

STCW78/95 公约的遵章核实机制及其在我国的实施

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摘要 完善遵章核实机制是修改 STCW 公约的重要背景之一,该机制体现在 STCW78/95 公约和规则的适任性评估、监督、适任标准的精确性、质量体系、资料交换等各项规定之中。落实遵章核实机制是我国为员提高国际竞争力的最基本的措施。我国船员教育和培训机构、评估发证机关应提高对该机制重要性的认识。我国当前尤应加强的工作是对适任性评估进行有效的控制。

关键词 遵章核实机制 适任性评估 船员教育培训质量体系 STCW78/95

1. 遵章核实机制是修改 STCW1978 的主要背景之一

遵章核实机制,是“可用来保证及评估培训和发证符合国际认可的统一标准及这些标准得以保持的方法。”就 STCW 公约而言,遵章核实机制是保证各缔约国及其海员考试发证机关、航海院校和船公司等遵守 STCW 公约,并核实各缔约国及其海员考试发证机关、航海院校和船公司等是否遵守了 STCW 公约的机制。应该说修改前的 STCW 公约是存在一定程度的遵章核实机制的,如缔约国一般义务条款(公约第一条),港口国监督条款(公约第十条)。各缔约国在不同程度上也做到了。但从 IMO 和各国就海事分析得到的结论为人为因素是重大海事的主要原因来看,修订前的 STCW 公约的遵章核实机制不充分。审查和修改 STCW 公约顾问组在开始审查 STCW 公约时就归纳了当时存在的主要问题:“不论是允许外国证书持有者在其船舶上服务的缔约国,还是这些海员的雇主,实际上都不能在所有情况下判断出所颁发的证书是否在精神上或字面上符合 STCW 公约”;“STCW 公约只要求适任证书申请人表明具有……能力,并使主管机关满意,但这并未构成普通的国际最低标准的现实基础”;“在某些国家中对于考试制度可靠性及签发证书的管理并不充分,以至于未经系统培训的海员能用欺骗的手段获得承担值班职责的资格。这些弊病已达到何种程度还不能确定,但过去的事实表明这种情况越来越严重。”^[1]

适任标准精确性的缺乏和履约的不充分有效导致各缔约国发证的实际标准各异,STCW 公约正失去其信用,STCW 证书也不再被视为海员适任能力的证据。因此,在 IMO 全面审查和修改 STCW 公约的各次会议上,讨论遵章和核实机制是最重要的议题之一,讨论问题的核心是通过严格的核实机制来保持遵章。

2. STCW'95 遵章核实机制的体现

STCW 公约是一个意在统一海员适任标准的公约。STCW 公约遵章核实机制在海员适任标准表述的精确性、培训、评估、发证机关质量保证体系、发证程序和海员适任监督上都得到了体现。

2.1 海员适任标准表述的精确性。STCW'95 海员发证的最低标准的表述不仅有 STCW1978 的知识、理解和熟练,而且增加了表明适任的方法包括评估与评估(STCW 规则表 A-II, III, IV, VI 第 3 栏);改变了过去“使主管机关满意”的不确定性的适任评价标准,增加了具体的评价适任的标准(STCW 规则表 A-II, III, IV, VI 第 4 栏),标准的表述更加精确,具有可操作性和指导性。

2.2 STCW'95 公约新增质量标准的规定。各缔约国应保证所有机构和组织进行的培训、适任评估、发证、签注和再有效工作,要通过一个质量标准受到连续的监控,以确保达到既定的目标,其中包括有关教员和评估员的资格和经历的目标。该质量体系应定期评价,评价资料应送交国际海事组织秘书长(规则 I/8)。

2.3 STCW' 95 公约和 STCW 规则强化了海员适任性评估。第 I 章总则新增 3 个与适任性有关的条款规则 I/8 (质量标准)、I/6 (培训和评估)、I/12 (模拟器的使用); 在 STCW 规则 A 部分强制性适任标准表中第 3 栏“表明适任的方法”通常是考试并评估从下列一项或数项获取的证据: (1) 认可的工作经历; (2) 认可的培训船经历; (3) 认可的模拟器培训; (4) 认可的实验室设备培训。对大多数的专业培训项目如救生艇筏和救助艇培训、高级消防培训、精通急救培训, “评估从实际训练中获取的证据”是表明适任的唯一规定的方法。对基本安全培训, 评估从认可的训练中获取的证据是表明适任的方法之一。

2.4 增加了资料交流条款。缔约国应向 IMO 秘书长报送履约文件并由海安会确认并公布完全履约国家名单 (规则 I/7)。该规则赋予 IMO 从未监督缔约国履约的权力。

