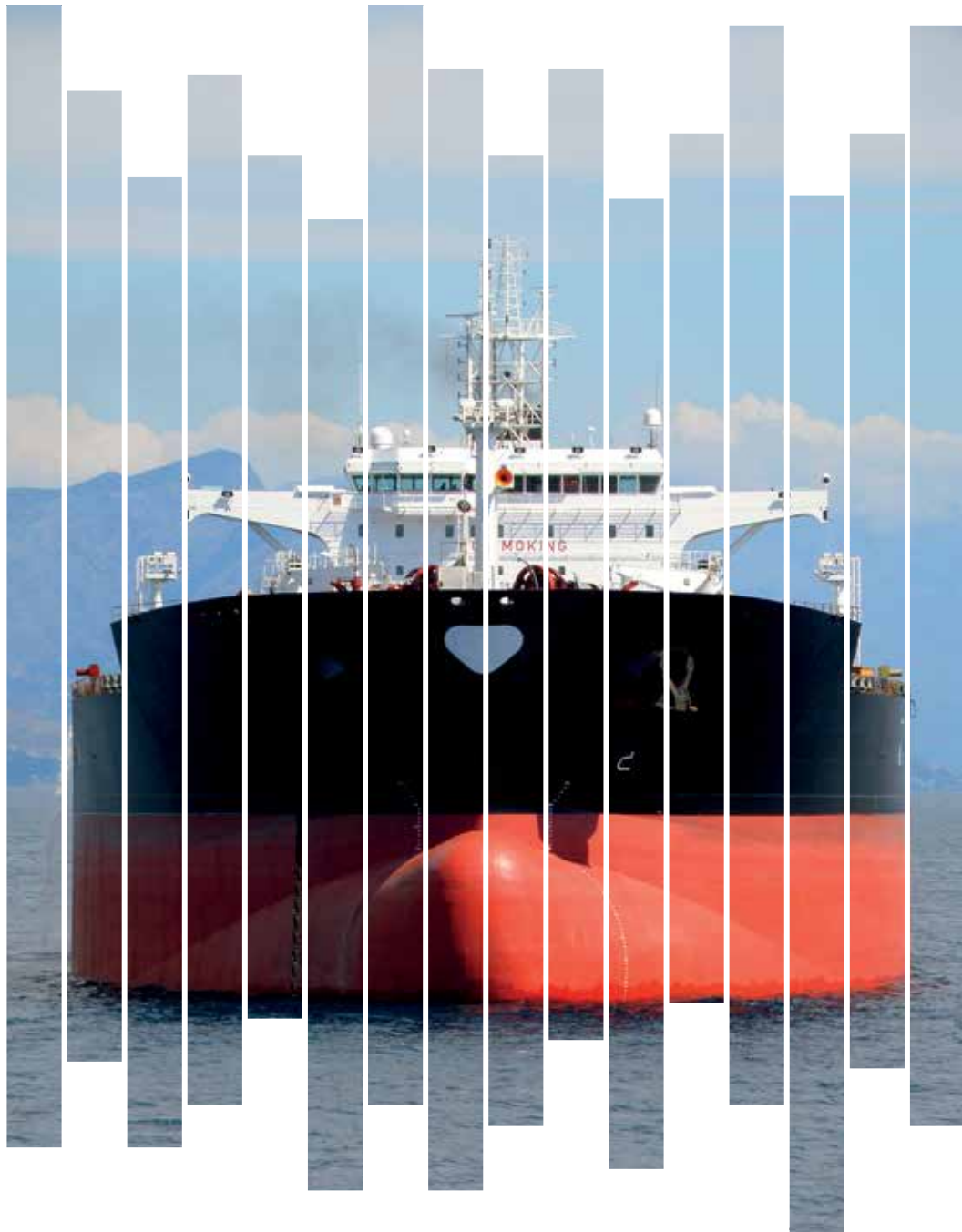


# SEACURUS BULLETIN

MONTHLY EDITION - MARCH 2015 | ISSUE 45



## NAVIGATIONAL ERRORS & CLAIMS

CONCERNS ON ARMED GUARDS | MLC ISSUES | SUPPORT FOR LIBYA



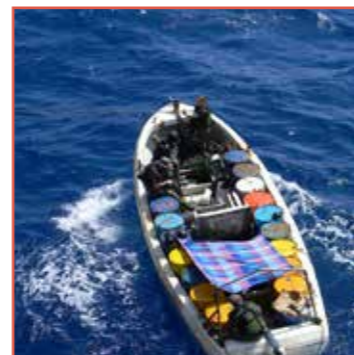
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Inside this issue we explore the latest issues besetting shipping. While shipping companies look set to benefit from cheaper fuel, elsewhere the industry year continues to see safety an ever present issue, with increased calls for investigations and improvements in safety standards.

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## Welcome

Welcome once more to the latest monthly update from Seacurus. With 2015 beginning to really hit its stride, there has been some good news doing the rounds.

Analysts believe the year is shaping up to be a good one for shipowners with sector specific risks projected to decline and new investment slated to flow in.

Cheaper fuel will also be a major positive for shipping companies this year. The slump in crude is expected to significantly reduce costs of bunker fuel prices this year. Despite the occasional rally the spectre of a worldwide glut has kept prices nearly 50% lower than the highs achieved in mid-2014.

