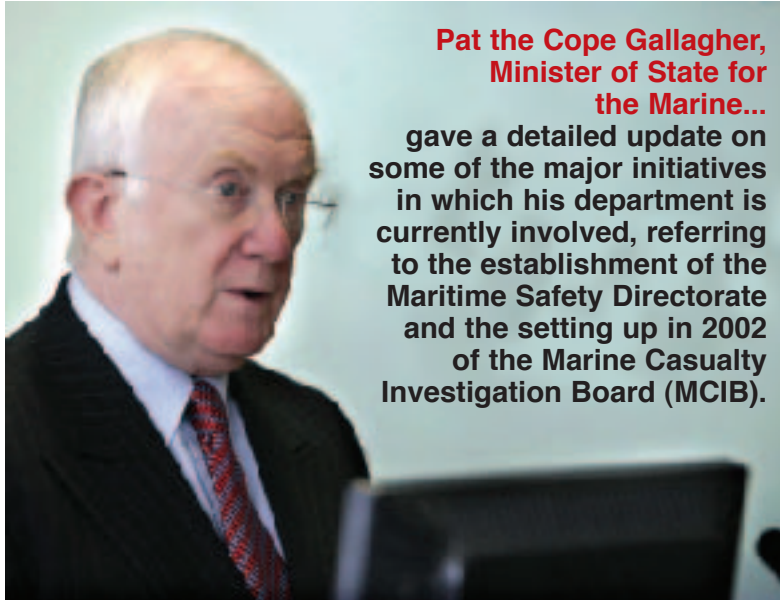


All Things Marine

Eamonn Magee, Allianz Ireland, reports on the recent Irish Maritime Law Association seminar

The latest in a series of seminars organised by The Irish Maritime Law Association was held in the International Maritime Studies Institute at the National College of Ireland on April 14th – an apt location given that it was established in 2003 to provide a platform for education and management training to the shipping, port management, logistics and international trade sectors.



Pat the Cope Gallagher, Minister of State for the Marine... gave a detailed update on some of the major initiatives in which his department is currently involved, referring to the establishment of the Maritime Safety Directorate and the setting up in 2002 of the Marine Casualty Investigation Board (MCIB).

Opening the seminar, the Minister of State for the Marine, Mr. Pat the Cope Gallagher, noted the active involvement of the Irish Maritime Law Association and its continuing liaison with his department.

Mr. Gallagher gave a detailed update on some of the major initiatives in which his department is currently involved, referring to the establishment of the Maritime Safety Directorate and the setting up in 2002 of the Marine Casualty Investigation Board (MCIB). There is important work going on in the area of hydrographic survey with Ireland's application to become a member of the International Hydrographic Organisation (IHO), an intergovernmental consultative and technical organisation, established to support safety in navigation and the protection of the marine environment.

The Minister referred to the International Ship and Port Security (ISPS) Code adopted by the IMO in 2002 and in place since 1 July 2004. He acknowledged the considerable effort put in by all concerned to meet the tight deadlines for implementation of the code and was pleased to announce that the required ships and port facilities have all been approved in Ireland. (The Irish Maritime Law Association had devoted a session in its previous seminar to the operational ramifications of the ISPS Code).

Protection of maritime environment

Pollution and protection of the marine environment was another area focused on by the Minister and he spoke of the important legislation introduced bringing Ireland into line with the important international conventions in this area. In this context too, reference was made to the establishing, with the approval of the IMO, of a Particularly Sensitive Sea Area (PSSA), off Western Europe extending 200 miles off our western shore which will have attached to it a mandatory reporting system for single hull tankers carrying heavy fuel oil.

New safety regulations on fishing vessels, covering mandatory training and the provision of safety equipment and fire fighting appliances, have also been introduced in the Minister's watch, and safety is featuring foremost on the Department's agenda, including the recreational sector with the introduction of compulsory use of lifejackets and a consultation paper on a Safety Code of Practice on Recreational Craft. A Maritime Safety Bill has been prepared

addressing improper use of fast powered craft such as jet skis, with local authorities being empowered to regulate and control their use in the interest of public safety.

The seminar looked in greater detail at the role and operation of the Marine Casualty Investigation Board with contributions from Colm O'hOisin BL and Brian Hogan, Chief Surveyor in the Marine Survey Office of the Department of Communication, Marine and Natural Resources. In a busy morning session the seminar also covered the role of "P&I" Clubs in the provision of insurance and the "Rights and Liabilities of Ship Agents, Marine Surveyors and other Maritime Professionals".

Growing role of mediation in insurance issues

Of much interest to insurers, or indeed any parties involved in commercial disputes, has to be the emergence of "mediation" as an alternative to litigation or arbitration as a dispute resolution mechanism. John Doyle of Dillon Eustace Solicitors and Petria McDonnell of McCann Fitzgerald Solicitors spoke of the advantages of mediation, outlining how it works in practice and how it is regulated professionally with the establishment of the Irish Commercial Mediation Association (ICMA) liaising with the Department of Justice in an effort to introduce it to the mainstream of dispute resolution.

John Doyle's paper "Mediation in Maritime Disputes" is recommended reading.

Caoimhin O'Ruairc, Assistant Principal in the Maritime Safety Directorate of the Department of Communications, Marine and Natural Resources, gave a paper on "Recent Developments in Marine Environmental Legislation," featuring the busy legislative programme in the Department to keep pace with EU Conventions and protocols, particularly in the area of pollution and the protection of the marine environment.

Equally qualified to speak on matters environmental was Benedicte Sage from the Nautical Enterprise Centre. Benedicte spoke on some of the current issues in the area of Coastal States Jurisdiction and in particular the important European research projects on vessel traffic management, EMBARC and MARNIS, in the context of the workings of the UN Convention on the Law of the Sea (UNCLOS). A scholarly paper accompanied the presentation amounting again to compulsory reading for those interested in vessels' rights of passage in and beyond territorial seas.

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Eamonn Magee, Allianz Ireland and IMLA; Petria McDonnell, McCann Fitzgerald Solicitors; Pat the Cope Gallagher, Minister of State for the Marine; Brian McGovern, President of the Irish Maritime Law Association and Maoliosa O'Culachain, Director IMSI, at the recent Irish Maritime Studies Institute seminar.