ECPR 2001 Workshop Paper on
“Decision Making Within International Organisations”

Decision Making in the International Maritime Organization-

The Case of the STCW 95 Convention

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**Introduction**

The following paper deals with the formulation, adoption and implementation of the Standards on Training, Certification and Watchkeeping for Seafarers Convention, 1995, from the International Maritime Organization (IMO). The IMO is a specialised United Nations (UN) agency with almost universal membership (158 states). On contrast to and as a successor of the STCW 78 Convention, STCW 95 defines specific training and education modules which all seafarer trainees have to pass, regardless of whether the state where the maritime training takes place has ratified the convention or not. Port state control systems\(^1\) have been established, comprising more than 90 maritime states including all EU states, Japan and the United States as observer of the Tokyo MOU. This control mechanism will make it almost impossible for seafarers to work on board a seagoing ship without having an STCW 95 Certificate after the year 2002 when the Convention comes into force.

After the adoption of the STCW 78 Convention, the actors were bound in a prisoners' dilemma situation. In contrast to the STCW 95 Convention the STCW 78 Convention involved only principles to be observed *"to the satisfaction of the administration"* when educating and certifying seafarers. Therefore, if a maritime state had adjusted its maritime education to high standards according to the STCW 78 Convention, the government could not have been sure that other maritime states would also establish standards of the same quality in their MET systems. The formulation of specific modules for the education of seafarers and standards for watchkeeping arrangements in the STCW 95 Convention, which are checked by the port state control authorities, have changed the situation. From the year 2002 on, states can be sure, that the MET systems of labour supplying states fulfil at least minimum standards in the education systems.

Firstly, STCW 95 is a positive regulation in the sense of not only providing a frame which facilitates co-operation (negative regulation), but defining specific activities to be taken by national administrations. Secondly, it is a market-correcting convention with the aim of interrupting the downward spiral in maritime safety resulting from the growing number of ships registered in so-called open registers and Flags of Convenience (FOC). In both, open registers and FOC shipowners of whatever nationality may register their vessels. While FOC allow for the employment of often underqualified seafarers from whatever nations and for the disregard of safety measures on board seagoing vessels, open registers insist on at least some minimum standards. The difference is therefore a qualitative one, which can be measured, for example, by the number of vessels that went down in comparison to the whole number of nationally registered vessels, or by the detention statistics of the port state control organisations. Thirdly, STCW 95 requires a lot of activity in every state to adjust their

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\(^1\) The so-called Memorandums of Understanding on Port State Control, MOU.
national maritime training and education (MET) and certification as well as control systems to the new requirements (for implementation problems in EU states see Dirks 1998). In short, STCW 95 proves that global positive regulations in the field of labour are possible. International relations theory has always argued, that such regulations are desirable, but almost beyond any reach, because of different levels of economic efficiency, which would cause less developed countries to exploit their low labour costs (see for example Scharpf 1996 or Zürn 1998).

The following papers shall provide some answers on what have been the „enabling structures“ for the decision to adopt STCW 95 despite a heterogeneous economic situation. It also approaches to discover the interests of the actors in the IMO and the normative backgrounds of the international actors, who made the decision to adopt the convention - well knowing about the obligation to implement it nationally. Finally, it argues that the formulation of STCW 95 was only possible, because the IMO itself has to be understood as a learning actor which enabled the international actors (states, international Non-Governmental Organisations (NRO) and scientific institutes) to adjust their previously very different and, in the case of the seafarers’ and shipowners’ organisations, antagonistic interests.

There are two main perspectives in IR theory on international organisations which are often understood as being conflicting, the rationalist and the constructivist.

**Rationalist perspective**

The first perspective views international organisations as instruments of the most powerful states to achieve their national objectives and as an arena for dealing with conflicts that may arise between states. In this view, the decision on an international convention is the result of a bargaining process between self-interested actors with a common interest, who strive for co-operation because of their inability to solve global problems at national level (for this perspective see for example Keohane 1984: 247ff, Ruggie 1998. More critical see Hasenclever / Mayer / Rittberger 1997: 36-82).

The assumed common interest does not always mean that the interests of the different actors in the IMO are identical. While some governments, whose states have been victims of an oil pollution, may see the advantage of the STCW 95 Convention in the improvement of the qualification of the seafarers in emergency situations, others may have an interest in improving the competitiveness of their national seafarers in order to enable them to work on foreign registered vessels. Some states may have an interest in receiving technology through technical co-operation programmes of, for instance, IMO and ILO, while another group of
states may have an interest to protect their nationals from dangers or to protect the maritime environment.