It is thought that tanker owners will benefit the most from this development. By the end of last year, very large crude carriers (VLCC) were close to a level of USD 100,000 a day. Their average rates through 2014 were also the best in nearly four years. Low oil prices will increase demand for tankers and could result in higher rates for shipping companies this year.

Another important factor shaping the market horizon in 2015 is the introduction of larger vessels and the move towards increased shipping alliances. Opinion is divided about whether these developments will increase

profitability or lead to a reduction in rates across the industry.

Ultimately, how shipping copes with new regulatory standards could determine success or losses this year. Conventionally, shipping fuel had 3.5% sulphur content worldwide. This was reduced to 1% in 2012 and has been cut to 0.1% starting this year in the Baltic, North Europe and North American Emissions Control Areas following International Maritime Organization (IMO) approval.

This has led to an increase in the cost of fuel due to higher refining costs with low sulphur content. One estimate puts this at an additional USD 300-USD 400 per ton in Vancouver and USD 80-USD 100 in Asia. The fate of rates will result in whether the advantage gained from cheaper fuel can offset the increase in costs imposed by stricter regulatory standards. There is a complex and pivotal balancing point to be found – those that are able to find the fulcrum will succeed, those that don't may struggle.

While there could be good news from an earnings potential, elsewhere the year continues to see safety as an ever present issue. This year has seen industry regulators make louder calls to investigate a range of incident types and improve safety standards.

According to the latest industry data a total of 1,639 maritime casualty incidents were reported during 2014, which represents a 10% increase from 2013 when 1,489 incidents were reported. Notably, of all the casualty incident types, hull and machinery damage, wrecking and stranding, ship-on-ship collisions and contact damage continue to show a marked increase in incident rates. In 2014, there was a considerable increase in all four of these categories, with a 23% year-on-year increase in collisions alone.

This all means that there is much work to be done to provide not only the protection and risk transference which owners so clearly need, but also to look at ways and initiatives which can mitigate risks and minimise the year-on-year rise of deaths, injuries, losses and claims.

We hope you find our latest analysis, interpretation and news of interest.



Managing Director  
**Capt. Thomas Brown**

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# Navigational Errors Still Wracking Up Claims

According to The Swedish Club, half of the costs of hull and machinery claims handled by the club have arisen due to navigational claims such as collisions, contacts or groundings - a figure that has remained steady over recent years despite improved technology and the widespread implementation of safety management systems.

➤ In its latest loss prevention publication, “Navigational Claims”, The Swedish Club has revealed a number of interesting findings relating to claims made for hull and machinery damage between 2004–2013.

Their data shows that 50% of the cost of Hull and Machinery claims still relates to navigational claims which they define as “Collisions, Contacts and Groundings”. This mirrors the findings the last time they looked at these issues, back in 2011. Alas it seems year on year; we are seeing the same old problems.

According to the report, many of the navigational claims happened because procedures were ignored and the people involved did not communicate with one another effectively.

The following issues are still recurring:

- Poor lookout
- Lack of situational awareness
- Complacency

Poor lookout and lack of situational awareness is likely to continue to be the main cause of navigational claims. How, they ask, can a manager ensure that officers actually do look out of the window, plot traffic, don't agree on passing arrangements over the VHF, have a lookout on the bridge, follow the agreed passage plan and that the bridge team actually communicate with each other?

The key to mitigating these risks lies in addressing the causal effects at the very earliest step. So to help prevent these incidents occurring in the first place, the report stresses

that having clear, meaningful procedures for officers and crew to adhere to and, more importantly, ensuring they understand the consequences of not following them properly are key.

On a vessel, a small error can lead to disaster. An important tool for ensuring that the crew communicate with each other is Maritime Resource Management (MRM) – what was latterly referred to as “Bridge Resource Management” – but which has evolved to encompass the entire chain of responsibilities for the vessel.

MRM is based on developing and fostering a strong correlation between the attitudes and behaviours of the seafarers on board a ship and the cultures that these seafarers belong to.



The most relevant cultures in this respect being the professional, national and organisational cultures. Important target groups for MRM training are therefore, besides ships' officers and crew, all people in shore organisations who have an influence on safety at sea and the work on board a ship.

In essence, the focus is on using and co-ordinating all the skills, knowledge, experience and resources available to the team to achieve the established goals of safety and efficiency of a voyage or any other safety critical task. To reap the benefits of MRM it is best if the entire organisation is trained regarding these principles. The manager should focus on having a culture onboard which encourages the crew to be assertive.

“Being able to identify the reasons for navigational claims is invaluable for masters and shipowners” says Lars Malm, Director, Strategic Business Development and Client Relationship for The Swedish Club.

“This report shows that most claims can be prevented by simply ensuring that all crew follow proper procedures and consult with each other before making major decisions.”

The club also stresses in the report that the implementation of an effective training program for officers is vital especially in relation to effective communication and risk assessment. Often risks increase when sailing in congested waters, dense traffic or close to land, and this needs to be acknowledged and appropriate measures adopted.

The thirty-four page report uses case studies to demonstrate how navigational accidents can occur. These examples detail the cause of the accident and how it could have been prevented with proper planning and better lines of communication.

