

## Safety of inland shipping: Time to reform

KHANDAKER R ZAMAN

**B**ANGLADESH is a riverine country and watercraft still remains the most economic mode of transport for the masses. One will certainly raise the question why the mode of transport that is so important is given virtually no attention even after consecutive disasters. Perhaps the answer lies in the fact that most of the masses are so poor and thus weak that they can hardly raise any effective protest against the mafia of the waterways where the administration itself seems at their mercy. The fact that 40 watercraft which were found completely unfit for plying and classed "D" by the Department of Shipping were eventually allowed by the authorities to carry passengers disgracefully supports the allegation. Can one imagine the consequences if similar accidents occurred in air traffic?

"Safety comes first" is a slogan for all and should always get the highest priority in the transportation of passengers. Safety of Inland Shipping is primarily dependent on two factors (1) sea/river worthiness of craft, and (2) navigability of waterways.

It may be unfortunate but a fact indeed that our media often gets carried away when disasters occur and often trivialise it but very seldom gets to investigate the causes of the accidents.

It is also a fact that media reports create a public opinion to the effect that the owners or operators of the ill-fated ships are solely responsible for such accidents because the boats were either not river worthy or overloaded. My writing is aimed at the primary objective of clarifying this river worthiness issue for readers and policymakers alike so that necessary measures could be taken and enforced to ensure river worthiness of ships before they are allowed to carry passengers.

River worthiness of a ship embraces the fitness of the ship's hull, machinery, stores, equipment and crew. Getting a river worthy vessel is a complete process including - a. design, b. construction, c. certification, d. maintenance, and e. operation.

Design of river craft is the job of thorough professionals and should not be left with mere handymen. A faulty design in the construction of ships may not be too apparent or detectable in fair weather conditions but it is during adverse conditions that the faults contribute to accidents. Arguments such as vessels have been plying for so many years without any major incident are raised by operators but they very conveniently suppress the fact that vessels may not have encountered a cross current or a turbulent weather and it is during such conditions that a fault in design contributes to accidents as has been found in the case of m/v *Salahuddin-2*. The question whether m/v *Nasrin-1* was also river worthy is haunting many minds.

IMO has specific guidelines for designing and construction of safe watercraft and our premier academic institution, the Bangladesh University of Engineering and

Technology (BUET) also has a Marine Engineering and Naval Architecture Department who can use the IMO guidelines as well as modern techniques like computer simulation to test ships' stability in various weather conditions that are common in Bangladesh and accordingly develop and recommend safe designs for inland watercraft. BUET can also be given a role to oversee the design and construction process so that the room for corruption in government and thus the fatalities are minimised.

Construction of ships must comply with the recommended designs as detailed above and no deviation should be allowed. It is alleged that most inland craft presently plying in inland waterways are not built in compliance with the original designs. It is reported that even the ill-fated ship m/v *Salahuddin-2* was also constructed in gross violation of the original design. The superstructure of the ship was longer than approved and it was constructed for weather deck rather than approved sunken deck. Who can

Maintenance is a regular process to keep the ships river worthy. It is not only the regular check of safety features of ships but also to ensure that the ships do not ply in contravention of the regulations e.g. the ships must not overload, must not jeopardise passenger safety by obstruction of passage by cargo, crew operating the ships must be properly certified etc. Spot inspection at major loading/unloading points must be carried out to discourage any wilful overloading. The ships must be thoroughly inspected while registration is renewed yearly. Scoring system may be developed and operators who exceed the scores on deviations and committing wrongs should be suspended and their renewal of registration may be denied.

The above four stages of design, construction, certification and maintenance involve the professionals and regulatory authorities. These people and the organisations must have a mandatory code of conduct and strict liability should be imposed. In every profession, there is punishment for

water transport will be greatly reduced once a liability regime is enacted and incorporated into the law of the country. This lone action by the policy makers of the country can greatly discipline the whole system and the industry will start self-regulating itself. Liability regime can also be referred to as a preventive measure for accidents.

The fact of the matter is, owners will run for cover only when they will learn that they are responsible and liable for the passengers they carry on their ships. They will then go to a good liability insurer to cover the risks. It will happen automatically as soon as a liability regime is enforced. One must also appreciate the fact that the liability insurers will be under no obligation if they can detect that the ship had been constructed in violation of the approved design or there was a deliberate negligence in the operation. So, when the owners are under mandatory requirement to pay for the loss of lives and find that their insurance companies would revoke the cover because of deliberate deviation or wilful negligence, it will then compel them to

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guarantee that these deviations in the construction of m/v *Salahuddin-2* did not contribute to the fatal accident causing the unnecessary loss of lives? Stability should always be the principal consideration for construction.