It seems as if the interests formulated by the government representatives in the IMO are highly dependent on what is seen as a problem at national level (for this position see for example Moravcsik 1997: 519ff, for a general overview on sub-systemic liberalism see Gourevitch 1996: 350ff). Whether an agreement is reached in international bargaining processes depends, according to Moravcsik on the importance attached on the subject by the most influential social groups in the states and on the interest constellations of the social groups, argues Moravcsik. Therefore, if one influential group in a state attaches great importance to a subject while another influential group in another state considers the subject as being of less relevance, the result can be that the less powerful state may achieve its objective in the international bargaining process. Therefore, the sub-systemic liberalism of Moravcsik takes into account international structures with regard to the interest constellations of states, but it neglects the influence of international institutions on the interest- and identity formation of the actors. It would be misleading to argue, that the formulation of interests is only determined by the most influential social groups in their states. If, as Zangl mentions, national institutions influence the interactions of different groups in and between states, there is no reason for understanding institutions in the international system as being irrelevant (Zangl 1999: 55).

Regime theory shows that the decision on international conventions is determined by interest constellations at two levels – the sub-systemic and the systemic – while other factors, like number of states, distribution of power, interaction density, trust and institutional structure of the states, also influence the chances for regime creation. While interest formulation by government representatives is determined by the most influential groups at national level in the first place, it becomes more and more influenced by the social context in which the actors discuss the problem at stage.

In the IMO the content of an international convention is usually discussed and revised until all member states have agreed on the content, so that it can be adopted unanimously. This was also the case with STCW 95. If the IMO does not strive for consensus on the content of a convention, member states would not ratify it. The convention would in many cases not come into force. Therefore, it can be argued that the government representatives were convinced that STCW 95 was advantageous for them. Why should member states adopt a convention which forces them to carry out a lot of administrative activities (positive regulation), if it is not for their advantage?
The ability to assess whether a convention would be advantageous for the affected states or social groups requires at least some basic information on the consequences to be beard by the national administrations and societies. A study on maritime education and training (MET) in the member states of the EU has shown, that even the government representatives of the EU states had underestimated the consequences resulting from STCW 95 for their MET- and certification systems (Dirks 1998). In the developing countries, the consequences of the STCW 95 Conventions could not have been estimated at all, due to a lack of basic information (for instance, the number of schools, trainees or the contents of the syllabi). This does not mean to skip the rationalist perspective. But the assumption that government representatives always have all necessary information at their disposal has to be questioned. „Cognitive incompleteness, surprise and expectation inconsistency characterise the behaviour of the players“ (Egidi 1992: 9).

If the STCW 95 Convention has been adopted by the member states of IMO, despite a lack of information on the consequences at national level, two arguments follow: (1) The government representatives judged the problem of underqualified seafarers as being more serious than the possible unintended consequences that may arise for the national MET systems and administrations. (2) The government representatives had the same opinion on the reason for the problem at stage, namely the connection between ship accidents with often disastrous effects and inadequate qualifications and overwork of the crews. They also considered IMO to be the right place to solve the problem.

In other words, consensual knowledge about the problem and the way to solve it arouse in the arena IMO. Consensual knowledge emerges, when the actors consider the information available as being relevant (Haas 1990: 21). Consensual knowledge means, according to Haas, generally accepted understandings on cause-effect linkages about any set of phenomena considered important by society (Ibid.). It is socially constructed, because if new actors, who have different knowledge at their disposal enter the group, the consensual knowledge will change. Additional information allows to formulate different interests, influence the agenda and finally make a decision on the convention at stage. For the government representatives the social construction of consensual knowledge means that the information available is connected to the interests of the actors, who provide the information.

The review of the STCW 78 Convention was carried out in an expert group composed of seven government representatives (Mexico, Spain, UK, the Netherlands, Germany, Singapore and South Korea), three international non-governmental organisations (International Transport Workers’ Federation (ITF), International Shipping Federation (ISF) and International Federation of Ship Masters’ Federations (IFSMA)) and four scientific institutes (Arab Maritime Transport Academy (Egypt), Dalian Maritime University (China), National
In the social context IMO, the interest formulation of the government representatives was therefore not only influenced by other governments, but also by transnational actors and scientific institutions that participated in the expert group, although the non-governmental organisations and scientific institutes do not possess the right to vote in the IMO (on the influence of transnational actors see for example Ruggie 1998(b): 868, see also Kaufmann 1998: 6ff, see also Keck / Sikkink 1998: 10ff).