As is so often the case, there is usually a chain of errors leading up to the accident and these case

studies highlight the most common ones so masters can review their own practices and eradicate any mistakes before a serious incident occurs.



**You can access the report in full here:**  
<http://www.swedish-club.com/upload/Publications/navigational-claims-brochure.pdf>





# DOES ASIAN PIRACY POINT TO COMPLICIT CREWS?



**Whenever pirates seem to be able to target specific vessels and types of cargo, it seems that awkward questions emerge as to whether they must surely be receiving intelligence and information which helps make the attacks possible.**

➤ The types of piracy attacks which require detailed knowledge have been particularly prevalent off West Africa and now Asia too.

As tankers are attacked, hijacked and then held as the oil/fuel cargoes are syphoned off into another vessel which is brought alongside.

To be able to identify, locate and then operate these vessels does indeed hint at some form of collusion somewhere in the chain – and some are increasingly concerned that seafarers are aiding and abetting the criminals, with information being provided and sometimes even physical assistance.

There has been a growing, and worrying trend of tankers taken – and the attack on the Thai

flagged vessel “Lapin” added to the growing list of successful SE Asian siphoning incidents.

The frequency of these attacks has escalated significantly in recent years. Last year there were 15 such attacks, 12 of them successful — a dramatic increase on the previous three years when a total of only eight cases were reported.

“Illegal siphoning of fuel/oil has become a lucrative business owing to the market price and taxes imposed on fuel” a recent Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) report claimed, adding, “with continued demand for fuel/oil in underground markets, siphoning incidents are here to stay.”

In most of the cases which are investigated, ReCAAP find that the crew accounts “don’t gel”. It has become increasingly apparent that too many inconsistencies render the crew’s version of events implausible and strongly hint at these “inside jobs”.

According to ReCAAP, there is a required level of knowledge to successfully execute an attack, and the perpetrators “would need to have good knowledge or insider information” of the type of manifest onboard, the tanker’s route, and the type of siphoning equipment it carried onboard.

ReCAAP seemingly becoming increasingly uncomfortable with the piracy “coincidences” which seem to be dogging some fleets in the region. Some companies seem to keep getting repeatedly hit - so can this really be bad luck?

There are clear patterns which are emerging, and these make for troubling reading. “In some cases we have a particular company or vessel hit multiple times,” said the organisation. “There’s one company that was hit six times and another four. We approached these companies and told them that these must be inside jobs.”

In addition the perpetrators need to consider a location to conduct siphoning to avoid detection by authorities, coordinate a vessel to carry the stolen fuel, and have a location where it can be stored for potential buyers. The perpetrators also need to understand market demand, including the type and grade of fuel and the going price for siphoned fuel.

ReCAAP are understandably keen not to point the finger and say that this group and this company is involved, but to them, and others, it is increasingly clear that this type of attack is being orchestrated and conducted with insider information.

Many perpetrators are connected or belong to well-organised syndicates that, with local and perhaps even transnational networks, have channels to sell on the stolen oil. ReCAAP ISC considers there to be at least three major groups conducting syphoning attacks in the region.

The stolen fuel is allegedly distributed to illegitimate petrol stations selling cheap fuel across the continent and eventually finds its way into the thousands of boats in South East Asia’s many rivers and around its islands. Anecdotal reports suggest that many Thai vessels are able to access much cheaper fuel than the market prices would suggest possible, even accounting for falling oil prices.

So what is being insinuated? Are some crews actually working with the criminals? It seems the truth may be a little more complicated, as there are allegations of criminal coercion emerging.

Having attacked one tanker last month, there was a stunning discovery that the pirates had seemingly left the vessel rigged with an improvised explosive device. Thankfully it proved to have been fake – but the message it sent was a chilling one.

Initially it was thought that the fake bomb on board the hijacked tanker “Lapin” was left to distract the authorities, delay their responses, and deter the crew from action. It is certainly an interesting and worrying development. A bomb which wasn’t intended to blow the ship up proves the cunning subtlety of these criminals.

According to allegations made by inside sources, the bomb was actually a veiled (and not very subtle) threat to the master or crew. The bomb, they believe, was a reminder of the consequences of standing in the way of the pirates as they steal their cargo.

According to some seafarer welfare experts, crews are being forced to assist or provide information. If they don’t then their families at home are being threatened, and the seafarers themselves could suffer violence too.

As tanker after tanker is hit by pirates and criminals, surely someone will have to act and say that enough is enough? Until then, though, we can only expect to hear of more attacks, more stolen cargoes and more risks for seafarers and now seemingly their families too.

Alas all the maritime security plans in the world will not protect the families of seafarers when they are away at sea. It seems that in almost a reverse of traditional piracy, the pirates have perhaps spotted the Achilles heel, the fact that seafarer’s families are vulnerable and they can exert huge power over those at sea – if they are compelled to do so. If this is proved to be true it seems that the organized criminals and pirates in the region have proven themselves to be more than just bad, they are plain evil.

Petro piracy is massively lucrative, and once the hard part is completed and the cargo is lifted, then it is so easy to integrate that into a legitimate market. This is not messy piracy in which people are kidnapped, or containers full of stolen goods have to be concealed, fenced and moved on. This is almost the perfect crime, and that means we are likely to see more and more attacks.