2.5 其他规定。STCW' 95 强化了港口国监督的作用 (规则 I/4), 对证书和签证、证书的签发和登记、证书的承认、证书的再有效作了更为具体明确的规定。

3 我国在落实 STCW 公约遵章核实机制时应注意的问题

为履行 STCW78/95 公约, 中国政府及其海事主管机关制订了完备的规章和规范性文件, 中国的履约文件已得到 IMO 的审核通过。目前的任务已不再是制订规章而是完善和实施各项规定。从 STCW78/95 生效至今, 中国已按新公约开展了质量体系审核、船员教育、培训、评估、原证书更新考试、海员值班监督等各项工作, 2000 年 8 月将首次按新的考试规则进行海员适任证书全国统一考试。各项工作情况表明, STCW78/95 的遵章核实机制已经发挥了积极的效果。但是当前我国在落实遵章核实机制时仍有以下几个问题需要引起注意。

3.1 应增强对落实遵章核实机制重要性的认识。

落实遵章核实机制是我国海员参与国际竞争的需要。现在欧洲船员数量在减少, 海员教育培训中心逐步由西方移向亚太地区。在这以前我国海员劳务输出与菲律宾的相比有较大的差距, 如 1998 年我国外派船员数量为 3 万余人, 而菲律宾近 22 万人, 我国的船员外派人数只有菲律宾 1/7。新的海员适任标准的实施, 使菲律宾等国的海员教育培训体系及符合新标准的适任船员人数受到了挑战, 而这对具有基础雄厚的航海教育培训体系和丰富人力资源的我国航运界而言是一个良好的发展机遇。能否抓住这一机遇, 关键是我国能否培养出大批符合新公约标准的海员。只有认真落实 STCW 公约的遵章核实机制才能实现这一目标。现在有些船员教育培训机构只重视教育培训资格的取得和不择手段保证学员考试评估的通过率, 而忽视学员真正的适任能力的培养。有些考试发证机关出于培养更多持证船员的良好愿望而有意降低发证标准, 或者对不符合签发培训许可证的机构在该机构许诺边做边改时发了证。总之对落实遵章核实机制重要性的认识仍有待提高。

3.2 应完善考试评估和发证标准

STCW 公约提出了海员培训发证和值班的国际标准, 该标准在我国细化为一系列考试评估项目及其评判标准。我国的海员考试评估标准体系能否恰当的反映海员的适任性尚需实践检验。至少从目前的情况看某些项目如航海英语是值得怀疑的。1999 年青岛远洋船员学院受交通部委托对大连海事大学、上海海运学院、武汉交通科技大学的航海技术专业本科应届毕业生进行英语水平测试, 其中专业笔试平均分和及格率分别为 49.73 分、21.33%^[2]。试题是从中远集团船员英语适岗考试试题库中抽取的, 以二副业务为主 (约 85%)。航海技术专业本科应届毕业生的情况尚且如此, 其他的社会船员证书申请者的航海英语笔试水平总体上不可能超过这些毕业生, 而当年海证统考英语科目及格率却大大高于 21.33%。是学生英语水平测试标准过高, 还是适任考试英语标准过低? 值得探讨。

3.3 应有效地控制评估质量

适任性评估是 STCW78/95 公约的一项新措施, 是保证海员实际操作能力的重要措施。我国海事主管机关已规定了适任评估的项目、大纲和评估标准, 基本安全培训及其他各项专业培训也分别制订了大纲。这些评估标准和大纲内容具体、详细, 具有可操作性, 反映了我国

海事主管机关对适任评估工作的重视。然而在评估工作实施中仍然存在许多问题。目前合格的评估员数量不够,评估员本身的培训尚应加强;由于习惯思想的影响,重考试轻评估的倾向仍然存在,有的地方存在评估走过场的现象;评估一次性通过率过高,通常在90%以上,有时甚至100%,明显高于书面适任考试通过率,而实践表明船员的实际操作能力并不理想。如“大舜”号船员都应通过了基本安全培训,驾驶员轮机员还应通过了高级消防专业培训、滚装客船特殊培训,包括掌握和应用防火、探火和灭火技术,货物积载与系固安全实用规则,然而有关报告表明,“大舜”号船员在消防组织及货物系固上并表现出应有的适任能力。我国海员适任性评估质量迫切需要加以有效控制。

4 结论

完善适任核实机制是修改STCW公约的重要背景之一,因而遵章核实机制是STCW78/95的特点之一。该机制体现在STCW78/95公约和规则的包括适任性评估、监督、适任标准的精确性、质量体系、资料交换等各项规定之中。落实遵章核实机制是我国海员提高国际竞争力的最基本措施。我国船员教育和培训机构、评估发证机关应提高对该机制重要性的认识,切实落实该机制,从实质上而不仅仅从形式上保证船员的适任能力。当前尤应加强的工作是对适任性评估进行有效的控制。

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Compliance and Verification Mechanism of STCW'95 and Its Implementation in China

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Abstract: To improve the compliance and verification Mechanism is one of the important reasons to revise the STCW Convention. The mechanism includes the assessment of competence, control, precision of description of competence, quality standards system, communication of information and so on. Chinese seaman's education and training institute & the organization of evaluating and issuing certificates should enhance realizing the importance of compliance and verification mechanism and carry out it down to earth. The current work that should be reinforced is to control the qualified evaluation effectively.