The process of influencing each other is a mutual one. Not only the government representatives had been influenced by the transnational actors. The transnational actors themselves have acted in the social context IMO and, therefore, had been influenced by the other actors. While participating in the policy formulation processes, the international non-governmental organisations and scientific institutions realise the possible advantages stemming from this participation. In order to keep the right of being a „good member of the club“ the transnational actors have to adjust their behaviour to the norms of the international organisation (Martin / Simons 1998: 735). As is the case in any social context, there are norms in the IMO that determine the behaviour of the actors. These norms can be understood as collective expectations with regulating effects on the behaviour of the actors in the IMO.

To summarise: It can be assumed that the behaviour of the actors in the arena IMO has been determined on the one hand by the interests of the most influential social groups in the states and on the other hand by the norms in the international community, either by pre-determined norms, which, if violated, damage the reputation of the actors in the community, or by a joint agreement on appropriate behaviour, which has been reached by discussion.

Therefore, the hypothesis may be formulated, that the decision on the STCW 95 Convention was made possible, because a consensus arouse on the necessity of a revision of the STCW 78 Convention in the discussion process. The content of STCW 95 has been determined by the changing interests of the actors, which allowed the development of consensual knowledge.

**Summary of the hypothesis test**

A full-scale hypothesis test would be out of proportion in an essay like this one. I will summarise some results of the hypothesis test, which I have carried out previously. The following table shows a summary of the hypothesis, research perspective, relevant questions and indicators:

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The WMU is one research centre of IMO itself.
**Hypothesis:**
STCW 95 Convention was made possible, because in the discussion process a consensus arose on the necessity of a revision of the STCW 78 Convention. The content of STCW 95 has been determined by the changing interests of the actors, which allowed the development of consensual knowledge.

**Perspective:**
Problem, Context of the Problem, Actor Interests and Constellations

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<td>- Problem and context?</td>
<td>- Case studies of maritime accidents;</td>
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<td>- Influence of the most powerful national groups on the government representatives in the IMO?</td>
<td>- Demands of the most influential national interest groups for compensation of economic losses and environmental damage as a result of ship accidents;</td>
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<td>- What have been the interests of the actors (governments, NGO, scientific institutions) in the context of the review of STCW 78 and adoption of STCW 95?</td>
<td>- Activities of the governments for solving the problem on national level;</td>
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<td>- What kind of influence on the formulation of STCW 95 had the economically strong states?</td>
<td>- Economic and political contexts in the maritime sector;</td>
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<td>- How did the maritime states behave in terms of maritime safety measures in general?</td>
<td>- Difference between intended and actual effect of the STCW 78 Convention;</td>
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<td>- What was the influence of the NGO and scientific institutions on the formulation and implementation of STCW 95?</td>
<td>- Problems that have not been recognised in the STCW 78 Convention;</td>
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<td>- Developments of national fleets;</td>
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<td>- Ratification of IMO Conventions and safety performance of national registered fleets;</td>
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<td>- Goals and structures of NGO;</td>
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<td>- Activities for the review and implementation of the convention;</td>
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<td>- Structure, main research areas and education priorities of the scientific institutes;</td>
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<td>- Interests of the scientific institutes in the STCW 95 context;</td>
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States in the expert group for the review of STCW 78

The behaviour of the states in the expert group, which has been measured by the number of ratified IMO conventions, the safety performance according to the Paris Memorandum of Understanding on Port State Control (Paris MOU) during the period of 1995 – 1997 and the comparably high rate of inspections carried out by these states, points towards a strong and enduring interest on improvement of ship safety. In most of these states, shipowners are highly dependent on foreign seafarers to man their vessels, due to a lack of new recruits in MET. Carrying out measures to improve the quality of MET in labour supplying countries was seen as a chance to reduce the risk of shipping catastrophes resulting from „human error“. The industrialised states would not have been able to solve the problem by themselves, because they had no chance to check the qualification of seafarers travelling in their territorial waters before STCW 95 had been adopted. Therefore, international co-operation enlarged their scope for action.³

States that participated in the Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping, 1995

At this conference, STCW 95 was adopted. The participating states show a high number of ratification of IMO Conventions.⁴ But their safety performance is slightly below average. This points towards an interest in ship safety on behalf of these states on the one hand, but problems to put the IMO regulations into effect. Especially vessels from the developing countries, which participated in the conference, show a much higher rate of detentions by port state authorities, because of serious violations of international maritime conventions, then ships from the industrialised countries.

The dependency of shipowners from industrialised countries on the labour force coming from the developing countries led to the legitimate expectation of receiving technical co-operation measures and transfer of technology (simulators) on behalf of the developing countries. Several projects to improve MET in labour supplying countries have already been carried out by the IMO, ILO, ISF, ITF (indirect by supporting scientific institutes and the IMO) and the Norwegian government.