# HUMAN RIGHTS OVERLOOKED BY LABOUR STANDARD

> The Maritime Labour Convention (MLC) has been heralded as something of a silver bullet when it comes to the welfare of seafarers and the care they experience – both ashore and at sea.

However, despite the positive intentions and the fact that MLC provides a positive template to ensure seafarers are protected, there are still some significant gaps in the provisions.

These have been highlighted by maritime welfare advocacy organisation Human Rights at Sea (HRAS). HRAS has said that seafarers do not have human rights protections under the Maritime Labour Convention 2006 (MLC).

A gap analysis of MLC, set against the Universal Declaration of Human Rights 1948, and the European, American and African human rights conventions found very few instances in which human rights are explicitly mentioned in the convention.

So while MLC focuses on labour and employment protections, there are still big issues and areas which need to be addressed. The human rights areas covered by MLC, as listed in the Declaration of Human Rights, 1948, are: the freedom of association and the effective recognition of the right to collective bargaining; and the elimination of all forms of forced or compulsory labour.

As such HRAS claims that the MLC does not explicitly cover 22 identified human rights. This means that MLC does not include “one of the most fundamental human rights” - the right to life, liberty or security, which is found in Article 3 of the Universal Declaration of Human Rights, and Articles 2 and 5 of the European Convention on Human Rights.

Others that are missing include the right to recognition as a person before the law; the right to be assumed innocent until proven guilty; the right of appeal in criminal matters; and the right to respect for private and family life.



The intent behind the draft of the MLC was not human rights and while the preamble explicitly states that it aims to ‘embody’ the standards of existing “maritime labour conventions and recommendations, as well as the fundamental principles to be found in other international labour conventions” it is the aim of HRAS to make human rights for seagoing professionals explicit.

David Hammond, head of HRAS says the organisation wants to be “explicit in talking about human rights and the human element and the seafarer”.

Hammond expects human rights litigation landscape to heat up. He noted that currently there are 105 law suits pertaining to Corporate Social Responsibility (CSR), and it is predicted that the maritime will be one of the sectors feeling that heat in the years ahead.

As part of this push to bring the human rights of seafarers and mariners into the spotlight, HRAS has announced the launch of the ‘Missing Seafarers Reporting Programme’, an international database where details of missing seafarers and fishermen can be submitted and recorded.

The platform aims to build an accurate international database of the status of seafarers and fishermen missing at sea on a global basis, raising international awareness by profiling individual cases. It will be used to support legal investigations into specific cases of abuse, injury or even death at sea.

The database will be accessible through multiple websites, and it is hoped that it will eventually become a multilingual platform.



# ADDRESSING OTHER MLC ISSUES

Another area of the rights of seafarers which is cause for constant concern is that of shoreleave and immigration. The topic was subject of much debate at a recent meeting of the International Labour Organization (ILO) in Geneva.

> As a result of their deliberations technical upgrades to seafarers’ identity documents (SIDs) are to be introduced – and it is hoped that these should improve shore leave opportunities.

The meeting of employers, trades unions and governments discussed ways to improve take-up of ILO Convention 185 of 2003 on SIDs. The measure has been ratified by only 30 states, less than half the number that ratified its 1958 predecessor, C108. So there are still a number of hurdles to clear and the progress is far from certain.

Which is a terrible shame, as it is increasingly clear (explicit human rights concerns aside), that more needs to be done to support and treat seafarers better. Of course there is a moral precedent, and the requirements of MLC – but there are also the cold facts that unless we retain seafarers and recruit the next generation, then we are storing up incredible problems for the future.

Speaking at an event last month, the president of the UK Chamber of Shipping Marcus Bowman said that the global shortage of seafarers is likely to continue if owners take short cuts. Instead of trying to manipulate systems and processes, they should opt for the hard road, doing what it takes to recruit, train and retain people who return the loyalty given to them.

The holy grail of ship ownership, shouldn’t be to find the next cheap manpower source – instead it should be to support the people we have and to give them pride in their professionalism, and the rewards which come from being part of an elite. It will cost more, the customers may not respond...but it is the right thing to do.

However, for all the rousing rhetoric – the cold facts remain that the industry is still struggling to come to terms with the demands of MLC. There are many illustrations every month of seafarers being left to suffer. The latest shameful report to emerge is of twenty-one

Filipino seafarers who have reportedly been found suffering after the Australian Maritime Safety Authority (AMSA) detained their ship at Port Kembla, New South Wales.

After seemingly being abandoned, or at the very least let down by the owner, the Filipino crew members of “Bulk Brasil” were “short of provisions” and had not received their paychecks for four months.

AMSA held the Panamanian-registered bulk carrier due to alleged non-compliance with the Maritime Labour Convention (MLC), which was discovered following an inspection.

Japanese company KeyMax Maritime, the vessel’s operator, reportedly tried to rectify the situation by sending most of the Filipino’s wages to their families and placed orders for provisions, but it is not yet clear who the situation was allowed to happen in the first place – or of what will happen when these provisions run out or the next wages are due.

MLC and port State controls shouldn’t be there to remind owners of their duties – companies should be doing the right thing already. Any company which neglects its people is likely to neglect its clients, its creditors, service providers and everyone else in the chain.