Certification and registration are issued to ships only after the satisfactory survey and inspection of ships during and upon completion of construction. The people who are assigned with the responsibility to conduct survey must be professionals of high standard and should have a chartered status.

They have the most important role in ensuring the river worthiness of ships thus ensuring safety of inland water transport. Their negligence or compromising the safety inspection often leads to disaster. Presently the Department of Shipping retains the power to approve and certify ships and their sea/river worthiness. This is perhaps the reason why corruption gets into the system. The government should allow classification societies, as existing in international maritime transport systems, to issue certificates as to the fitness of the craft with mandatory requirement for regular special survey every five years as well as annual survey, dry docking every three years etc etc. There should be inspectors at every major river port or launch terminals like Dhaka, Narayanganj, Barisal, Chandpur, Khulna etc to ensure that the craft are in violation of rules. The country is also badly in need of a Navigation Act in the absence of which it will be legally difficult to discipline the sector.

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misconduct and the regulatory bodies and the professionals must not be any exception when misconduct is detected in issuing approval or registration to ships that violate the original design and construction. The inland water transport will certainly be a safer mode of transport once the authorities themselves get their act together.

Operation of ships is the final phase of the process in fulfilling the purpose of engaging in the carriage of passengers. Most inland ship owners in Bangladesh have limited resources and capability and as such they tend to take highest advantage of their limited resources even if it is at the expense of compromising the approved designs and safety features. Whether it is water or road, most craft i.e. buses and ships, the leading deviation is always building bigger than approved. In road sector, the 26-passenger seat capacity chassis is converted to accommodate a much bigger capacity and becomes 40 seater buses and the ships also become longer and wider than approved as was the case for m/v *Salahuddin-2*. This deviation dangerously compromises the stability of buses and ships alike and results end up in the unnecessary death of passengers. Such conduct of owners/operators are criminal offence and perpetrators should stand trial for manslaughter.

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taking measures against those in authorities who were primarily responsible for allowing or facilitating undesired accidents or operators who run unsafe ships.

Navigability of Inland Waterways is an important factor in the safe movement of ships. Bangladesh is a riverine country and water transport still remains to be the major mode of transport for both passengers and cargo. It is not only the cheapest mode of transport but also environment friendly, generates absolutely minimum pollution and noise. It is also equally true that the government pays the least interest in keeping and maintaining the navigability of waterways. There are certain aspects of navigability including - a) maintaining the draught of waterways, b) maintaining the signals and lights, c) keeping waterways free from all interferences like fishing nets etc., e) ensuring safety and security of ships and passengers.

Continuous siltation is a major problem of our waterways and particularly during dry season accretion of chars pose serious hazards to inland shipping. The authorities need to employ adequate equipment and manpower to maintain the navigability of major waterways and ensure that the marks, signals and lights are in place to facilitate safe shipping.

One contributing factor that was identified in the investigation of m/v *Salahuddin-2* was the illegal fishing net that got tied up with the propeller and rendered the latter useless in a frantic attempt of manoeuvring for safety. Despite government ban on illegal fishing nets, these are still in use presenting a major threat to safe shipping as well as to our fish resources. The relevant government machineries should be geared up to eliminate this illegal fishing nets.

Finally security is also a major factor in inland water transport. There are regular reports of robbery and thefts on inland ships and both government and owners should take necessary measures to minimise such incidents.

Kenneth E Hoffmeister, a Naval Architect wrote to me after the incident of m/v *Salahuddin-2* and identified a two-fold problem in our inland waterways. One, there must be regulations based on sound principles of naval architecture to establish sea/river worthiness and maximum loading of passenger vessels and two, there must be governmental agencies in place to enforce those regulations. However, there is this pervasive corruption in our society that jeopardises every honest effort and any good intention.

Had the event of m/v *Salahuddin-2* and m/v *Nasrin-1* occurred in any other country, all relevant people who authorised and approved the construction, survey, certification and registration of the ships as well as their owners would have certainly faced criminal proceedings for manslaughter. This perhaps explains why government investigations often come up with no solid findings or recommendations for

ensure that the craft they operate are built in accordance with approved specifications and operated with due care in order to protect their own interest to ensure that their liability remains covered by the insurance companies in the event of an accident. The Shipping Minister present at the seminar mentioned that the government was contemplating to raise a fund for compensating the victims for such accidents. This is not a sound approach as the government is not responsible for commercial ventures and can not spend the tax payers' money on it. Any such move will be misinterpreted and the much desired discipline can never be established in the sector. Carriage of passengers is the undertaking of those who operate the ships and by all definitions a commercial venture and as such it is the responsibility and liability of the operators to ensure that they operate safe craft and insure their liability for any undesired event.