³ Globalization does therefore not always lead to a limitation of internal souvereignty as it is often assumed in the IR-debate. On limitation of internal souvereignty due to globalization processes see for example Wolfgang Zaschke, Internationale Sozialpolitik als Netzwerkpolitik, in: PROKLA – Zeitschrift für kritische Sozialwissenschaft, Issue 97, 1994, Pages 579-622. See also Wilhelm Adamy, Globalisierung und Internationale Sozialpolitik, in: Jahrbuch für Arbeit und Technik 1997, Pages 263-274.
⁴ The participating states have ratified 48,84 percent of all IMO instruments (2000), while the average rate of ratifications is 36,44 percent.
Open Registers and Flags of Convenience (FOC)

The so-called open registers and FOC cannot be understood as a homogenous group of states with same interests. Some of them have an interest in improving safety of their nationally registered ships, despite the costs which have to be beard for carrying out the inspection on board and the issuing of STCW 95 certificates. Liberia, for example, had a long tradition as an FOC. In recent years, Liberia has made many efforts to improve the quality of its national ship register in order to attract shipowners, who rely on long-term revenues of safe shipping. The safety record of the Liberian register has improved a lot, in recent years. It is now an open register. Only newer FOC may have had an interest in preventing STCW 95 from coming into force, because these registers often cannot provide an administration which is capable of carrying out the required standards.

International Non-governmental Organisations

The international non-governmental organisations (ITF, ISF and IFSMA) represented different nationally rooted organisations with different interests. Especially the seafarers’ organisation (ITF) and the shipowners’ organisation had to overcome their longstanding conflict about the system of open registers and FOC, for the period of reviewing the STCW 78 Convention. In order to carry out at least some of the interests of their member organisations, ITF had to accept that the system of open registers and FOC was consolidated by the adoption of the STCW 95 Convention. For more than fifty years, ITF has fought against this system by utilising the dock workers in the port states, who refused to unload vessels that ITF considered to be sub-standard. Nowadays, ITF realises that more and more seafarers are employed on board FOC-vessels. Therefore, they concentrate more on the protection of seafarers employed on board those vessels than previously. ITF participated in the expert group, because the organisation was interested in improving the labour and living situation of seafarers on all merchant ships. The ITF was aware that the implementation of the STCW 95 Convention would cost some of their clients their jobs, because they lack an education comparable to STCW 95 standards. Nevertheless, the goal of improving safety for many seafarers appeared to be more important to them than protecting the interests of a few.

The ISF had an interest in improving the safety of ships and to interrupt the downward spiral in the quality of crews. David Dearsley argued, that the competition from sub-standard shipowners increased so strongly during the last decade, that even those shipowners, who wanted to employ highly qualified crews were not able to withstand the financial pressure resulting from the employment of underqualified cheap crews by sub-standard shipowners.

Deputy General Secretary of ISF. Interview in August 1998.
any longer. According to an ISF Wages Survey (1996), a shipping company may save several hundred thousands of US$ in wages for each ship by hiring a crew from Bangladesh, for example, instead of seafarers from Germany.

Although the ISF was aware of the problem of sub-standard crews, they were in favour of maintaining the system of open registers and FOC as such. The reason is that most of their clients are European shipowners, who register ships in open registries by themselves. Therefore, ISF had an interest in improving ships’ safety in the existing structures, and not to change the structures themselves.

The shipmasters' association (IFSHA) did not take part in this conflict. Their only interests were to relief the ship masters from overwork as a result of underqualified crews.

**The Scientific Institutes**

The institutes in the expert group had different interests. While the National Maritime Academy of Singapore wanted to educate national and foreign seafarers for the national market, Dalian Maritime University (China) and Arab Maritime Training Academy (Egypt) were interested in qualifying nationals for the international market.

The three institutes are situated in regions with comparably low levels of economic development. From these areas the majority of seafarers in merchant shipping come from. IMO makes use of the institutes as access points to those states, that would assumingly have had problems with the implementation of STCW 95 standards. A considerable part of the activities in the context of technical co-operation was carried out by the three institutes.

Besides, the international engagement of some representatives of the institutes allowed for the filling of key positions in the IMO. The Director of the National Maritime Academy of Singapore, for instance, is the Deputy Chairman of the Sub-Committee on Standards of Training and Watchkeeping (STW) in the IMO. The Director of the Arab Academy for Science, Technology and Maritime Transport, of which the Arab Maritime Transport Academy is part of, is the Executive Council of the World Maritime University (WMU), of the IMO. He also participated in the conferences of the Technical Co-operation Committee for more than 25 years, and he was the chairman of the committee for some time.

