

## A 1000 NAVY VESSELS AROUND.....

How many are compliant to SOLAS ch.V reg23 ?

(do they have to at all????)



By: Arie Palmers, Registered Pilot

Photo's courtesy of the Dangerousladders page on Facebook

As a pilot you come across a wide variety of ships. Amongst all those ships we bring in and out of ports all over the world several of them belong to the navies of the various countries of this same world. Quite often those vessels have the tendency of presenting themselves with a pilot transfer arrangement which is non-compliant i.a.w. SOLAS ch.V reg.23, IMO A.1045, ISO799-1/2019 etc.etc..

Let's focus on SOLAS in this article because it has been accepted as international law worldwide (reg. 23 talks about REQUIREMENTS). IMO provides RECOMMENDATIONS and has not been accepted as law worldwide: a recommendation is often defined as a guideline and not a rule, despite the fact the some of the recommendations have been in the IMO A.1045 for over 40 years... And as far as the ISO goes: it hasn't been accepted as the worldwide standard everywhere (yet...)

We know when SOLAS started; back in 1914, after the sinking of the Titanic the first version of this treaty has passed. In the more than 100 years of its existence it has been amended and updated many times. It provides the basic rules, or the minimum standards for vessels in Safety of Life at Sea.

What would make navy vessels think they don't have to comply with such important basic rules? Well, I do understand you cannot throw SOLAS approved bombs at each other, but where does this come from?

So, let's have a look at SOLAS, it's only 910 pages.... Chapter I, regulation 1 explains:

- (a) Unless expressly provided otherwise, the present Regulations apply only to ships engaged on international voyages..

- (b) The classes of ships to which each Chapter applies are more precisely defined, and the extent of the application is shown, in each Chapter.

So, the text above basically excludes all inland marine traffic from these rules. Each chapter will explain to what kind of vessel the specific chapter applies..



*Non-compliant and dangerous setup*

Regulation 3 provides us with the exceptions:

- (a) The present Regulations, unless provided otherwise, do not apply to:
- (i) Ships of war and troopships
  - (ii) Cargo ships of less than etc.etc.

Would this mean that Navy vessels don't have to comply to any rule at all? That's strange.. SOLAS has just told us that we'd have to look at the specific chapter, so let's move on to Chapter V (Safety of Navigation) and see if there are any exemptions here.

Chapter V starts with the application and explains:

1. Unless expressly provided otherwise, this chapter shall apply to all ships on all voyages, except:
  - .1 warships, naval auxiliaries and other ships owned or operated by a Contracting Government and used only on government non-commercial service and..... etc.etc..

This means navy vessels are excluded from ch.V... BUT (here's the but...) there is an explanation a bit further down the text saying: However, warships..... are ENCOURAGED to act in a matter consistent, so far as reasonable and practicable, with this chapter.

Well, isn't that nice? SOLAS encourages the navy, this basically means nothing: you can for example encourage your pet to stop destroying your furniture, but the pet isn't obliged to comply because it's not a rule but a kind of recommendation.

This article could stop here, stating navy can do anything, but I thought there must be regulation on navy ships.. they would have to comply with something I would say, every seafarer wants to be as safe as possible and the same goes for navy service personnel.

Regulation 23 starts with the application stating:

Ships engaged on voyages in the course of which pilots may be employed, shall be provided with pilot transfer arrangements. Ok, fair enough, but we have just seen that navy vessels are excluded from chapter V..



*Another unsafe example*

Since I come from the Netherlands, I thought easiest would be to look at the rules our Royal Navy is subjected to. In national law there isn't much to find on it but internationally I came across a very interesting set of rules to which our Dutch navy vessels must comply. The Netherlands Royal Navy is a member state of NATO. NATO has currently 30 member states, so that means quite a lot of navy ships worldwide are in NATO. SOLAS has 164 member states, so this is roughly about 20% of the total...

We have read a bit back in the article, that states are encouraged to comply as much as possible etc. etc. Well, NATO has laid down a standard with the official name ANEP-77 NAVAL SHIP CODE Edition E Version 1 (do keep in mind this is all found on the internet and isn't NATO classified in any way).

I had never heard of this set of rules, and I even have served in the navy many years back, it was well before 2014 so that might explain it.



*Would they use it themselves???*

First let's find out what this ANEP thing is.. In the introduction it starts with the AIM, which says:

The overall aim of the Naval Ship Code is to provide a standard for naval surface ship based on and benchmarked against IMO conventions and resolutions that embraces the majority of ships operated by navies (728 pages..)

Are all NATO vessels subjected to these rules? Unless expressly provided otherwise, the present regulations apply only to naval surface ships that are not nuclear powered. In the ladder section we'll see what is suitable there.

So, NATO took on the challenge of the 'encouraging' text and came up with their own set of rules. Basically, you could state it is an amended copy of SOLAS, but more suitable for navy ships. Since you might know I have a professional interest in pilot transfer arrangements, we'll leaf through the section that covers that item.



