

Rear Admiral John Lang

Just over 100 years ago, a large four funnelled passenger ship on her maiden voyage was crossing the Atlantic on a dark, very cold, star studded night when her lookouts saw an iceberg right ahead. Every one here knows what happened next. There are few people in the civilised world who have never heard of the Titanic or how she hit that iceberg and subsequently sank with the loss of 1,500 lives on April 15th 1912.

Once news of the accident became known and the initial shock was over, the public wanted stories of heroism and self sacrifice; and scapegoats----somebody to blame. What they got was two official enquiries, myths galore, an unexpected villain and a handful of conspiracy theories. Since then, countless books have been written about this extraordinary ship; most of us have seen at least one film about her and I am told that after the words "God" and "Coca Cola," the name "Titanic" is the most easily recognisable word in the English language.

The most important consequence of her loss was the holding of an international conference two years later to address the safety issues brought into focus. The legacy of that conference, the Safety of Life at Sea Convention, remains, in a much updated form, the central plank on which safety at sea is determined.

Earlier this year, a much larger, single-funnelled, white painted cruise ship going about her normal business, passed very close to an island off the Italian coast and struck a rock. Badly holed, she lost power, drifted in shallow water and began listing to starboard. In an evacuation lasting several hours, over 4000 souls made it safely to the nearby shore. As we now know, 32 people tragically lost their lives in an accident that should never have happened.

Now the mariner's traditional reaction to any marine casualty, such as the grounding of the Costa Concordia, is the prayer "There but for the grace of God, go I." On this occasion, I think most people wondered how could such a ship with, presumably, well qualified and experienced crew, state of the art navigation equipment, and proceeding on a perfectly normal voyage in well charted waters, could possibly find

herself in such a predicament. As in 1912, people wanted to know what had happened, who was to blame and, fundamentally, whether large passenger carrying ships really were safe.

I am not a safety at sea expert, have no expertise in passenger ships, have nothing whatsoever to do with the Costa Concordia and have no inside information as to what happened. I am, however, a professional seafarer, have some strong views about how accidents should be investigated and, being retired, have total freedom to speak my mind without being hauled up in front of a minister and losing my job.

As a former Chief Inspector of Marine Accidents, I make no secret of my passionately held belief that the single most important outcome of any accident is to learn from it, to ensure that, so far as possible, it could never happen again. That said, I am a realist and accept that accidents at sea do happen---and will continue to. Safety at sea can only improve if we learn the real, rather than the convenient lessons so a prime responsibility of any investigation is to ensure that lessons and recommendations are promulgated as soon as possible after the event.

Although I don't entirely agree with all the conclusions drawn by those charged with investigating the loss of the Titanic, I think they missed one or two things. However, they did publish their report as soon as possible after the event. Among the most important outcomes of the capsizing of the Herald of Free Enterprise in March 1987 was the realisation that it was fundamentally unsatisfactory for the organisation charged with investigating accidents to come from the same department that draws up and enforces the regulations.

As a result, the UK decided to create an entirely independent accident investigation organisation, where the aim would be to investigate accidents with the sole aim of preventing them happening again. In 1989, the Marine Accident Investigation Branch was formed and is today a highly respected body that has contributed much to improving safety at sea.

It achieves its objectives by meeting the aims of the IMO into how accidents should be investigated by having primacy over any other form of investigation. The investigations are conducted by inspectors who have no preconceived ideas as to

what happened, who are led by the evidence alone, have no vested interest in the outcome and are not in the slightest bit interested in apportioning blame or liability.

Too many serious accidents are never investigated at all; are looked at but never result in any recommendations being made; fail to result in a publicly available report; or place all the emphasis on identifying who is to blame. How many can recall a single recommendation or lesson arising from the investigation into the Cypriot-registered cruise ship *Romantica*, after she caught fire in the Eastern Mediterranean in October 1997; or after the Greek-registered *Sea Diamond* hit rocks off the island of Santorini in April 2007; or after the *Costa Europa* hit the jetty at Sharm El Sheikh in February 2010 resulting in three members of the crew being killed.

Would any recommendations that might have arisen from any of these have prevented or helped in the immediate aftermath of the *Costa Concordia* grounding?

An example of a no-blame in-depth investigation concerned a potentially serious fire on board the cruise ship *Star Princess* on 23rd March 2006. Within 22 days, the International Council of Cruise Lines issued a safety notice based on a preliminary report by the UK's Marine Accident Investigation Branch, urging the cruise industry to take immediate measures to overcome a number of problems. It cannot always be done so quickly and effectively. However, accidents at sea can, if properly and thoroughly investigated, lead to the identification of any weakness in design, construction, management or operation or indeed the formulation of regulations so that appropriate measures to rectify them can be put into place.