To summarise, the IMO can be understood as a multidimensional bargaining system, where government representatives as well as non-governmental organisations and scientific institutes can negotiate about and achieve at least some of their interests. The global view on
the problem, which was provided in the arena IMO allowed for the discovery of alternative options for activities:
- on behalf of the industrialised states instead of activities to protect the territorial waters, the improvement of ship safety world-wide;
- on behalf of the international non-governmental organisations instead of confrontation on the system of open registers and FOC, the improvement of safety, living- and working conditions in the frame of the existing structures;
- on behalf of the scientific institutes instead of an inward orientation, opening to the global market.

The bargaining in the IMO led to the development of a convergence of interests. At the beginning, the different actors came closer to each other and finally they realised that at least parts of their interests could be carried out by the STCW 95 Convention. The positive regulation was possible, because a win-win-situation emerged during the bargaining process. The above mentioned prisoners’ dilemma situation changed into a situation which can be described as an assurance game, were all actors have an interest in the co-operation itself.\(^6\)

**Constructivist perspective**

The rationalist approach can explain, how the interests of the actors in the IMO and the social context IMO influenced the formulation of the STCW 95 Convention in a given situation. But it was not explained, how the co-operative structural conditions have been created and how the behaviour of the actors might change, if the IMO changes itself. The decision for adopting the STCW 95 Convention was understood as a compromise in a bargaining process between the relevant actors in the IMO. The organisation's role would have been limited to the provision of conference facilities and a contractual environment, which generates reliability on the observance of the regulations, in order to overcome the „anarchy“ in international relations (on the necessity for a contractual environment for regime creation see Zürn 1997: 56, see also Zürn 1998).

The STCW 95 Convention shows that IMO has to be seen not only as an arena for the bargaining processes, but also as an actor by itself. In order to be accepted for a list of states (white list), which observe the STCW 95 standards, the maritime states have to report on the national implementation of the convention. It is the Maritime Safety Committee (MSC) of the IMO that decides whether a state has fulfilled the requirements of the convention. Therefore,\(^6\)

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6 The story of the assurance game is the following: A group of hunters want to shoot a deer. If all of them stick together, they will have enough to eat. But if one of them leaves the group in order to catch a hare, he will get less food and the others will get nothing, because the deer will run away. In this case it would be better for the others to hunt the hare, too. But the best solution would be, to strive for co-operation.
the IMO appears to be an actor with the ability to cause states to act in conformity with the organisation's norms.

Another source of „autonomy“ are the programmes for technical co-operation. When for example an education project for national administrative personnel is carried out by the IMO, which shall enable administrative personnel to implement STCW 95 standards in their MET systems, new points of view on the national administrative systems are passed on and changes in administrative procedures will take place. The programmes for technical co-operation are usually carried out by persons, who are employed by the international organisation. Therefore, this personnel identifies themselves with the goals of the organisation and is part of the organisational culture, which impart values on them as the basis for their decisions. Especially with reference to the operational function of international organisations, Finnemore argues that there are global cultural norms, which lead to uniform behaviour of the states, due to their embeddedness in global structures (Finnemore 1996: 326-344). This collective consciousness (Ruggie 1998: 870) can be understood as commonly shared norms, which influences national policies.

In the same direction argues Keohane. He points towards the development processes of international organisations, which is not only determined by the interests of the member states, but also by the interests of the organisation as organisation (Keohane 1989: 5). Although international organisations have in most cases been established to serve specific interests of the member states, they need a certain space for their development. Especially the bureaucracies of the international organisations may reach a high level of autonomy from the states, which may lead to situations, in which the organisation dominates the societies of whose benefit they have been created for. This authority is based on the one hand on the legitimacy of the organisation’s procedures and on the other hand on its technical expertise and availability of information (on the autonomy of bureaucracies of international organisations see Barnett / Finnemore 1999: 699-732). With reference to Max Weber, Barnett and Finnemore argue that due to the inherent rationality of bureaucracies (in the sense of rule consistent behaviour, which is based on socially recognised knowledge) they may gain a kind of authority, which allows them to act independently in the name of generally accepted rules (ibid.). It may even be the case that operational activities of international organisations may have a negative effect in the member states, because of the bureaucracies' tendency to consider its technical knowledge as universally valid. Therefore, specific realities in the states may not be taken into account adequately.