*Very unsafe again*

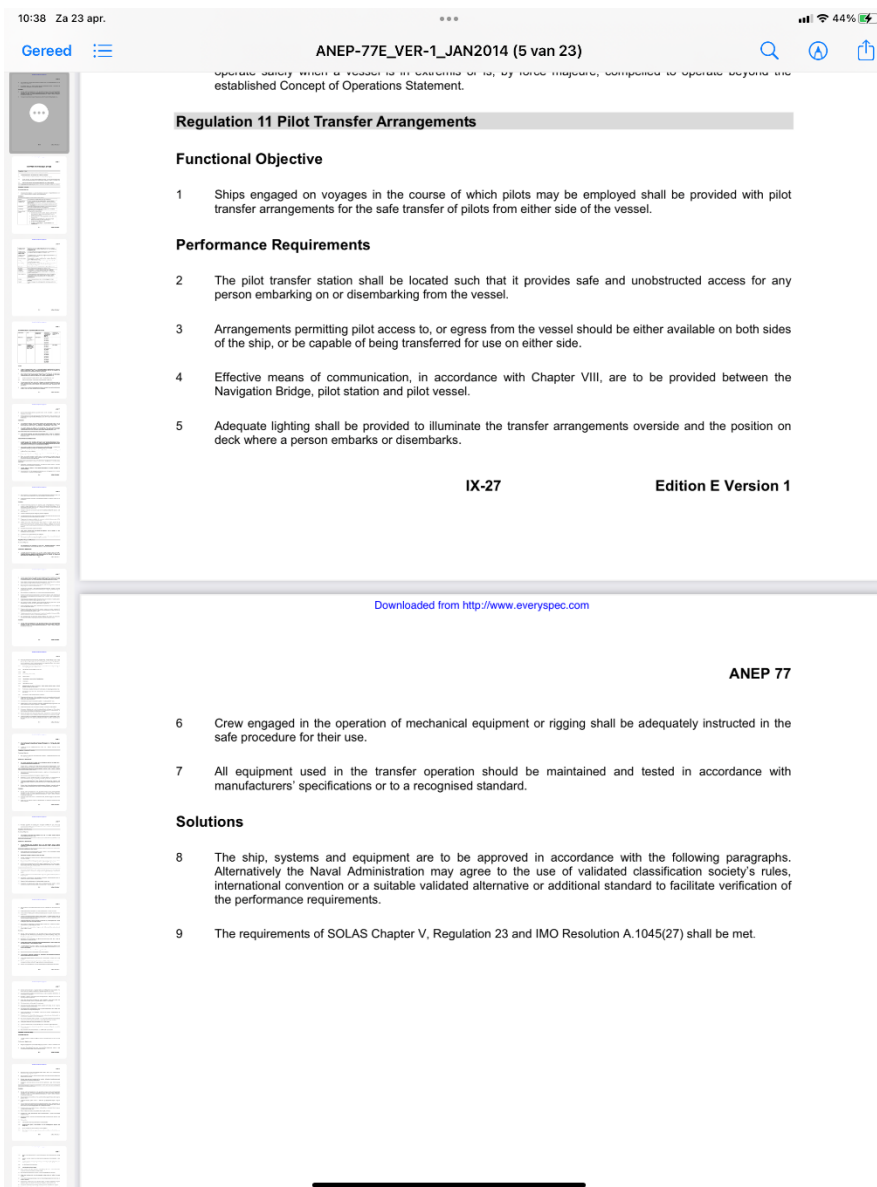
The rules on pilot transfer arrangements have been laid down in Regulation 11 Pilot Transfer Arrangements (page IX-27) and the functional objective is as follows:

Ships engaged on voyages in the course of which pilots may be employed, shall be provided with pilot transfer arrangements for the safe transfer of pilots from either side of the vessel.

There it is... no loopholes, no exceptions here... This sentence sounds a bit familiar doesn't it? As I stated above, a lot of the text in ANEP77 is indeed a copy of the text in SOLAS and even some IMO resolutions.

The text ends with: **The requirements of SOLAS Chapter V, Regulation 23 and IMO Resolution A.1045(27) shall be met.** This is an important one: NATO states here that all pilot transfer arrangements shall be compliant to SOLAS and IMO. So, whenever a NATO navy ship claims they do not have to be SOLAS compliant (a stupid excuse for not having to be safe...), you can revert to the ANEP77 and tell them that according to the ANEP77 their pilot transfer arrangement has to be SOLAS and IMO compliant.

I am very curious how these items are countered in non-NATO countries (which is the vast majority of navy ships of course). Language as well as different types of writing (Chines, Japanese, Korean, Cyrillic etc etc) are a big barrier for me to get into it. If anyone who reads this article, has any information on it, please let me know. At least we have covered about 20% of the world's navy fleet with this article, only 80% left.. On the next page you'll find a copy of the respective ANEP text on ladders.



I hope this article will be of any assistance in the attempt of getting to work and back in one piece (commuting is the most dangerous part of our job after all). Please stay safe and healthy everyone!!

Kind Regards,

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Registered Pilot