Where do we stand with the *Costa Concordia*? What are the prospects for an investigation which leads to effective measures being taken to improve safety?

There still remarkably few facts. She hit the rocks off the Italian island of Giglio on Friday, 13th January 2012. It should not have happened. There were 4229 people on board at the time and 32 people died. It is being investigated by three Italian organisations: an administrative investigation by the Italian Coast Guard to determine causes and possible responsibilities; a technical marine safety investigation by the maritime investigative body of the Ministry of Infrastructure and Transport to determine the circumstances and causes from a purely technical perspective; and a criminal investigation by the prosecutor to ascertain

responsibilities and guilt. Under Italian law, the latter takes precedent. And whilst a fair amount of detail has been released, everything else is speculation, hearsay, hype and salacious gossip.

The good investigator will ignore the lot---and I have every intention of doing likewise. I have viewed the AIS track online; watched the BBC documentary on the events of that night; listened to the tape recordings of the conversation between the Coast Guard and the Captain after the accident; noted the tales about the Captain's female companion; and heard many versions about what crew and passengers had to say. Nearly everyone with a view about the accident believes the captain is to blame and is guilty of negligence. If he is charged, I wonder what his chances are of receiving a fair trial? Right now, I am content for the investigators to do their business and to let us have their view about what happened, with their recommendations.

However, I am profoundly uneasy about some developments. I was appalled at the way the Captain was singled out for blame so early in the proceedings and never given the protection to which a man in his position is fully entitled. I deeply regret that the Italian judicial system requires criminal proceedings to take precedence over technical investigations. It appears the prosecutors had initial custody of the voyage data recorder or the black box rather than the technical investigators! I am still not sure if the latter has free access to the VDR. In my book, absolute priority should be given to technical investigation in exactly the same way as in air accident investigations around the world.

I have no idea what the investigators will say when they report their findings. I hope they probe the many factors that underpin this awful accident, and feel able to report their findings honestly and free from the constraints of vested interests. The omens are not particularly good. I pray that the apparent desire to apportion blame will not undermine the overriding need to identify the key issues that underpin this terrible accident.

There is no doubt the captain has some searching questions to answer. However, it is very easy to forget that whenever somebody makes a mistake, there will be reasons for it, stretching across days, weeks, months, even years. There will have

been barriers placed on board the Costa Concordia to prevent whatever went wrong. All failed. Although much did go wrong that night, we should never lose sight of the fact that some things actually went quite well. We can learn much from looking at every aspect of the accident both on board and ashore----and look at what might have happened had the wind blown the ship into deep water.

What are the implications for rescuing so many people from a ship that is, for whatever reason, untenable. The tantalising issue of an Achilles Heel dangles in front of us--- stability, evacuation procedure, number of passengers. I believe the Achilles Heel lies somewhere else, such as in the way these things are investigated. No matter how well a ship is designed or built, managed or run and regulated, problems will exist somewhere. So when an accident occurs, every possible effort should be made to learn from it.

An investigation is ultimately the final audit on safety. I deplore the increasing trend of bringing criminal charges against those who are perceived to be at fault in maritime accidents. Whilst the intention may well be pour encourager les autres, the trend is crippling efforts to improve safety at sea. Those in the firing line are extremely defensive about what they know and devote all their energy to defending their positions rather than actually helping the investigator. This prevents organisations taking certain actions to make improvements, lest it be construed as an admission of liability.

It is an extremely expensive process. By the time appeals have been heard, the wrangling process may drag on for years and years. Above all, it prevents any in-depth analysis being made of the underlying and background causes because this is where the greatest improvements to prevent such an accident happening again, can be made.

The cruise industry is working very hard to make improvements before the investigation is complete. And quite right too. The Symposium raises the tantalising issue about whether the passenger ship sector does indeed have an Achilles Heel. Many of you will have your own concerns, both real and perceived. In my opinion, the Achilles heel in the entire shipping sector is the increasing tendency to

criminalise the seafarer and the precedence this takes over proper safety investigations.

I wonder what the impact might be if shipping companies were to flag with states where proper no-blame accident investigations can be carried out.

John Lang. *Having spent three years with P & O as a navigating officer cadet, he transferred to the Royal Navy in 1962 for a 33-year career. He commanded two submarines and a frigate, was responsible for the submarine command course known as the "Perisher" and was Director of Naval Operations. He became Deputy Chief of Defence Intelligence in the rank of Rear Admiral, retiring in 1995.*

He spent the next five years as the UK's Chief Inspector of Marine Accidents, before turning to voluntary work in the maritime sector. He has been a Governor of Southampton Solent University, Chairman of the Shipwrecked Mariners' Society, an RNLi Council Member and an International Maritime Organisation consultant, teaching administrations around the world how to investigate marine casualties.