basis for safety investigation in an increasing number of administrations. It can be argued that this usage is now at a level that it has become one of the :‘*generally accepted international regulations, procedures and practices*’ and flag States are obliged “*to take any steps which may be necessary to secure their observance.*’ (LOS 94.5)**



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## **FSI 13 – Terms of Reference for correspondence group:**

- 1. review challenges and benefits applying to the expected revised Code for the investigation of marine casualties**
- 2. review and suggest solutions to any impediments to implementation of a mandatory code**
- 3. review the existing Code and previously submitted documents concerning its amendment (FSI 13/5, MEPC 52/10/1, MSC 79/20/4 and MSC 79/20/8)**
- 4. suggest an appropriate format**
- 5. summarize areas of agreement and areas of difference among the correspondence group**
- 6. submit a report to FSI 14**



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## Basic principles

- **very serious and serious investigations must be investigated;**
- **matters of fact must be made available to investigating States;**
- **investigation reports must be provided to IMO;**
- **an investigation under the Code must have access to the ship(s) involved and the crew(s); and**
- **no seafarer will be incarcerated or held in close confinement as a consequence of any investigation conducted under the provisions of the Code.**



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## Making the Code Mandatory

- A complete re-write to create a new SOLAS Convention. This may be desirable but it is impracticable.
- An amendment and complete redraft of the existing Regulation I/21. rather than tacit amendment provisions.
- The creation of a new Chapter 13 specifically for casualty investigations, made mandatory by the same mechanism as the ISM Code procedures.
- **Amend Chapter XI-1 to include a regulation 6 to give force to the Code.**



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# **Vision for a mandatory Code**

- **A workable international safety investigation process.**
- **Maximum cooperation between substantially interested States**
- **A consistent reporting format with proper analysis for IMO and the industry**
- **A consistent approach so that masters and crews are treated fairly in all ports in the world**
- **The decriminalisation of masters and seafarers for accidents beyond their control.**



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