It is not just owners who need to do more though – some nations have to step up and engage with the processes of improvement too. This need for action recently saw politicians in Africa urging their neighbours to act.

Republic of Congo’s Labour and Social Safety Minister Florent Ntsiba last month urged all African countries to ratify the MLC, 2006. Despite the fact that the convention promotes better working, housing, entertainment, food and health conditions – there are still nations which are yet to commit - which perhaps hammers home the message that there is still so much work to be done with regards to seafarer welfare.





## SOMALI HOSTAGES FINALLY FREED

*According to the Maritime Piracy Humanitarian Response Programme, four Thai fishermen held hostage by Somali pirates for nearly five years were finally released last month.*

> The four fishermen were among 24 crew members seized in April 2010 when Somali pirates hijacked the Taiwan-flagged fishing vessel “FV Prantalay 12”.

Their nearly five-year captivity is one of the longest suffered by any victims of Somali piracy. Ali said the freed men were able to contact family members soon after their release.

Omar Sheikh Ali, an official in Somalia’s central Galmudug administration told the AFP news agency. “We collected the four Thailand men from a remote area, They called their families by phone and cried and cried and cried,”

Residents of Galkayo, where the Galmudug administration is based, said a \$150,000 ransom was paid but the information could not be independently verified.

After its capture the FV Prantalay was used as a pirate mother ship to launch attacks far out to sea before it capsized in July 2011 and the crew was taken ashore.

Of the original 24 crew members, six died from sickness at various stages during their captivity. Another 14 crew from Myanmar were released to the government in the Somalia’s northern Puntland region in May 2011 and repatriated by the United Nations Office on Drugs and Crime (UNODC) Hostage Support Programme.

The ironic curse of Somali piracy has been that those seafarers who are most vulnerable, are often those with least chance of actually having the financial wherewithal or support to facilitate their release.

The crews who have suffered most and longest have been those abandoned and written off by owners, dubious recruitment agencies and who lacked the insurance cover to provide them with some means of protection and a mechanism by which to be freed more quickly.

To have innocent mariners, be they deemed “seafarers” or “fishermen” lingering in such dire, dangerous conditions is a stain which has besmirched society. That people going about their jobs could be captured and then held for so long seems incredible. But sadly that has become the norm off Somalia.

For every vessel which has been captured and relatively swiftly released, there have been those which have had no realistic chance of being freed using the traditional model. These ships have had little or no value, and the seafarers on them have been thrown to the Somali wolves.

Finally it seems we are approaching the end game for those poor souls who are still left lingering ashore in Somalia. It seems that even the pirates have decided that they need to move these people on, whether to free up capability to capture more valuable hostages, or just because it has become apparent that they are not worth the trouble.

The release of these “abandoned” hostages, has been made possible by the dedication, persistence, perseverance and dogged determination of those within agencies such as the UNODC and MPHRP.

They have never forgotten the poor souls being held – and have sought to keep the spotlight on the people and the issue, while pushing hard to try all means necessary to free every last man.

The issue of hostages has not been solely unique to Somalia – Nigeria too has seen seafarers taken and held. Though thankfully this has not yet reached the epidemic proportions of the East coast, nor has it been prompted by the same business model.

Those who have been held have usually been freed relatively quickly. So it was last month that two Greeks and a Pakistani taken hostage off the coast of Nigeria were released after three weeks.

They were captured in a bloody attack on a Greek oil tanker, the Maltese-flagged “VLCC Kalamos”. The owners, Embiricos’ Athens-based Aeolos Management reportedly paid \$400,000 ransom to secure the release of the three, though the group would not comment on the ransom, it is said to have been paid to a criminal gang in Nigeria.

The 281,000 dwt tanker, flagged in Malta, was awaiting loading off Bonny with 23 crew when it came under attack. The 2000-built vessel’s chief officer was killed in the incident.

The incident was part of a disturbing new trend in the modus operandi of pirate cells operating in Nigeria. Since the beginning of 2015, there has been a high level of violence against targeted vessels, with three armed forces personnel and one police officer killed in separate incidents.

## UN CALLS FOR MARITIME SUPPORT FOR LIBYA

*According to United Nations, Libyan authorities need an international maritime force to help as they are unable to halt the illicit trade in oil or the flow of weapons in and out of the country, says a Reuter’s report.*

> The UN are likely to increase pressure on major world powers to consider intervention to stop the North African state from spinning further out of control, as per the confidential report by the U.N. Security Council’s Panel of Experts on Libya.

“The capacity of Libya to physically prevent (arms) transfers is almost non-existent and there is no authorization to enforce the arms embargo on the high seas or in the air as there were during the 2011 revolution,” the panel wrote in the report.

The threat in the area is not solely concentrated on trade flows – there are real and growing risks facing vessels in the Mediterranean. We saw a couple of months ago that tankers had been targeted by supposedly legitimate forces, as jet fighter fired missiles at vessels calling into Libyan ports. Perhaps an even more terrifying problem is that posed by Islamic State of Iraq and Syria (ISIS) militants. Prompted by internal terror group chatter, experts are warning of ISIS piracy on the Mediterranean Sea.