Key words: Compliance and verification mechanism, Assessment of competence, Mariners education and training, STCW78/95

1. To improve the compliance and verification mechanism is one of the important reasons to revise the STCW1978

Compliance and verification mechanism is the methods used to ensure that training and certification comply with internationally agreed standards and that the standards can maintain. For STCW Convention, compliance and verification mechanism is mechanism that ensures every Contracting State, its seafarers' examination and certification administration, navigational college and shipping company comply with the STCW Convention. The STCW Convention before revised had in a certain extent compliance and verification mechanism, such as general obligations under the Convention(Article I), control(Article X). Every Contracting State does it in different extent. But the conclusion from maritime accident analysis by IMO and other countries that human factor is the main reason of the accident show that compliance and verification mechanism of STCW1978 before amended was inadequate. The group of consultants had summed up main problems of STCW1978 when beginning to examine STCW1978 as follow: It is impossible to judge in all circumstances in practice whether all issued certificates complied with the STCW Convention standards in spirit or in words by the contracting states which allowed foreign certificate holders servicing in their ships, or the seamen's employer, STCW Convention only required a candidate for certificate demonstrating the capability of ...to the satisfaction of the Administration, but this did not constitute realism foundation of general minimum international standards; In some countries administer to the dependability of examination and certification system was so inadequate that some seafarers who had not trained systematically could obtain qualification of watchkeeping. What degree the malpractice had reached had not defined, but past facts showed that things got worse and worse [1].

Because of lack of precision of competence standards and insufficiency of fulfilling the Convention requirements, interpretation of the standards by individual Contracting state was varied widely. STCW Convention was gradually losing credibility, and the STCW certificates could no longer be relied upon as evidence of competence. Therefore to discuss the compliance and verification mechanism was one of the most important topics in meetings for examining and amending STCW Convention. The core to discuss was to follow the Regulations through strict verification mechanism.

2 Embodiment of the compliance and verification mechanism of STCW'95

The compliance and verification mechanism of STCW'95 embodied in the precision of seafarers' competence standards, a quality standards system for mariners education and training, assessment of competence, certification, and its issue procedures, and the control of seamen's competence.

2.1 Precision of seafarer's competence standards

STCW'95 minimum competence standards not only include knowledge, understanding and proficiency instead of pure minimum knowledge requirements in STCW'78, but add methods for demonstrating competence which usually include examination and assessment (column 3 of STCW Code Table A-II . III. IV. VI); and add criteria for evaluating competence (column 4), instead of the inexplicit expression "to satisfaction of the Administration". New expression about competence standards in STCW'95 is more precise and more maneuverable.

2.2 Adding quality standard system clause

According to the new Convention, every Contracting State shall ensure that all training, assessment of competence, certification, endorsement and revalidation activities are continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors. The quality system, shall be evaluated periodically. Information relating to the evaluation shall be communicated to the Secretary-general of IMO (Reg. I /8).

2.3 Enhanced assessment of competence

Three Regulations related assessment of competence are added in Chapter I of Annex of STCW Convention and STCW Code which are quality standards(Reg. I /8 and Section A- I /8), training and assessment(I /6), use of simulator(I /12). In Column 3 of competence standards tables, methods for demonstrating competence usually include examination and assessment of evidence obtained from one or more of the following: (1)approved in-service experience;(2) approved training ship experience;(3) approved simulator training;(4) approved laboratory equipment training. Assessment of evidence obtained from practical training is the only method for demonstrating competence to most of special training, emergency, medical care and survival training.

2.4 New communication of information

Every Contracting State shall provide to the secretary-general information concerning implementation of the Convention required by STCW Code. The MSC of IMO shall identify the countries in which full and complete effect is given to the provisions of STCW Convention. This regulation entitles IMO to supervise the Contracting States in implementing the Convention.

2.5 Other regulations related

The function of port states control is strengthened in STCW'95, and the certificates and endorsements, issue, registration, recognition and revalidation of certificates are stimulated concretely and clearly.

