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UNLAWFUL PRACTICES ASSOCIATED WITH CERTIFICATES OF COMPETENCY

Certificates of Competency - efforts to maintain its credibility

Submitted by India

SUMMARY

Executive summary:	This document presents the Indian view point of unlawful practices with certificates of competency and efforts that are imperative in line with view point 6.1, 6.2, 6.3, 6.9, 6.12 of agenda 6 of the thirty-first session.
Action to be taken:	Paragraph 2
Related documents:	Annexed text

1 In accordance with the report of the thirty-first session of the STW to the Maritime Safety Committee and the discussion on agenda 6 of the report, the Indian Government carried out an exercise of identifying the sources of this unlawful practices and the paper, as given in the annexed text, is a reflection of the same.

Action requested of the Sub-Committee

2 The Sub-Committee at its thirty-second session is requested to circulate this paper, as given in annexed text, as an exercise in study of unlawful practices in Certificate of Competency and efforts to eliminate them. The exercise traces the possible loopholes and encourages the maritime administrations to streamline systems and induce adequate security measures in to the document itself to avoid forgeries.

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ANNEX

CERTIFICATE OF COMPETENCY – EFFORTS TO MAINTAIN ITS CREDITABILITY

Introduction

A certificate of Competency is a prized possession for any aspiring mariner. The **COC** decides his course in life and sets the path to further his career. Certificates of Competency were given in diverse occupations as nursing, mining, tailoring etc. It is a regulation by the administration, of specialized skills in a particular profession, with the holder of the Certificate having a commitment of upholding the qualities conferred on him by the administration. A **COC** is not a purely academic qualification. Academic inputs are a part of **COC**. Hence the **COC** can only be given by an administration, which identifies the need for such competency and exclusively controls it. A **COC** is thus a very special qualification and quite a class apart from an academic degree.

The "Visually Impaired" Path

The path to obtain such a certification is very clearly laid out by the administration. In layman terms, there should be **"one way"** of obtaining it – **The Right way**. Experience shows that even in this way there are many contortions. A **COC** can be obtained in the following ways which can be fraudulent in its means but legal once issued, unless verified and challenged. They are:

(1) By giving/submitting false documents to the administration towards the eligibility for exams (false data, forged endorsement)

(2) By giving/submitting documents with false information to the administration towards eligibility for exams (false data, correct endorsement)

(3) By procuring exam question papers by illegal measures (from broker, peons etc.)

(4) By doctoring exam answer sheets using illegal means (replacement of original paper, short cannibalising with good paper etc.)

(5) By influencing the examiner using illegal measures (money, coercion, threats, political pressure etc.)

(6) By injecting a false **COC** document into the certification endorsement process

(7) By lowering examination/eligibility standards using unconventional and coercive methods (in the name of industry, public outcry, in the name of demand of a particular union, society etc.)

(8) By clever manipulation of result sheets, result process. (using administration officials, coercion, blackmail etc.)

(9) By a high profile relationship with authorities concerned in the examination process on a regular basis to obtain vital information/spills and then turn it into a profitable secretive venture- a la-business approach with sophistication and élan.

There are many such contortions to the "**Right way**" and in the national context this is a "**fraudulent means**" of obtaining a very legal **COC**. This not only puts up incompetent people into the market, it also tarnishes the national image.

The "Alternate" Path

Invariably such people get caught sometime, somewhere, usually during **PSC**, statutory inspections etc. Sometimes after receiving their **COC** they make up for it by hard work and turn out to be good seafarers. The element of deceit however remains in all aspects of their life and they are usually a burden, and high risk factors.

In recent times there has been ever increasing cases of forged documents totally unconnected to the administration as such. The modus operandi of such documentation is that the people who usually peddle such documents, peddle every other document such as passports, ration cards, season tickets etc. They simply duplicate the document in a rather crude way. These documents very often get caught in a rather simple way, but there is a note of caution. Some documents are hard to catch for the following reasons:

(1) They are instances of good forgeries with even the signature of the authorities so well forged that the original signatories are under intense pressure to deny them.