There are warnings that ISIS could be about to bring Somali-style piracy to the region. Analysis prepared by the Italian Ministry of Defense warns that ISIS have already taken control of ports and boats in Libya, prompting real concerns that with Libya failing as a state, the conditions could be rife for a northern boom in piracy and maritime crime.

While there have not been any direct threats as of yet, it is certainly a growing area of interest and potential risk. One sector which has already begun girding itself for potential conflict is the superyacht business.

With such highly valuable and potentially sought after assets, the superyacht community is being warned that luxury yachts could come under attack from heavily armed Isis fighters using speedboats to conduct attacks from the Libyan coast.

This is according to former Royal Navy admiral, the hugely respected Rear Admiral Chris Parry.

He fears the “super-rich” could be singled out as part of a piracy campaign that would threaten shipping from Gibraltar to Greece.

“Yachting, any leisure activity, is going to be under threat,” he said. “If I were the likes of the super-rich I would be getting a bit concerned about my physical security.”

ISIS pirates would pose a greater danger than the Somalis who have attacked shipping in the Indian Ocean because they are better armed.



# FRESH CONCERNS ON ARMED GUARDS

The use of armed guards on vessels plying their trade off Somalia and in the Indian Ocean has long been heralded as one of the most effective maritime security techniques to protect vessels and deter pirates.

However, while their use has been accepted in the Indian Ocean, elsewhere, it is clear that armed guards are not welcome or acceptable.

> The Maritime Trade Information Sharing Centre Gulf of Guinea (MTISC-GoG) recently advised vessels transiting or going to any Nigerian ports not to have any form of security guards, armed or unarmed, onboard.

The Nigerian Maritime Administration and Safety Agency (NIMASA) are now taking a wholly anti-guard stance – and they have even hammered the message to shippers who own cargoes. NIMASA last month appealed to Nigerian Shippers to desist from engaging or patronising foreign ships that have foreign guards on board as it is a threat to national security.

The agency said that for security reasons, shippers who patronise ships with foreign security guards would be sanctioned or not allowed to discharge cargo.

As such, Gard P&I Club amongst others, has advised its members, stating to note the enhanced risk of vessel detention when entering Nigerian waters with foreign security guards onboard. Owners are urged to keep in close contact with the vessel’s agent or local P&I correspondents to obtain the most up to date and reliable information available at any given time.

The stance of various agencies within Nigeria is thought to have been prompted by the political manoeuvring prior to the election in the country. The presidential election is hotly contested in the African nation. Nigeria’s President Goodluck Jonathan is running for a second term against primary challenger Muhammadu Buhari, a former military dictator.

It is strongly suspected that as the contest, which has already been delayed once, comes closer – then more agencies will take even stronger stances on a range of issues – as they look to jostle for position and power.

This is likely to make operating in Nigerian waters even more challenging and potentially risky.



Elsewhere the picture with armed guards is no less complicated.

With piracy and armed robbery on the increase in Southeast Asia, P&I Club Skuld has warned shipowners to be wary of taking on the services of private maritime security companies (PMSCs).

While PMSC arrangements may be common in surrounding areas, owners were warned in an advisory to be very cautious about such arrangements in this region.

“The littoral states in this part of the world take matters of security very seriously and at present there are no arrangements or regulations in place that would allow armed PMCs to be on board vessels in the same way as in the GoA area,” Skuld noted.

There is a real risk of offending the laws of littoral states which could see vessels, crews and PMSC personnel detained and subjected to prosecution, the P&I club added.



Lower oil prices were unlikely to deter armed gangs from continuing to plunder small product tankers in the region this year, Skuld predicted.

“The likely monetary gain, and low cost of the attacks, is considered to provide continued motivation for the perpetrators and the risk is therefore one that will endure during 2015 and possibly beyond. The significant drop in oil, and consequently fuel, prices may be a factor going forward, but whether it will prove a sufficient disincentive remains to be seen,” the Scandinavian company warned.

Employing armed guards is not only complicated from the perspective of State laws, there is also the worrying dimension of having workers onboard the vessel who are not linked formally to the safety management system, or who are from relatively unknown backgrounds.

Much work has been done to introduce standards and processes for the effective management and vetting of armed guards – but despite ISO standards, there is always a slight question mark over who is being sent onboard.

These questions become ever more important and significant when something goes wrong – and there have been repeated incidents of guards becoming either embroiled in problems ashore, or suffering whilst onboard.

In the latest incident of note, a member of a ship security team has been found floating in the harbour at Port Victoria commercial port in Seychelles. Kivi Meelis, an Estonian national, was working aboard box ship “Julie Delmas” as part of the security team provided by UK-based private maritime security company (PMSC) Solace Global. A colleague heard a splash in the sea and then saw him floating. After the man was pulled from the sea, CPR was performed, but Meelis was declared dead.

There have been incidents on other vessels too – such as the two guards found dead in the cabin onboard “Maersk Alabama”. Managing the potential risks posed by the very people meant to be safeguarding the vessel is becoming a real headache, and something which needs handling effectively.