Reinalda argues, that the management of an international organisation is of major importance for the organisations' autonomy: „Yet, the leadership must use the tensions between organisational imperatives and environmental realities as an opportunity for „self-assessment
and self-redefinition“, to profit from critical experience to undergo growth in character and understanding. [...] In other words, just as we may presume states to have motives of behaviour and action, international organisations with well developed leadership may also have such motives, notwithstanding the fact that these motives are a compromise between the organisation's and member states’ wishes“ (Reinalda / Verbeek 1998: 46-47).

At the operational level, IMO fills many functions, where decisions have to be made by autonomous personnel. In how far the staff of international organisations may decide on issues by themselves depends on the kind of decision and the duties of the organisation. Rittberger distinguishes between operational and programming organisations (Rittberger 1994: 31). While operational organisations concentrate on the implementation of norms and executive tasks, programming organisations have to deal with the articulation of problems, definition of goals and formulation of programmes, which includes the fixing of behavioural and distributional norms.

The actor function of IMO has already been laid out in its creation in 1948. The reason for the establishment of operational organisations is in fact the member states’ wish to have an organisation that appear as an actor towards themselves. But IMO is not only an actor at the operational, but also at the programming level. While the long-term goals are defined by the member states, IMO contributes to the member states' perception of goals, which they otherwise would not have recognised. Simplifying, international organisations may suggest policy options for the advantage of the member states (Katzenstein / Keohane / Krasner 1998: 675). Therefore, the IMO can be understood as an „idea generating centre“ with a chance to induce governments to change their national policies.

If one function of IMO is to act as a centre for new ideas, it has to deal with new challenges resulting from the acceleration of globalisation processes and the growing interdependencies between states (for the acceleration of globalisation processes see for example Altvater 2000: 5, see also Katzenstein 1998: 6, see also Giddens 1997: 85, see also Albrow 1998: 411-434, for the challenges for international organisations see Senghaas-Knobloch 1998). The challenges for the IMO are the safeguarding (operational function) and further development of standards (programming function) in international merchant shipping, which shall improve the safety of seafarers’ lives and the maritime transport and which shall protect the maritime environment. This has to be done in an unsafe era of dominant neo-liberal economic concepts, growing regional integration and global economic activities.

Research on organisations at company level has shown that the ability to adapt to environmental changes is a critical factor for successful companies (see for example Schreyögg / Noss 1995: 23-39). The same can be said about international organisations.
International organisations have to be able to realise the goals for which they have been created on the one hand, but also to occupy new topics and to identify and solve newly arising problems. International organisations have always to expand their goals and to consider the changing environment. The precondition to successfully adapt to environmental changes is the ability to constantly questioning the principles of the organisation's activities and, should the occasion arise, to develop new activities. In other words: international organisations have to learn.

Already in 1978 Argyris and Schön argued, that organisations may learn in different ways: „When the error detected and corrected permits the organisation to carry on its present policies or achieve its present objectives, then that error-detection-and-correction process is single-loop learning. [...] Double-loop learning occurs when an error is detected and corrected in ways that involve the modification on an organisation's underlying norms, policies and objectives“ (Argyris / Schön 1978: 2-3). In the context of international organisations Haas has taken up this thought. In Haas‘ terms single-loop learning is called adaptation and double-loop learning is understood as learning (Haas 1990: 88ff). Adaptation are processes were the actors are aspiring to new activities without questioning the underlying theoretical assumptions of the programmes. The focus is to change measures for reaching a goal without changing the goal itself. In contrast, learning means questioning the theoretical assumptions and the values of the organisation itself in order to recognise new problem sets. The aim is not only to solve an identified problem, but to eliminate the cause of the problem.

Haas identified four indicators for organisational learning, which can be used for analysing organisational learning in the IMO in the STCW 95 context:

1. In order to fill an active role in the formulation and implementation of the STCW 95 Convention, new information on an unsolved problem with regard to the STCW 78 Convention had to be generated. The organisation had to assimilate the new information in a way, which allowed for the recognition of the problem context (nested problem set). This would have enabled the IMO to answer the question, whether the basic assumptions which had led to the adoption of the STCW 78 Convention are still valid or whether new aspects of the problem have to be taken into consideration.

2. The development of new basic assumptions on the composition of a problem area will lead to the establishment of new priorities in an organisation that learns. If this is not the case, it would be a sign, that the organisation is not able to occupy new topics.

3. An organisation with the task to develop programmes for solving problems more or less autonomously, needs to establish criteria for measuring the success of the programmes, in order to adjust the programmes to unforeseen or new challenges. Without such criteria, it would be impossible to recognise newly arising problems.
4. Finally, an organisation that learns needs always to reflect on its understanding of its own role. It would not be enough to identify problems and to try more or less appropriately react to them. In the globalisation context the insistence on the former understanding of its role would lead to a situation, were the IMO would have been passed by the developments in international merchant shipping. Even if the IMO has recognised the problems, it would not be able to solve them without adjusting its role to the new environment, because the instruments at hand would not be appropriate.

