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UNLAWFUL PRACTICES ASSOCIATED WITH CERTIFICATES OF COMPETENCY

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document reports on developments on the research study to establish the nature and extent of unlawful practices associated with certificates of competency
<i>Action to be taken:</i>	Paragraph 13
<i>Related documents:</i>	STW 31/17

Background

1 The contract to undertake the research study was agreed with the Seafarers International Research Centre (SIRC), Cardiff, UK during October 1999. An oral report was made to STW 31 on progress to date. This report outlines the progress made by the research team from the SIRC, to 17 November 2000. The researchers have now completed the final phase of data collection and are now analysing the data and drafting the final report.

Update on developments

2 A total of 97 maritime administrations from countries signatories to the STCW Convention have been contacted for information on various aspects of the problem of unlawful practices associated with certificates of competency and endorsements of recognition. Completed questionnaires have been received from 54 maritime administrations giving an overall response rate of 56%.

3 A total of 12,635 detected cases of forgery in certificates of competency and endorsements were reported to the research team by national administrations. A breakdown of the number of cases reported by country is shown in Table 1.

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Country	Reported cases
Australia	21
Barbados	1
Croatia	20
Cyprus	64
Estonia	13
Greece	50
Honduras	9
Hong Kong	5
Indonesia	26
Latvia	3
Liberia	16
Luxembourg	4
Malta	19
Netherlands	27
New Zealand	1
Panama	254
Philippines	12,000
Portugal	1
South Africa	2
USA	22
Vanuatu	77

Table 1. Summary of responses from national administrations reporting detected cases of fraudulent certificates

4 As can be seen from Table 1, only 21 maritime administrations provided data on cases of fraudulent certificates detected in the past five years. There was great variation in the quality of information provided in the responses to the questionnaires and template developed to collect data. Out of the 21 respondents, only nine were able to provide all details as requested in the questionnaire form, i.e. nationality of applicant, date of birth, previous certificate, certificate applied for and type of unlawful practice. These respondents reported 501 cases. The other 12,134 cases reported were aggregated by ranks or missing fields of information.

5 The low response rate and the lack of details in the information provided by some of the respondents may suggest that most national maritime administrations have access to very limited information, or none at all, on cases of fraudulent certificates. It is also evident that a detection rate of 12,635 certificates over five years is statistically insignificant when considering that the total population of seafarers is about 1.2 million (BIMCO-ISF 2000), and the total population of certificates could be as much as five times this number when taking into account that any individual seafarer will typically hold at least five types of professional documents or certificates (medical certificate, discharge book, certificate of competency and various certificates for specific training as required by the STCW Convention). The low detection rate highlights the lack of effective control mechanisms world-wide in the detection of unlawful practices associated with certificates of competence. This may suggest that a high proportion of national maritime administrations are not complying fully with their responsibilities under the STCW Convention in respect of verifying certificates (regulation I/4) and taking disciplinary measures against offenders (regulation I/5).

6 It was also noted by the research team that no data on detection of fraudulent certificates is available from any of the regional MOUs on port State control or from marine accident investigation bodies.

7 The shipping industry also holds a very limited amount of quantitative information on fraudulent practices associated with certificates of competency. The insurance sector and P&I clubs, for example, hold no information in this respect. In the case of shipowners, the research team came across some who compile databases of applicants or actual employees who were detected holding a fraudulent certificate. However, this information is not publicly available and in any case is just limited to seafarers who were applying for employment or already employed by the reporting company.

Field visits

8 During the course of this research project a total of 18 countries have been visited by the research team. All of these were either major flag states or major labour-supplying nations or a combination of both. They were from South and South East Asia, Eastern and Northern Europe, Latin America and the Mediterranean region. In most cases the research team was fairly successful in assembling representative samples of seafarers and collecting additional information from the maritime administrations, trade unions and employers. However, in at least four of the countries visited it was not possible to obtain sound data due to the unwillingness of seafarers to participate in the survey and the lack of transparency of the respective administrations.

Employers' survey

9 A total of 28 employers responded to SIRC's questionnaires, several others also provided valuable information through personal interviews with members of the research team. Some of the findings are summarised as follows:

- .1 50% of respondents were manning agents, 32% ship owners and 18% ship managers. They currently employ each on average 1706 seafarers in their companies;
- .2 82% percent of the respondents have detected forged certificates of competency in the last five years. Of these, 41% reported having detected forged basic safety training certificates, 27% have reported forged sea service record books and, 18% have detected forged OOW (deck) certificates. 14% have also reported fake GMDSS (GOC) certificates; and
- .3 some 45% of the employers perceive this trend to be decreasing, while 25% have reported an increase in the incidences of forgery. 31% of the employers believe that the demanding nature of the revised STCW Convention will actually increase the incidence of forgery in certificates of competency. This is because seafarers will be unable to afford to legally procure all the necessary certificates in order to pursue their seafaring careers. The absence of any significant financial support towards training from employers and/or governments is likely to exacerbate this problem.

Employees' survey

10 From the preliminary findings of the data from one major labour-supplying country in the Eastern and Central European region, a total of 37% of seafarers had reported first-hand knowledge and/or experience of forgery in certificates of competency; of these, 66% themselves

possessed unlawfully obtained certificates and 38% reported known cases of forgery among other crew members they had worked with. 24% percent of seafarers who had reported a known case of forgery also themselves possessed an unlawfully obtained certificate.

11 The majority of seafarers (18%) with unlawfully obtained certificates had worked on their own national fleet. However, a significant proportion ranging from 5% to 9% had worked on some of the major open and other national registers in the world. Data had been collected which strongly suggested that authorized training institutes/maritime academies, local manning agents and even examiners appointed by administrations were involved in this fraud.

Appreciation

12 The Secretary-General wishes to express his appreciation to the Governments of Cyprus, Norway and the United Kingdom; the European Union and the International Confederation of Free Trade Unions (ICFTU) for providing funds to support the research.

Action requested of the Sub-Committee

13 The Sub-Committee is invited to note the information provided and take action as appropriate.