# NEWS ROUNDUP

## THE OTHER KEY STORIES WHICH CAUGHT OUR EYE LAST MONTH

### **New SOLAS Design Changes:**

The Sub-Committee on Ship Design and Construction of the International Maritime Organization (IMO) approved amendments to SOLAS and other international documents at its second session (SDC2) held on February 16-20, 2015 at IMO Headquarters in London. The Sub-Committee approved the amendments to SOLAS chapter II-1 related to intact stability, information on stability provided to masters, determination of Subdivision Index « » and calculation of survival factors for passenger ships and cargo ships, requirements on double bottoms in passenger ships and cargo ships other than tankers, as well as water tightness of ships, structure and testing of watertight doors on passenger ships.

<http://goo.gl/NGJ7te>

### **Fake Booze Kills Crew:**

Three foreign national crew from the "Amber Halo", a Liberia-registered ship, died after consuming bootleg alcohol in Indonesia's Tanjung Priok port, police reported. The head of the Jakarta Water Police said the ship's captain had contacted Tanjung Priok harbourmaster after one of their number died on board. Two more are believed to have died later. Police have informed the Russian embassy. "We went to the crime scene and made a report based on the testimonies of other crew who survived," the police said. Bootleg alcohol is a problem in Indonesia and regularly claims lives.

<http://goo.gl/dIBW4I>

### **Deepwater Horizon Fraudulent Claims:**

A US citizen was arrested for allegedly making a fraudulent claim on the fund set up to compensate victims of the 2010 Deepwater Horizon oil spill, announced Assistant Attorney General Leslie R. Caldwell of the US Justice Department's Criminal Division. The 45-year-old was arrested in connection with an indictment returned last week and unsealed following his arrest. The indictment by a grand jury in the District of Columbia charges the claimant with one count of mail fraud, three counts of wire fraud and two counts of money laundering. According to allegations the submitted a claim for compensation in the amount of USD 2.3 million to the Gulf Coast Claims Facility (GCCF).

<http://goo.gl/T1XpkL>

### **Charterer Fails to Make Owner Responsible:**

Leading oil trader Trafigura has failed to persuade a London appeal court that Navigazione Montanari should take financial responsibility for a cargo loss that resulted from a pirate attack off Nigeria. The legal battle arises from an attack on the 40,200-dwt products carrier "Valle di Cordoba" (built 2005) by 15 armed pirates near Abidjan in late 2010. The pirates transferred more than 5,000 tonnes of the tanker's oil cargo of over 33,000 tonnes with a mystery vessel.

<http://goo.gl/14Lvbd>

### **Owners Make Calls for Migrant Action:**

The Norwegian Shipowners' Association has made calls for European and international



solutions to avoid further humanitarian disasters at sea. In a statement the Association believes that conflict, persecution, poverty and natural disasters are major "push" factors behind the mixed migration flows. The wish for a better life in Europe is a major "pull factor" and leaves the migrants vulnerable to exploitation by human traffickers and brings literally and metaphorically into the path of shipping.

<http://goo.gl/m2l4mD>

### **Drug Smuggling Warning for Owners:**

The use of vessel to smuggle contraband is not new, but it is a risk which shipowners should continue to take very seriously, as there has been an upsurge in smuggling attempts in the Caribbean, says insurer Skuld. The situation is very serious, says the insurer. In a Circular of February 2015, Skuld states it has seen many different attempts being made to use a commercial ship as a drug mule, and owners should be aware of how this is done, to protect themselves.

<http://goo.gl/heTJVv>



WORLD MARITIME DAY 2015  
**MARITIME EDUCATION & TRAINING**

### **Maritime Day Theme Launched:**

The International Maritime Organisation (IMO) has launched this year's world maritime day with the theme, "Maritime education and Training". Secretary General of the organization, Mr. Koji Sekimizu told students and staff at the World Maritime University (WMU), Malmo, Sweden that maritime education and training was essential for the long-term sustainability of the sector, both at sea and on-shore.

<http://goo.gl/Rf7evS>

### **Insurers Fight Actions against Liability:**

International Conventions conferring direct rights of action against liability insurers are a concern for P&I Clubs, these include the International Convention on civil liability for oil pollution damage and the International Convention on civil liability for bunker oil pollution damage. There are a also number of jurisdictions which confer "victims" with direct rights of action against insurers. P&I Clubs can, and have found themselves embroiled in legal disputes.

<http://goo.gl/JYF38b>

### **New Regional Maritime Information Centre:**

Work is to start on a regional maritime information centre (RMIC) for the western Indian Ocean. The European Union-

funded project, initiated by the Indian Ocean Commission (IOC), will be located in Madagascar, it was decided at last week's African Union (AU) maritime security meeting in Seychelles. Madagascar was competing with Seychelles - which already hosts IOC's Anti-Piracy Unit and the regional maritime crime information centre Reflecs3.

<http://goo.gl/Dbno3j>

### **Indians Re-arrest Fleeing Vessel:**

The Indian Coast Guard intercepted a Russian-flagged general cargo ship "MV Sevastopol" as it was trying to flee Indian waters after it was arrested by the Madras high court. The ICG's interdicted the 8,484 dwt "Sevastopol" after an 11-hour chase some 110 nautical miles off Mumbai as it was trying to cross the International Maritime Boundary Line (IMBL). The operator of the ship was facing criminal proceedings based on a commercial dispute.