To summarise, I am arguing that the STCW 95 Convention was possible, because the IMO took over new functions. The IMO was able to take over these functions, because of its ability to learn and, therefore, to handle the new challenges resulting from globalisation processes and to develop and implement new proposals for eliminating the cause of the problem.

**Summary of the hypothesis test**

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| **Hypothesis:** The STCW 95 Convention was possible, because the IMO took over new functions. The IMO was able to take over these functions, because of its ability to learn and, therefore, to handle the new challenges resulting from globalisation processes and to develop and implement new proposals for eliminating the cause of the problem. | - What are the structural properties of IMO, which enabled the formulation and implementation of the STCW 95 Convention?  
- How autonomous is the organisation in its operative functions?  
- From were does the IMO receives the financial means to carry out its activities?  
- Has the IMO learned in the STCW 95 context? | - IMO Convention;  
- Structure and functions of the IMO;  
- Functions of IMO in the technical co-operation programmes;  
- Financing of the technical co-operation;  
- Development of IMO’s knowledge basis and the basic assumptions on the problem area;  
- Development of the priorities of IMO in the STCW 95 context;  
- Development of the criteria for successful implementation in the STCW 95 context;  
- Changes in the IMO’s understanding of its own role. |

Despite the narrow boundaries imposed on the IMO by its statutes was the organisation capable to take over actor functions, which have not been foreseen at its foundation in 1948. In the STCW 95 context the General Secretary (William O'Neil) influenced strongly the review process of the STCW 78 Convention. Firstly, he proposed the establishment of an expert group for the review, instead of carrying out the work by the Maritime Safety
Committee (MSC) itself, which would have taken much more time. Secondly, he accelerated the adoption process by combining the conferences for adopting the STCW 95 Convention with the STCW-Fishing Convention. Finally, he suggested to speed up the implementation process by reducing the tacit acceptance time limit from 24 to 18 month. Therefore, the STCW 95 Convention has been adopted two years earlier than it would have been the case, if the usual procedure had been used.

At the operational level, there are two areas which have to be distinguished here, (1) the technical co-operation programmes and (2) the operational function which was imposed to the IMO by the member states in the STCW 95 Convention.

1. For the technical co-operation, the IMO has established the Integrated Technical Co-operation Programme (ITCP). The activities of the programme are oriented on the targets of IMO's five committees as well as the institutions which finance the projects and the interests of the governments which receive the support. The number and nature of the projects are dependent on the finances which the IMO has at its disposal. Since the beginning of the 1990s the United Nations Development Programme (UNDP) has strongly reduced its contribution to IMO's technical co-operation programme (1990: US$ 5.600.000; 1997: US$ 393.000). Therefore, the IMO has sought to fill the financial gap with private investors. This has led to a reduction of dependency from the specialised agencies of the UN, but to a stronger reliance on public-private partnership. The General Secretary (William O'Neil) said in 1996: "The geographical distribution [of the global activities] reflects the priorities of donor agencies and countries" (O'Neil 1996: 16). In the STCW 95 context this means, that despite the priority in the technical co-operation programme to globally implement the STCW 95 Convention, some states will possibly be neglected, if it can be done without their seafarers.

2. As mentioned above, member states have to report to IMO whether and how they have implemented the STCW 95 standards (Regulation I/7, Annex A). States, whose MET system does not comply with STCW 95 standards in the opinion of the MSC, cannot issue STCW 95 Certificates to the seafarers, meaning that these seafarers will not find employment in international merchant shipping after 2002. The new focus of the IMO on supervision instead of leaving the responsibility for the implementation of standards with the member states, is a fundamental change in the organisation's orientation. The inadequate control of the standards of the STCW 78 Convention had been criticised at many occasions. This problem has been linked with the problem of "human error" on board and integrated in the whole problem context of shipping accidents. It seems as if a

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7 The tacit acceptance procedure means that states do not have to explicitly accept a protocol or amendment to a convention. Under tacit acceptance a regulation comes into force, when a specified number of states with a specified nationally registered tonnage (50 % of the world tonnage), which have signed the principal convention, do not reject the protocol or amendment.
questioning of basic assumptions of IMO's policies have taken place which points towards organisational learning.

