

UNMANNED SHIPS: LEGAL ISSUES

AIMU MARINE INSURANCE DAY

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As long as drone ships don't comply with IMO regulations, they would be considered unseaworthy and ineligible for insurance.

Andrew Bardot, Secretary and Executive Officer of the
International Group of P&I Clubs



COMITÉ MARITIME INTERNATIONAL (CMI) INTERNATIONAL WORKING GROUP (IWG) ON UNMANNED CRAFT

In view of growing interest in the development of unmanned merchant ships, the CMI created an IWG to study the current international legal framework and consider what amendments and/or adaptations and/or clarifications may be required in relation to unmanned ships.

INTERNATIONAL LEGAL FRAMEWORK

- United Nations Convention on the Law of the Sea (UNCLOS)
- International Maritime Organization (IMO) Conventions:
 - Convention on the International Regulations for Preventing Collisions at Sea (COLREGs)
 - International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)
 - The International Convention for the Safety of Life at Sea (SOLAS)
 - Others will need to be studied

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

- Article 94 – Duties of the flag State

The flag state shall “take such measures ... as are necessary to ensure safety at sea with regard, *inter alia*, to ... the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments”, (Article 94(3)(b)), including measures necessary to ensure “that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship”, (Article 94(4)(b)).

UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

- Article 98 - Duty to render assistance

I. Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:

(a) to render assistance to any person found at sea in danger of being lost;

(b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) after a collision, to render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.

IMO MARITIME SAFETY COMMITTEE (MSC)

- Marine Autonomous Surface Ships (MASS) added to its agenda.
- Scoping exercise
 - Work to be completed over four MSC sessions, through mid-2020

CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (COLREGS)

- Navigational rules to be followed by vessels with the aim of avoiding collisions.
- Rule 5 requires that "every vessel ... at all times [maintains] a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances ... to make a full appraisal of the situation and risk of collision."
- Rule 2 provides that "nothing in [the] Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any ... neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case."

INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW)

- *STCW Convention, Article III:*

"The Convention shall apply to seafarers *serving on board* seagoing ships ... "

- *STCW Code, Part IV, Regulation 18:*

"at no time shall the bridge be left unattended"

THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (SOLAS)

- Chapter V, Regulation 14: Requires Governments to ensure that, from the point of view of safety of life at sea, all ships shall be sufficiently and efficiently manned, and to issue a minimum safe manning document.
- Chapter V, Regulation 24: Requires that, in hazardous situations, it shall be possible to establish manual control of the ship's steering immediately, and the officer in charge of the navigational watch shall have available without delay the services of a qualified helmsperson.
- Chapter V, Regulation 33: Obligation of Master, if in a position to do so, to proceed with all speed to the assistance of persons in distress at sea.

OTHER LEGAL CONSIDERATIONS

- CMI Questionnaire on Unmanned Ships:
 - Implementations / Interpretations of International Conventions
 - National Laws
 - Products Liability