

**7-4-1 Request for advice from IALA Council on IMPA/IALA regarding the Pilotage Authority Forum**

1. Extract from the minutes of the IALA Council session 49 on this Agenda item

**IALA Pilotage Authority Forum and IMPA** (input papers 7.2.1 to 7.2.3)

The Secretary General reported that IMPA had expressed reservations about the Forum since its inception and several meetings held between the two organizations had not resolved this issue: IMPA have stated that they would be against any IALA submission to IMO on pilotage. He then asked the Councillors about their opinions on the way forward.

Kees Polderman said that the IALA should continue with the PAF forum and that it would be beneficial to have IMPA involved. He did not see any legal impediments to the functioning of the forum.. He offered his help in explaining the reason why IALA started the Forum and suggested inviting their representative to the IMO to the Forum. He thought their representative would be glad to learn about IALA's action in the field. He also suggested that the forum could be expanded to a more general forum for Pilotage Authorities and recommended expanding the forum to included sister organisations with similar interests, ie. ICS, InterTanko, IAPH, IHMA etc.

Kirsti Slotsvik added that it was important that the work be finished. However, without retreating, it could be useful to move a little step back and more importantly, show the safety aspects.

Svend Eskildsen explained that it was important that the pilotage authorities can network. Several bodies can deal with pilotage in one country (in Denmark for example, one deals with regulations and training and another one with the service delivery). The IMPA fear, he thought, might be that with a world-wide harmonisation of pilotage the pilots might become "international" and thus any pilot could replace any local pilot in any country. The PAF however was a forum necessary for networking and exchange of views for pilotage authorities.

Jeremy de Halpert reported that the North Sea Pilotage Commission had done good work in pilotage authorities' responsibilities. It was disbanded when IALA intended to create groups to deal with the matter. The groups however did not start the work and this resulted in a gap having to be filled, which was done by IMPA. They might fear that IALA is trying to take over their own work and interfere in their business. He added that Trinity House hosts deep sea pilots meetings and that a lot is done in the field already. However, IALA needs to justify what it does with the Pilotage Authority Forum. It might be requested by IMO to continue. The suggestion was to work closely with IMO.

Stuart Ruttle asked about IMPA Terms of Reference. He thought that justification could be found using their ToRs, and showing how different they are from the ones of the IALA Forum.

The President said that there was a need to meet with the three parties (IMPA, IMO and IMPA) and settle the matter. He said it was important to review the ToRs of the PAF to ensure that it was not conflicting with the role of IMPA.

Juan-Francisco Rebollo recognized that IALA was a good place to exchange views but questioned its ability to issue documents on the topic, taking into account that some countries are reluctant to consider a pilot as an aid to navigation and also that not all IALA members are competent in pilotage issues.

Christian Forst was sharing most of this point of view and felt that it added to the IALA work load. At the same time he was in favour of the PAF continuing its work, worrying however about the possible lack of credibility due to a very small number of attendees. He was of the opinion that the documents issued should be submitted to IMO on a national basis.

Clarification on pilots being aids to navigation was given by Kees Polderman who reminded the Council that Article 1 of the IALA Constitution states that an aid to navigation is a “service external to the ship”. This was not entirely satisfactory to Juan-Francisco Rebollo who argued that when a pilot is onboard a ship he ceases to be external.

Svend Eskildsen remarked that it was right that not all IALA National Members are responsible for pilotage but this is also the case for VTS or AIS. In such cases Associate Members join the group. It should be the same for pilotage.

Jean-Charles Leclair informed the Council that at the last MSC meeting he had been approached by people asking about the IMPA/IALA dispute. This was an indication that IMPA had started lobbying. He thought that it was important for IALA that their National Members make contact with their representatives at IMO so that they can answer questions. IALA had to ensure that the correct information concerning the operation of the PAF was distributed to Nation Members. Dana Goward said that in the US pilotage is under the responsibility of individual States. He asked if they could attend PAF?

