



Francisco Linares  
Presidente

María L. Galán  
Vicepresidente

Ramón Franco M.  
Secretario

María del Pilar Castillo  
Subsecretaria

Giovanna Avendaño  
Tesorera

Alexis Herrera Jr  
Subtesorero

Belisario Porras  
Director

## CMI QUESTIONNAIRE ON UNMANNED SHIPS

### Prepared on behalf of the Panama Maritime Law Association (Asociación Panameña de Derecho Marítimo – APADEMAR)

1.1 We think the answer to this question – and all of the sub-questions – is “yes”. The definition of “vessel” is contained in article 168 (13) of Law No.57 of 2008, which regulates Panama’s merchant marine. The definition is quite broad – much broader than that contained in the COLREGS convention, to which Panama is a party – and it gives full leeway to the Administration<sup>1</sup> to define what a vessel is. Based on some informal inquiries we made with the Administration about this, it is not clear at all whether unmanned ships will be considered “vessels” in legal terms, though our view is that they would fall within the broad definition contained in article 168 (13) of Law No. 57.

1.2 Though an unmanned ship will, in our view, fall within the legal definition of “vessel”, we think the Administration will at first hesitate to simply allow its registration, just like any other ordinary vessel. Our sense is that the language of STCW Convention – to which Panama is a party – as it is, will probably disincline the Administration from allowing the registration of any unmanned vessel. Likely, some special rules and specific guidelines will have to be implemented to deal with this new type of vessel technology.

1.3 Yes – article 168 (3) of Law No. 57 allows the administration to “recognize” any particular structure as a “vessel”, even though this would ordinarily not be viewed as such. On the other hand, the STCW Convention language may well sway the Administration not to consider these ships as “vessels”, pursuant to our legislation.

1.4 On sub-question 1.4.1 we think that, provided the person has a Master’s license, he/she would qualify as a “Master” of an on-shore-remote-controlled vessel. Article 29 of Law No.55 of 2008, reformed – on Maritime Commerce – provides a definition of what a “Master” is. It does not contain a requirement that this person be physically on board. On sub-question 1.4.2, we feel the answer is probably “no”. The fair reading of the statute seems to require that the person at least be in actual control of the vessel. On sub-question 1.4.3, we again think the answer is “no”.

---

<sup>1</sup> When we refer to the Administration, we mean the Maritime Authority of Panama, which is the government agency which oversees the entire maritime sector (with the exception of the Panama Canal). This includes, of course, our Panama’s merchant marine

- 1.5 Depending on the particular task the relevant crewmember is supposed to carry on, the answer may be “yes” for the same reason stated in our answer to sub-question 1.4.1.
- 1.6 On sub-question 1.6.1., we think the answer is “yes” based on the text of article 29 of Law No. 55 of 2008, reformed. On sub-questions 1.6.2 and 1.6.3, we think the answer is “no”.
- 1.7 We think this depends on the particular task of the relevant crewmember. Perhaps some bridge personnel may be able to perform their task remotely from ashore, but depending on the particularities of the vessel in question the Administration may deem that some personnel must be stationed on board. As indicated before, the fact is that our definition of “Master” does not require on board presence. Even if the Administration is satisfied that some bridge personnel may perform their functions from ashore, the STCW Convention language will probably lead them to conclude that a minimum on board crew presence is required.
- 2.1 Panama became a party to the UNCLOS in 1996. We do not see that our authorities would have a problem with giving unmanned ships equal treatment *vis a vis* ordinary vessels, pursuant to UNCLOS, simply because they are unmanned.
- 2.2 We think paragraph 5 of article 94 of UNCLOS is ample enough to allow resolution of these possible inconsistencies.
- 3.1 We think the answer is “yes”, but then again the informal answers we have received from the Administration suggest that unmanned ships will not be allowed in the registry (unless they comply with clear and accepted international parameters).
- 3.2 We do not see why this may not be the case, but please see our comments about the Administration’s likely disinclination to allow these new types of vessel into the registry. Our sense is that the Administration will take a very conservative approach in interpreting the SOLAS and the STCW Conventions, in applying them to unmanned ships.
- 3.3 We do not think so.
- 4.1 Not “*regardless of the safety credentials of the remote control system*”. We do not think, however, that our substantive legislation<sup>2</sup> on the subject would necessarily lead to the conclusion that an unmanned ship *per se* is in breach of the principle of “*good seamanship*”.
- 4.2 Please see our answer to question 4.1.

---

<sup>2</sup> By our “substantive legislation” we mean not only our national codes and statutes, but also our maritime jurisprudence on the particular subject.

- 4.3 We do not see why not.
- 4.4 As indicated in our answer to question 4.1., we do not think lack of onboard personnel – provided this is adequately compensated by technological devices – will entail that such an unmanned ship will be deemed to be “*not under command*” under our substantive legislation.
- 5.1 The language in the STCW Convention is, probably, the main reason why the Administration will hesitate to allow the registration of unmanned ships, prior to the enactment of some clear, specific international guidelines on the subject. Even if such ships were to be allowed into the Panamanian registry, we do not think the Administration’s position will be that the STCW Convention will not apply to them (pursuant to an accommodating interpretation, that would allow technical devices to replace actual on board presence).
- 5.2 Ultimately, our sense is that the Administration will think that the STCW Convention – as it is – possess an impediment to the registration of unmanned ships (even if remotely controlled by sufficient actually qualified personnel from ashore). This criteria, we think, will be followed by the Administration for all vessels, whether ocean going or not, provided they require a Panamanian flag in order to legally operate.
- 6.1 Under Panama’s substantive legislation, liability will be apportioned on the basis of the relative comparative causative negligence of both the equipment manufacturers and the shipowners. However, both will be deemed jointly and severally liable *vis a vis* the victims of the collision.
- 6.2 We do not think so.