(2) The documents though forged are clearly identified by unscrupulous employers for "**shady**" companies and then charge a cool premium to avoid reporting to authorities (police).

(3) The document is identified, the man is apprehended and reported to authorities - he simply vanishes into thin air and emerges with a new forged document, of course in connivance with authorities.

The law states that the issuing authority can only prosecute the forgerer. Rarely does the issuing authority (of real document) ever comes to know about a forged document because it normally never needs to be verified. All the external agencies or connected authorities are completely oblivious of the genesis of the document. In recent times a number of forged documents have been identified when referred to by foreign flag authorities to the national authority. This is because the forgerer, chooses to produce his forged document in exchange for genuine foreign flag license, just because Indian COCs are held in high respect and value worldwide.

Again experience has shown that document forgers are late adaptors and commit numerous mistakes in written details. Rarely has a document been stolen from original official stock or used as a counterfeit document.

The Document

For the document to be delivered in a righteous manner to the deserving candidate in a most legally correct way, few things have to be right. They are:

(1) The system for examination, preparation and delivering of **COC** must be fool proof.

(2) The document must be "**not ordinarily forgeable**" and must have adequate securities built in.

(3) The administration must have a comprehensive databank and record along with identification procedures to quickly ascertain a genuine **COC.**

(4) The administration must forge a system of surprise checks using the data bank and involving multi utility agencies as well as the shipping industry to identify and prosecute offenders.

(5) Eradicate fly by night operators with fictitious names, companies who exploit gullible citizens with lucre of big money, jobs etc.

All this requires planning in detail, great co-ordination among Government Organizations, a working system between administration and the industry and transparency in the administrations operations. For example the Indian Administration is introducing a COC with 14 securities built in which is in line with the securities built in to high denomination notes worldwide. This costs a lot and takes a good deal of time to prepare, but the Govt. of India is determine to eradicate document forgeries. A sample of such COC shall be sent to all major flag administrations for helping verification. No guarantee can ever be given of its duplication, but it cannot be done by few individuals and has to be an expensive process even with use of sophisticated equipment. In other words it is uneconomical to make one when **COC** are coupled with national identification system and real time location on the net. Faking such a system would become difficult, if not prohibitively costly. The Indian Administration will also be introducing all COC details on the net so that the flag administration can easily correlate their verification.

The " Imaginative" Path

Forged certificates of various nationalities can also be brought off the shelves. Usually such documents, which are highly detailed, and security protected are brought off in connivance with the authorities of the flags local agents, though all of them vehemently deny it. These are legally correct documents obtained in a "**fraudulent manner**".

Forged Indian documents are also available abroad in Dubai, Singapore, Hon Kong and even in London. The quality of such Certificates is better and has a reasonably good "**genuine**" look. Being slightly on the expensive side, only people, with some technical background are able to buy it. Many make good of it and through hard work become "**proficient mariners**".

Recently some Master mariners and Chief engineers have been identified with such certificates with excellent reputation in companies. These '**hoaxters**' are sometimes much better than "**genuine**" certificate holders.

Then there are those who have taken advantage of inter-nation certificates acceptability and recognition by out-smarting the administration, where loopholes exist in eligibility process. This is a very common ploy and can be termed also as "**Certification by adventurous means**". It is only when they seek employment back in their parent countries, when the issue of no-acceptance is raised.

Another innovative method of obtaining a "**genuine certificate by fraudulent means**" is to change ones name in accordance with a lost Certificate (with the best match i.e. age, looks etc.). Small alterations on the certificate are done right away by expert calligraphers.

Conclusion

One can now easily imagine how much risk is involved in this certification process and how such people with fraudulent certificates can endanger the lives of others on board. It is a national calamity if it goes unchecked and unreported. The entire maritime community of an administration stands to loose in a scenario like this.

Recommendations

The IMO Sub-Committee of the thirty-second session is requested to circulate this paper as an exercise in study of unlawful practices in Certificates of Competency and efforts to eliminate them. The exercise traces, the possible loopholes and encourage the maritime administrations to streamline systems and induce adequate security measures in to the document itself to avoid forgeries

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