Stuart Ruttle made the remark that the PAF seems to be made of Council members only. He was in favour of opening the Forum to non member pilotage authorities.

The Secretary General closed the discussion by saying that IALA would look into the IMPA Terms of Reference, encourage greater participation in the Forum by IALA members and sister organisations and consider national submissions to IMO on pilotage matters. He would also forward the questions to the Policy Advisory Panel and the Legal Advisory Panel when they meet in October.

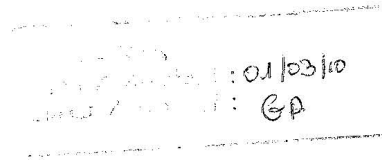
## 2. Input papers to the Council meeting



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26 February 2010

Mr Garry Prosser  
Secretary General Designate  
IALA  
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Paris  
France



Dear Garry,

Following our discussion in St. Germain at the VAtON meeting, you will be aware of the letter from Capt Watson to your President which has been copied to your Council members via our Associations in relevant countries.

As you know Capt Watson will be attending the Cape Town conference and he has asked me to request and arrange a private meeting with Capt. Liu Gonchen.

I appreciate you will be very busy with conference issues but such a pre-arranged meeting will I believe do much to aid resolution of the problem and avoid distractions from the main event. We would propose if possible a date ahead of the conference such as pm on 20<sup>th</sup> March or at a time convenient to the President, as our team will be arriving early following an IMPA – sponsored African Pilotage symposium in Senegal. The IMPA team will comprise

Capt. M. R. Watson – IMPA President  
Mr. O. Fragoso – IMPA Senior Vice President  
Mr P. Kirchner – Capt Watson's Attorney and General Counsel

IMPA does have some ideas as to how the problem might be resolved, which it will bring to the table and in the meantime I have, as promised, set out on a single side of A4, the problem with PAF...

I look forward to hearing from you regarding the requested meeting with Capt. Liu Gonchen.

Yours sincerely

Nick Cutmore  
Secretary General

## Notes for Garry Prosser

IMPA attended the first meeting of PAF in 2006 but thereafter have stayed out because of our experience that:-

- Our invitation only as observers indicated we were to be tolerated.
- The 'issues' were already firmly established in the minds of the IALA attendees.
- No value in IMPA's experience or opinions on any topics was considered.
- IMPA believed continued attendance would oxygenate a stagnant group.
- IMPA's attendance could validate outputs (as Round Table had done in the past).

IMPA have observed PAF since and concluded beyond doubt that it has a tiny knowledge base and is constituted of almost entirely dysfunctional "CPA"s. This is not a recipe for best Practice. The output document, with its huge factual errors e.g. :-

- pilots as part of the Bridge Team
- All pilots are only advisors regardless of their State Law
- The absence of safety critical mandatory SOLAS requirements demonstrates the failings of the members in drafting the guide.

PAF's naivety in looking to STCW as a model to develop pilot services is breathtaking. STW is a model of how to destroy competence. For IALA to be making such a connection clearly shows it is out of its depth.

IALA is of course free to discuss whatever it wishes and IMPA does not have a problem with the Forum per se. Our problem is with the proposed documentation which is dangerously misleading in many areas, a genuine hazard to navigation and which, if unleashed, will cause immense problems to the profession and Industry, also reflecting adversely on IALA as one of its by-products

As a footnote, we note PAF will report to IALA Council on the improved Pilot Boarding arrangements Paper at NAV55. Will they tell the IALA Council that they not only failed to support the paper either in Plenary or WG, but that one of their members was the sole objector? We somehow doubt it.



