



MARINE NOTICE NO.13-2016

Issued on 01/4/2016

**TO: ALL SHIPOWNERS, OPERATORS, TRAINING INSTITUTIONS, MASTERS,
AND SEAFARERS OF MERCHANT SHIPS AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Flag State Investigation Authority and flag state investigators:

1. Background

As per the international maritime instruments such as SOLAS, LOADLINE, MLC 2006 there is a provision requiring flag State Administrations to conduct investigations into any casualty suffered by a ship of its flag if an investigation may assist in identifying regulatory issues as a contributing factor. Flag States are required to inquire into certain marine casualties and marine incidents occurring on the high seas.

2. Flag State investigations

As per IMO Resolution A.1070(28) Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. The flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.

Accordingly, The Government of each State shall provide the IMO with detailed contact information of the marine safety investigation team or authority carrying out marine safety investigations within their State and the individual investigators need to have working knowledge and practical experience in those subject areas pertaining to their normal duties.

Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State ensure ready access to expertise in the following areas, as necessary:

- navigation and the Collision Regulations;
- flag State regulations on certificates of competency;
- causes of marine pollution;
- interviewing techniques;



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- evidence gathering; and
- Evaluation of the effects of the human element.

Ethiopia has nominated the Ethiopian Maritime Affairs Authority to conduct Marine Causality Investigation on board Ethiopian flagged vessels that sail in international and inland waters. The following experts are nominated as marine casualty investigators.

1. Captain Getinet Abay Gebru (Lead investigator)
2. Captain Mulatu Bayu Kibret
3. Ch.Engineer Tsegaye Lissanework Legesse and
4. Chief engineer Mulugeta Taddese Irkitu

3. Requirement to Investigate Very Serious Marine Casualties

A marine safety investigation shall be conducted into every very serious marine casualty. The flag State of a ship involved in a very serious marine casualty is responsible for ensuring that a marine safety investigation is conducted and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the IMO. The report on the investigation should be forwarded to the IMO together with the flag State's observations, in accordance with the guidelines.

The flag require that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.

4. Scope of a marine safety investigation:

Proper identification of causal factors requires timely and methodical investigation, going far beyond the immediate evidence and looking for underlying conditions, which may be remote from the site of the marine casualty or marine incident, and which may cause other future marine



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casualties and marine incidents. Marine safety investigations should therefore be seen as a means of identifying not only immediate causal factors but also failures that may be present in the whole chain of responsibility.

A marine safety investigation should be unbiased to ensure the free flow of information to it. The marine safety investigation objective is not to determine liability, or apportion blame. However, the investigator(s) carrying out a marine safety investigation should not refrain from fully reporting on the causal factors because fault or liability may be inferred from the findings. A marine safety investigation should, as far as possible, be afforded the same priority as any other investigation, including investigations by a State for criminal purposes being conducted into the marine casualty or marine incident.

5. Confidentiality of Information

Investigator(s) carrying out a marine safety investigation only disclose the record where it is necessary or desirable to do so for transport safety purposes and any impact on the future availability of safety information to a marine safety investigation is taken into account; or as otherwise permitted in accordance with the IMO causality Code and ensure that any marine safety record in its possession is not disclosed in criminal, civil, disciplinary or administrative proceedings. The investigators should protect eye witnesses and involved parties.

6. Marine safety investigation reports

Reports of a marine safety investigation should be completed as quickly as practicable. Where it is requested, and where practicable, a copy of a draft marine safety investigation report shall be sent for comment to interested parties before the final report is publicized.