Liability regimes for both regulatory bodies and the ship owners are certain to minimise any risk that arises from compromising the sound principles of naval architecture.

It is about time that the government paid due attention to the inland water transport and brought about the absolutely imperative reforms including formulation of a Navigation Act imposing strict liability, consideration of independent classification societies, merging all bodies including DG Shipping, BIWTA, MMD etc under one umbrella, whether it is the Department of Shipping or Department of Transport, in ensuring a safer inland water transport.

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### In memoriam

## Barrister Ishtiaq: Passing away of a luminary

M.M.REZAUL KARIM



**B**ARRISTER Ishtiaq, friend of Istiaq, brother Ishtiaq, is no more. His great soul left its earthly abode on 12 July. He indisputably excelled himself as one of the best constitutional experts and civil lawyers in the country. But what is more significant is that he won the heart of those, who came to know him, by the noblest of human qualities he possessed. He was an excellent company to people of all strata and ages. He was admired by all his clients, rich and not so rich, and loved by the old, young and children alike. It was not only because he was able to mix with them at their level, but he really and thoroughly enjoyed their company. Love, understanding and compassion are the rare human attributes that make a man noble, endearing and sought after. Ishtiaq Bhai was endowed with all those human virtues.

He was tall, healthy and handsome -- a towering figure by stature and eminence. I came to know him first in the University. He was senior to me by one year. I still remember the day when he, along with Azizul Jallal, stormed into our class, of Honours in Economics, possibly in 1952, to canvass for their candidacy in election to a Student Body. His personality and presentation made us convinced even then about the high potentials stored for him in future. We had no doubt one day he would be a leader in whatever profession he would adopt. He went for law, which was considered a stepping stone to politics. But he chose to stay in the legal profession, though, many believe, he would have excelled equally, if not better, in politics.

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I had an opportunity of knowing him closely for about a week in 1994 when we were together as International Observers during the parliamentary election in Sri Lanka. The man Ishtiaq could then be seen more distinctly in that short period. Often, we used to sit together with friends and covered a tour d'horizon on diverse issues. He was also a gourmet and connoisseur of good food. But he was a man of great principles with adorable qualities. He used to view issues calmly, passionately and quite often, in a light-hearted manner. To simplify a complex issue was one of his principal characteristics. Perhaps, it is the trait of a successful lawyer. He used to enjoy good and compatible company of small gathering. Several times thereafter he called me and asked, "Excellency, let us have our usual gathering." I realised he had plenty to unwind. I readily complied, but objected to his way of addressing me.

Barrister Ishtiaq was a leading spokesman of the civil society and sought to use his influence to untie political knots among contesting parties. On several crisis situations, he led delegations of distinguished citizens, especially of celebrated lawyers, to Hon'ble President and national leaders to help ease a political impasse. Sometimes he succeeded, and sometimes not. But, every time his was the voice of reason and of the enlightened, as, to many, he represented conscience of the nation.

his ill-health. This group of less than a dozen people were a men-only club, strangely of those who considered themselves most liberal and in favour of non-discrimination against women. His accomplished spouse, Lili Apa, a National Professor, has always been kind to us. She was non-interfering, but always proved a gracious hostess. We were together in meetings of the Advisory Council of the UNHCR, both at home and abroad.

When we went to see Ishtiaq Bhai at the Bumrunggrad hospital in Bangkok towards the end of last year, tears rolled down our cheeks by seeing the condition of a man, whom we had always regarded as an epitome of health. He wielded extra-ordinary strong will to live and subsequently at the BIRDEM in Dhaka spent hours happily reciting poems. We hoped the crisis was over. But that was hope against hope. God's will, as ordained, prevailed. Ishtiaq Bhai left us all, suddenly, shockingly and grievously. We can now only pray for his departed soul. Let the Almighty grant His favourite creation a place of His choice.

The past year we had none of our usual gathering due primarily to M.M.Rezaul Karim, a former Ambassador, is a member of BNP's Advisory Council.

## A rare and exceptional poem

OMAR KHASRU

"Oh I Have Slipped  
The Surly Bonds of Earth...  
Put Out My Hand"

These lines became famous on 28 January 1986, the day of space shuttle *Challenger* disaster, when President Ronald Reagan, in TV broadcast to the nation, said: "We will never forget them this morning as they prepared for their journey and waved goodbye and slipped the surly bonds of earth to touch the face of God."