<http://goo.gl/SGpdXD>

### **ICS Updated Flag Performance:**

The International Chamber of Shipping has updated its flag state performance table, and announced

that while the larger states are demonstrating impressive levels of performance, smaller flag states are lagging behind. ICS says Tanzania is one of the smaller flag states with 'considerable work to do'. ICS Secretary General, Peter Hinchliffe said: "The very largest flag states...demonstrate very impressive levels of performance" - others not so.

<http://goo.gl/fOuHvH>

### **Urged to Report All Maritime Crime:**

All incidents of maritime crime, however petty or even unsuccessful, ought to be reported to local authorities, the executive director of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) has said. Yoshihisa Endo said if every incident, however minor, is reported it would enable ReCAAP to provide a more accurate situational picture and provide the information to the respective law enforcement authorities.

<http://goo.gl/VgvxuF>

### **P&I Club Issues Petro Piracy Warning:**

Piracy and armed robbery are an issue of increasing concern in South and South-East Asia. Attacks on tankers for fuel siphoning are part of an alarming new trend. Members need to be aware of other risks, too. Skuld has warned members of the last few weeks of continued attacks on small tankers in certain areas which have led to vessels being hijacked and cargo being stolen. Awareness and action are needed to safeguard people, ships and cargo.

<http://goo.gl/JzmjMa>





### Different Ships Need Different Types of Seafarers:

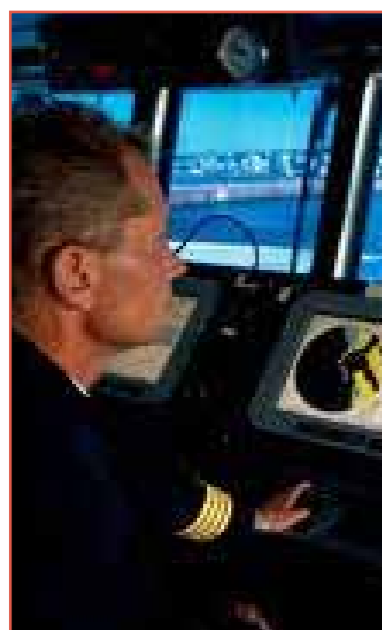
Seafarers were once amazingly flexible folk, whose qualifications embraced a range of competencies and who were able to move around between most sectors on demand. Ships were different to each other, hence the old saying- “different ships- different long splices”, but it did not take long before a competent seafarer settled into the routine of a new ship. But that was then and this is now, and ships are more specialised and infinitely more sophisticated.

<http://goo.gl/pdxXPw>

### Owners Hope More to be done on Shoreleave:

The International Chamber of Shipping (ICS) is hopeful progress can now be made towards improving the facilitation of shore leave and crew transfers for the world's 1.5 million merchant seafarers. The ILO meeting considered possible adjustments to the Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185), and outlined a pathway that could bring about improvements to the welfare of seafarers while addressing security concerns.

<http://goo.gl/9OSmuf>



### BIMCO Disease Clauses:

Prompted by the recent Ebola outbreak, together with the issues raised by the Severe Acute Respiratory Syndrome (“SARS”) outbreak, BIMCO have now drafted a new set of generic clauses (for voyage and time charters) dealing with infectious or contagious diseases. The wording of these clauses is based on the wording of the BIMCO piracy clause, war clause and other clauses addressing similarly extreme situations, so it will be familiar to the industry. In essence, the clauses give the shipowner the ability to refuse to proceed to (or stay at) a port where, in the master's reasonable judgement, there is a risk of exposure to a highly infectious or contagious disease and/or to a risk of quarantine or other restrictions.

<http://goo.gl/aXvhJu>

### Design Issues Causing Accidents:

In an emergency the difference between good design and bad design may be the narrow gap between success and tragedy. All too often designs simply ignore the people who have to actually use the system, often under pressure. It is not an issue limited to say CO2 systems. Poorly designed system controls or human interfaces such as ECDIS controls, badly designed lifeboats and launch systems, vessels designed to vent cargo spaces into manned spaces, have all taken their toll of seafarers and ships. Rarely are they adequately tested with attention paid to the hazard of errors under stress. Experts well-trained in their use do not replicate the real world usage.

<http://goo.gl/Fr8WGN>

### New Sulphur Caps Beckon:

The International Chamber of Shipping (ICS) has agreed that sulphur cap changes are coming. ICS Chairman, Masamichi Morooka, explained: “While postponement of the sulphur global cap until 2025 is still a possibility, the shipping and oil refining industries should not assume that this will happen simply because they are unprepared. ICS has concluded that, for better or worse, the global cap is very likely to be implemented in 2020.”

<http://goo.gl/GU02xj>

### Suicidal Seafarer Concerns:

Suicide is a global health crisis, with seafaring the second most high-risk occupation. Yet this tragedy can be prevented, reports IHS Maritime's Girija Shettar. This year, the World Health Organization (WHO) published its first global report on suicide, prompted by more than 800,000 deaths per year – that is one every 40 seconds, making suicide the 15th most prevalent cause of death worldwide. Seafarers make up a significant proportion of this statistic according to academic studies. Those in the industry willing to speak about this often taboo subject are expressing concern. Some companies are blaming onboard communications and social media as contributory causes, as they bring problems at home on to the ship.

<http://goo.gl/HjgtDV>



  
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