For the improvement of its knowledge basis on the problems in the maritime sector, the IMO has set up a network of UN- and international governmental organisations, non-governmental organisations and scientific institutes which constantly growth. The changes in the basic assumptions of IMO about the nature of the problems - from technical issues towards "human element" questions - is strongly related to the participation of a growing number of non-governmental organisations and scientific institutes, which deal with humans in the labour processes.

Due to the changing basic assumptions about the causes of shipping accidents, the priorities in IMO's activities have also changed. Until the beginning of the 1990s IMO reacted to the shipping accidents by creating new technical standards all the time. "There is another lesson to be learned from these studies and it is that mistakes are usually made not because of faulty, deficient or inadequate regulations but because the regulations and standards that do exist have been ignored" (O'Neil 1994: 1). The new priorities in the technical co-operation programme of IMO now focus on the strengthening of national administrations and promoting the national implementation of existing norms by education and transfer of technology. IMO has recognised that the problems are owed to the inadequate implementation of the conventions. "The best way of dealing with an emergency is not always to introduce more regulations - especially if the emergency resulted from existing regulations being ignored. Action taken as a result of an emergency in the long run sometimes turns out to be overhasty" (IMO 1999: 5).

The new focus on implementation influenced the criteria for measuring successful implementation of the norms. While the organisation in former times has read high numbers of ratification and lower numbers of shipping accidents as signs for success, it nowadays focus more on structural changes in the member states. A high number of ratification is only one criteria. What is more important in the STCW 95 context is the number of states that appear on the white list of states that have adjusted their MET system to STCW 95 standards.

This allows the IMO to earlier identify upcoming problems. The new criteria are in line with the organisation's new understanding of its own role. In the course of its history IMO has changed from an organisation which was totally dominated by the interests of a few maritime states, which wanted an organisation that brings up favourable conditions for their national economic interests, towards a "pro-active" (O'Neil) organisation with almost universal membership, dedicated towards improving safety of shipping and protection of the maritime
environment. The new understanding is reflected in the goals of the organisation for the new millennium, formulated in the assembly resolution A.900:

1. To focus more on humans;
2. To support stronger the effective implementation of already existing IMO standards and regulations;
3. To develop a safety culture;
4. To avoid over-regulation;
5. To strengthen the technical co-operation programmes (IMO 1999(b): 6).

Conclusion

The positive regulation STCW 95 Convention was possible because of the favourable actor constellation in the IMO which allowed for the development of a convergence of interests. Although the actors went into the bargaining process from very different starting points, due to their respective normative backgrounds, it was possible to serve at least partly the interests of the participants. This was possible, because of the global view on the problem in the arena IMO. The questions in the IMO were not, how to protect territorial waters, how to improve living and working conditions of seafarers, how to avoid unfair competition or how to fill the scientific institutes with recruits, but how to improve safety in international merchant shipping in general.

Although it is oriented on western training and education standards, the STCW 95 Convention can be understood as a qualitative new training-, education- and certification system. The basis for this system were no longer the norms of states or federations, but the norms that have been developed in the expert group. The actor function of IMO has been thought of as part of the convention itself. Due to the embeddedness of national administrative structures in the international structures, the IMO may require norm conforming behaviour from the member states.

The IMO has won this authority, because the member states have made the experience that the goals of IMO are legitimate. Whether legitimacy is described to an international organisation depends, on the one hand, on the assessment of the governments about the realisation of domestic goals by the organisation (for legitimacy of international organisations see Hurd 1999: 379-408). On the other hand, the actors in the IMO had a perception of the problem which was influenced by the social context IMO and the global view on the problem in the IMO. It can be assumed that the government representatives have recognised, that the work of the IMO have had advantages on the domestic level, and, therefore, they were ready to accept the existing structures as given and to no longer question the basic social norms and

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8 Translated from German by author.
goals of the IMO. Due to the internalisation of the norms and goals of the organisation, the international actors have formulated their interests in the STCW 95 context in the framework of the legitimate goals of IMO.

In the STCW 95 context, the IMO was able to strengthen its position towards the member states. The organisation was able to do so, because it has learned, to deal with the challenges resulting from globalisation processes. The IMO was able to react appropriately to the accelerated structural and technical changes in the maritime sector, because of its ability to generate new information, especially from non-governmental organisations and scientific institutes with observer status, whose number has constantly grown in the IMO, and to convert this information into adequate proposals for activities to solve the identified problems. This is especially true in the maritime sector, because the shipowners are generally very reluctant to provide information to international organisations or the public.

To summarise, the STCW 95 Convention was possible because of a combination of both, a favourable actor constellation that allowed for the development of a convergence of interests in the bargaining process, and an international learning organisation, that acted as an idea generating centre and took over operational functions to solve the problem of the inadequate implementation.

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