



## Ship and Port Safety in Ports Subject to Globalisation

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### Abstract

Ship safety is also tributary to port's security, both in prevention (see the attack on USS Cole in the port of Aden) and in response (see the toxic contaminating spill in Djibouti in 2001 triggering the intervention of the U.N. Centre for Urgent Environmental Assistance).

The two above mentioned incidents (regarding which we intend to report on the circumstances that permitted the incidents to happen, how they were mitigated, and what measures were taken as a result, in the three topics paying special attention to the human element – was it human failure? Was the human reaction influenced by the system or was it the other way round? Is it a matter of training? Did measures decided upon afterwards include any special attention to the human element?) bring to the following three questions:

1.

Some ports are safer than others. We intend to research if there exist any risk assessment on

- unsafe ports
- what makes a port unsafe: is there any preponderance of any human element that provokes the unsafety: training, commitment, career management, others; or is, on the contrary, the human approach to it impeded by a lack of means or by the system?

We propose to compile risk assessments performed so far and look for recurrent findings, conclusions and recommendations.

2.

Some ports do not have the capacity, or means, to ensure safety standards that apply to sophisticated ports. Globalisation of ports as presently happens through the purchase of a port by another port may be of benefit to the hub port, provided this is the intention of the owning port. We intend to ask the questions

- what do “home ports” do to export their safety standards?
- is there any obligation for them to do so? If not, should there not be?

We intend to propose a research that we would initiate through two case studies: the port of Aden and the port of Djibouti. In both we will try to extract the human factor: is the buying up a pure economic affair? Is there any concern for the welfare and the well being of the people working in the port and on board the ships? Has work safety increased after the take over?

3.

We also intend to examine the possibilities to enforce safety standards from the initial stage in case of a creation of a new port, or on the occasion of the expansion or modernization of an existing port. Clearly, it is the responsibility of the state in which ports are located to ensure that national legislation, international treaties and conventions which the state has ratified, are enforced. Nevertheless we would verify

- in case the owning state has legal or conventional obligations, whether a commercial operation such as BOO or BOT can vitiate or preempt the application of some conventions



- in the owning state has not ratified conventions, how safety standards can be imposed through the financing mechanisms (financing by international institutions and, more specifically, financing through foreign investment).

To do this, we propose a virtual case study on the possible new deep sea port Bangladesh is considering (and for which feasibility studies are under way). We would draft scenarios

- what the safety standards would be “as is”, that means with the country’s presently existing potential and presently existing obligations under ratified treaties and conventions, especially those targeting the human element;
- what standards could be “imported” should the new port be financed through international financing or private investment, and how this could be achieved.

It is highly unlikely that the above mentioned studies and exercise be completed by March 15. Our intention is to present a reasonable amount of information that would permit some preliminary deductions and that would point towards further more comprehensive studies, the undertaking of which could be a conclusion the Conference could come to.