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23 March 2010

Captain Gonchen Liu,  
President, IALA Council  
Director General of Division of Aids to Navigation  
Maritime Safety Administration  
11 Jianguomennei Avenue  
BEIJING 100736  
The Republic of China

Dear Captain Liu:

Four years ago your association began a project to involve itself in the work and safety of my members and established what is now called the "Pilotage Authority Forum" (PAF). Since the very start of the PAF and its activities, IMPA has made it clear that it opposes IALA inserting itself in the subjects of piloting and pilotage regulation. I am extremely disappointed that IALA has proceeded with the PAF in total disregard of IMPA's concerns.

The established forum for discussion of pilotage regulation at the international level is the IMO. IALA's PAF, therefore, appears to be an attempt to interfere with existing international agreements on pilotage and in the affairs of IMPA, its sister NGO. As a result, we consider PAF to be a direct challenge to both the IMO and IMPA.

The "IMO Context" of the PAF's work is much different from that described by Mr. Dimmen in his report on Monday. In seeking to create an international harmonization of pilotage regulatory systems, which Mr. Dimmen stated is a goal of PAF, IALA is going directly against a clear determination by the IMO that such harmonization is neither appropriate nor wise.

Resolution 10 of the 1995 STCW Convention, cited by Mr. Dimmen, stated that the IMO should consider whether pilots, VTS personnel, and MODU personnel should be included in the STCW or in such other IMO instruments "as may be appropriate." With respect to pilots, the IMO did consider the question of inclusion in the STCW and ultimately answered it in the negative. Instead, the IMO's Maritime Safety Committee decided that the 1981 IMO Resolution A.485 (XII) on "Training, Certification, and Operational Procedures for Maritime Pilots" should be updated. That effort took approximately six years of open and transparent debate, negotiation, and compromise among a very broad cross-section of IMO's membership including country delegations and NGOs. The end result of this work was Resolution A.960 (23), adopted in 2003.

Resolution A.960 restates and reaffirms the IMO decision contained in its predecessor, A.485:

*NOTING that, since each pilotage area needs highly specialized experience and local knowledge on the part of the pilot, IMO does not intend to become involved with either the certification or licensing of pilots or the systems of pilotage practised in various States.*

President: Captain Michael Watson    Secretary General: Mr Nicholas Cutmore, CNI

As this statement makes clear, the IMO has rejected international harmonization of pilotage regulation. It has done so not because it is too busy or because it feels that it lacks expertise or jurisdiction. Rather, it believes that pilotage regulation should not be harmonized at the international level. Similarly, there is no suggestion in Resolution A 960 that the IMO wants some other organization to pursue that goal. Consequently, Mr. Dimmen's repeated implications that the PAF is carrying out the wishes of the IMO or is furthering IMO policy on pilotage regulation were erroneous.

Resolution A 960 is the IMO's guidance to governments and their pilotage authorities of what it considers the important features of pilotage regulation. The resolution does not need to be explained, interpreted, expanded, or implemented by IALA. Pilotage authorities seeking guidance on regulatory activities should continue to look to the IMO and IMPA, as they always have - not IALA. The simple fact is that IALA has never been recognized as having any jurisdiction over, or expertise in, pilotage or pilotage regulation.

I am not in Cape Town to discuss the content of your draft IALA Guideline No. 1080, with which I strongly disagree. IMPA has always in the past supported IALA efforts to develop standards for matters within IALA's areas of responsibility based on the best practices deployed by the world's leading authorities. Guideline No. 1080, by contrast, is a case of three or four of the smallest and most unrepresentative pilotage authorities attempting to impose their will on my 8000 members operating in 55 national authorities and associations as well as on the international community of pilotage authorities. This tiny PAF group is far outside the mainstream of pilotage regulation as it is currently practised throughout the world. It should not be allowed to drag IALA into a contentious and controversial area where IALA has never gone before and into a bitter fight with a long time friendly organization.

I came here this week in a good faith effort to remove this unfortunate and very troubling impediment to our traditional cooperative relationship. My hope is that we can resolve this discretely and subtly, without the need for a very public fight in this and other settings.

Yours sincerely



Captain Michael R Watson  
President  
International Maritime Pilots' Association