3. Problems that should be paid attention to in China when carrying out compliance and verification mechanism of STCW convention

In order to perform STCW78/95 convention, Chinese government and her maritime authorities have drawn up perfect regulations and standard documents, and Chinese promised agreement has been verified and passed by IMO. The current task is not making rules, but improving and fulfilling every item. Since STCW78/95 convention became effective, china,

according to the new convention, has developed quality system verification, seaman's education and training evaluation, examination of original certificates refreshed and so on. The unified examination of seaman's qualified certificate in the whole country will go on in the first time according to the new test rules in August 2000. All indicates that compliance and verification mechanism of STCW78/95 has made an active effect. However, at present there are still several problems that should be paid attention to when carrying out compliance and verification mechanism.

3.1 Do enhance the realization of the importance of carrying out compliance and verification mechanism

To fulfill compliance and verification mechanism is the need of Chinese seamen participating in the international competition. At present the amount of crews in Europe is reducing, and the seaman's education and training center gradually moves from the west to AP region. Before that, Chinese seaman labor export had a large gap compared with Philippines. For instance, the amount of seaman export, about 30000 in china, is only one-seventh of that in Philippines, up to 220000. When the new seaman competence standard is put into practice, the seaman education and training system in Philippines and other countries, the amount of qualified seaman conforming to the new standard are faced with challenges. But it is a good development opportunity for the release of maritime in China, which has seaman's education and training system with solid foundation and abundant human resources. To grasp the opportunity lies in whether we can foster a large number of crews according to the standard of the new convention. The target can come true only when compliance and verification mechanism of STCW convention is carried out to be serious. Nowadays some seaman's education and training organizations merely think highly of obtaining the qualification, and unscrupulously ensure the pass rate of test and evaluation so that they neglect the trainee's really qualified ability. Some test mechanism even trend to lower the standard of issuing certificates for the desire of fostering more crews who can hold certificates, or they issue certificates for the organization, which is unfit to be given the training license and which promises to reform itself at once. Above all, realizing the importance of compliance and verification mechanism should be enhanced.

3.2 Do improve the standard of test evaluation and issuing certificates

STCW convention puts forward to the international standards of seaman's training, certification and watchkeeping, which are divided in detail into a series of examination and evaluation items and criteria. Whether they can reflect properly the seaman's competence requirements to be examined in practice. At least, the current situation indicates that some items, such as navigation English, are doubtful. In 1999, Qingdao Mariners College appointed by Ministry of Communications, undertook the examination of English level among the undergraduates major in navigation technique in Dalian Maritime University, Shanghai Marine College, and Wuhan Transportation University. The results were that the average score of marine English written examination was 49.73 and the average pass rate was 21.33%^[2]. The examination questions were extracted from the test library of COSCO, and were mainly about the business of second officer (85% or so). It was impossible that the English level of social crews who applied for the qualified certificates could surpass that of these undergraduates in total. It is worth discussing whether the standard of students' examination of English level is too high or the standard of qualified English examination is too low.

3.3 Do control the quality of assessment effectively

Qualified evaluation is a new measure in STCW78/95 convention, which can guarantee seaman's practical operation ability. Chinese maritime authorities have set qualified evaluation items, outlines and standards. The basic security training and other specialty training have also worked out the outlines. These standards and outlines are specific in content and can be operated, which reflects that Chinese maritime authorities have paid attention to the work of qualified evaluation. At present it is short of qualified evaluating persons, who themselves should also be trained. Owing to the influence of customary thoughts, it trends to think highly of examination and neglect evaluation. In some places, evaluation is just a kind of formalism and pass rate is usually above 90%, even up to 100%, which is more than that of qualified examination in written form. However, it indicates that the practical operation ability is not good. Take an example, the crews on "Dashun" should have passed the basic security training, and the officers and engineers should have also passed advanced training of fire fighting, special training on the roller-passenger vessel including grasping and utilizing the skills of fire prevention, fire probing and putting out a fire, as well as cargo stowage and practical code of cashing security. However, the relevant report makes it clear that the crews on "Dashun" didn't show the ability of organizing the fire fighting and lashing cargos. Therefore, the quality of the seamen's qualification evaluation is in urgent need of control.

4. CONCLUSION

To improve compliance and verification mechanism is one of the main backgrounds to amend STCW convention, thus compliance and verification mechanism is one of the characters of STCW78/95 convention. It is embodied in all the items of STCW78/95 convention, including control, precise assessment and evaluation, quality system and information communication. To perform compliance and verification mechanism is the most elemental measure to improve the power of participating in the international seamen labor-supplying competition. Therefore, Chinese seaman's education and training institute & the organization of evaluating and issuing certificates should enhance realizing the importance of compliance and verification mechanism and carry out it down to earth in order to ensure the seaman's competence substantially, not only formally. The current work that should be reinforced is to control the qualified evaluation effectively.

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