This sent journalists, columnists, analysts and pundits scurrying for quotation books and other materials for the source of the splendid, melodic and fitting part of a hitherto unknown and obscure poem. It was mostly a fruitless search because it was part of a long lost and unpublicised poem, written by a Second World War teenage air force pilot. The wonderful and extraordinary stanzas have all these years been etched in my memory as incandescent reminiscence but until now I did not know the source or the author.

Reagan was quoting from 'High Flight,' a sonnet written by John Gillespie Magee. In December 1941, Pilot Officer John G. Magee, a 19-year-old American serving with the Canadian Air Force in England, was killed when his Spitfire fighter plane collided with another war plane.

How did the rare and uncommon poem come to be quoted by President Reagan in 1986? It just happened that he knew of the poem. He was enlisted in the US Army during World War II but because of his poor eyesight and acting credentials, he mainly travelled around entertaining the troops, ala Bob Hope during the Vietnam War. Reagan was present at the welcome back party in honour of fellow actor Tyrone Power, when he returned from fighting the war. Power recited 'High Flight' from memory at the party. When Power died, the poem was read over his grave by famous British actor, Sir Laurence Olivier. It was a brilliant stroke on Reagan's part to select such an apposite quotation at a sad and solemn occasion.

Magee was born in Shanghai of an American father and an English mother who were missionaries. The sonnet was written on the back of a letter to his parents: "I am enclosing a verse I wrote the other day. It started at 30,000 feet, and was finished soon after I landed."

Copies of 'High Flight' -- sometime referred to as 'the pilot's creed' -- were distributed during the Second World War. The poem was published in 1943 in a volume called *More Poems from the Forces*. This is a transcription of the original manuscript in the Library of Congress:

### High Flight

John G. Magee

Oh, I have slipped the surly bonds of earth  
And danced the skies on laughter-silvered wings;

Sunward I've climbed, and joined the tumbling mirth  
Of sun-split clouds -- and done a hundred things

You have not dreamed of -- wheeled and soared and swung  
High in the sunlit silence. Hovering there,

I've chased the shouting wind along, and flung  
My eager craft through footless halls of air.

Up, up, the long, delirious, burning blue  
I've topped the wind-swept heights with easy grace

Where never lark, or even eagle flew.  
And, while with silent, lifting mind I've trod

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## Launch safety: Some observations

KH SHAHRIAR IQBAL

**Y**EET again, there has been a colossal launch accident, the most colossal one in the recent times. Unfortunately, we have experienced many accidents in the last two years. Following every accident, there has been public outcry, big media coverage, discussions, demands and counter demands, allegations and counter allegation but nothing has changed since then. Both the policy makers and administrators have promised or declared remedial measures, but to no effect.

Monitoring the developments during the past one year or so, one should not opine that the policy makers and the administrators are either indifferent or unresponsive. An attempt would be made to pinpoint where does really lie the problem.

If we look back, water transport had traditionally been the most important mode and accidents were never uncommon. Every accident was investigated and actions were taken, in many cases if not in all cases. Unfortunately, over the last few years every investigation started with the hypothesis that either Mr. X or Mr. Y (Owner, Master, Sukani etc.) was responsible. Thus the investigation had a very narrow Terms of Reference of identifying the culprit and punish him. The basic design of the vessel was never evaluated nor lessons learned from the accident. On the other hand, accidents in all maritime societies are investigated scientifically. In the process, any individual responsible for the accident is identified along with an evaluation of the design, identification of design defect, if any. Based on the same, the future design codes and standards are also updated. Findings of the investigation including technical

ones are made public so that people, especially those in the sector is benefited and awareness on the flaws/defects that may exist in a design is made.

The non-scientific approach of investigation did not bring any qualitative improvement in the sector. Investigation reports are treated as "strictly confidential". As the time passed, there were more demands for launches, the fleet size increased and larger vessels were built. In absence of quality awareness, basic defects continued to exist in the design and the nation is now paying for the policy mistake. Only since the last year, accident investigation included evaluation of the design of the vessel. This has yielded dividend. Some of the basic design defects existing in the vessel meeting the accident were investigated. Some issues regarding the design code and required resolution were also highlighted. The design approval code has also been modified by the Bangladesh Inland Water Transport Authority (BIWTA). It is expected now that vessels to be built in future will be better, should the rules be followed. The question is what about the thousands of launches already in operation. It is really unfortunate that the administration is still evading the technicalities of the matter and treats everything with administrative procedure. This is why the administration seems indifferent and unresponsive. There are also instances of maritime administration yielding to pressure when assigning responsibilities based on



How safe is a journey by launch?

personal liking and disliking.

Going back to the causes of accident and devising remedy to the same, it has been clearly established that it