



Persons rescued at sea – new regime enters into force

On 1 July 2006, amendments to two IMO Conventions entered into force. The amendments, concerning the treatment of persons rescued at sea, are particularly timely in view of several recent incidents involving migrants and refugees unwittingly involved in accidents at sea.

For centuries, shipwreck and the subsequent plight of survivors at sea have been a staple of art and literature, often used as an allegorical device to portray mankind's broader predicament, cast adrift on a sea of troubles in search of some kind of eternal salvation. For some unfortunate souls, however, shipwreck, the struggle for immediate survival and the subsequent horrors of waiting for rescue, not knowing whether anyone is aware of their plight and uncertain as to whether they can survive long



Vietnamese boat people about to be rescued in the South China Sea in 1987. Amendments to key maritime laws will help preserve the integrity of the time-honoured tradition of assisting people at sea.

enough even if they are, become terrifying reality. Even in the modern world, when advances in ship design, construction and technology coupled with highly trained and capable ships' crews mean a passage by sea is safer than ever before, the sea remains capricious and unforgiving - and accidents still happen. Although the chances of shipwreck are smaller than ever and diminishing progressively, no one who takes to the sea is completely immune from danger. It matters not whether one is a professional seafarer or fisherman at work, a fare-paying passenger travelling for pleasure or business, a yachtsman engaged in one's favourite pastime or a refugee or migrant taking to the sea out of desperation; the sea does not distinguish. Which is precisely why the age-old tradition among seafarers of going immediately to the aid of anyone in distress at sea became established and continues to this day. For centuries, seafarers have considered it their duty to assist fellow mariners in peril on the high seas. In modern times, this tradition has become more than just a moral obligation and is now enshrined in international law.

The United Nations Convention on Law of the Sea (UNCLOS), for example, says that every State must require the master of a ship flying its flag to render assistance to any person found at sea in danger of being lost and to proceed to the rescue of persons in distress. Furthermore, it requires every coastal State to promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances require, by way of mutual regional arrangements, to co-

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operate with neighbouring States for this purpose. In this way, UNCLOS provides the legal framework for action. However, the details of any search and rescue obligations are to be found in various IMO Conventions.

The Search and Rescue (SAR) Convention of 1979 gives a clear definition of the term "Rescue". It involves not only "an operation to retrieve persons in distress, provide for their initial medical or other needs" but also to "deliver them to a place of safety". This obligation to initiate action is activated once the responsible authorities of a State Party receive information that any person is, or appears to be, in distress at sea.

Every year, thousands of migrants and asylum seekers undertake perilous journeys at sea in search of safety, refuge from persecution, or simply better economic conditions. IMO's prime concern with respect to the rescue of those involved in incidents during such journeys was that, unless the matter was considered in all its aspects and appropriate action was taken, there might be a negative impact on the integrity of the global search and rescue system which the Organization had put in place.

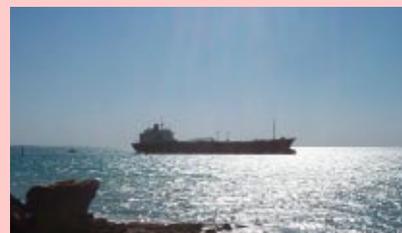
On 1 July 2006, amendments to the SOLAS and SAR Conventions concerning the treatment of persons rescued at sea (adopted in May 2004) entered into force. These amendments were developed in response to IMO Assembly resolution A.920(22) on Review of safety measures and procedures for the treatment of persons rescued at sea, which was adopted by IMO's 22nd Assembly in 2001, following a number of incidents that highlighted concerns surrounding the treatment of persons rescued at sea, in particular undocumented migrants, asylum seekers, refugees and stowaways. Resolution A.920(22) requested IMO to review all IMO instruments so that any existing gaps, inconsistencies, ambiguities, vagueness or other inadequacies could be identified and any action needed could be taken. The idea was to ensure that co-ordination and co-operation among all parties concerned could be strengthened so that rescued persons are promptly and effectively delivered to a place of safety, regardless of their nationality and status or the circumstances in which they are found. Survivors, including undocumented migrants, asylum seekers and refugees, as well as stowaways, should be treated, while on board, in accordance with relevant international agreements and long-standing humanitarian maritime traditions.

Among the resultant amendments are those to SOLAS chapter V - Safety of Navigation, which add a definition of search and rescue services. They also add to and clarify the existing longstanding obligation to provide assistance, adding the words: "This obligation to provide assistance applies regardless of the nationality or status of such persons or the circumstances in which they are found."

Moreover, the amendments mandate co-ordination and co-operation between States to assist the ship's master in delivering persons rescued at sea to a place of safety. This is the first time that such an obligation has been placed on States. The amendments also add a new regulation concerning a ship master's discretion, which states that "the owner, the charterer, the company operating the ship..., or any other person shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master's professional judgement, is necessary for safety of life at sea and protection of the marine environment." Amendments to the SAR Convention add a new paragraph in chapter 2 - Organization and co-ordination, relating to the definition of persons in distress; new paragraphs in chapter 3 - Co-operation between States, relating to assistance to the

master in delivering persons rescued at sea to a place of safety; and a new paragraph in chapter 4 - Operating procedures, relating to rescue co-ordination centres initiating the process of identifying the most appropriate places for disembarking persons found in distress at sea.

Related Guidelines on the treatment of persons rescued at sea, also adopted in May 2004, provide guidance with regard to humanitarian obligations and obligations under the relevant international law. These confirm that the obligation of the master to render assistance should be complemented by the corresponding obligation of IMO Member Governments to co-ordinate and co-operate in relieving the master of the responsibility to provide follow up care of survivors and to deliver the persons rescued at sea promptly to a place of safety. In addition, and again following resolution A.920(22), the IMO Secretary-General brought the issue of persons rescued at sea to the attention of a number of competent United Nations specialized agencies and programmes, highlighting the need for a co-ordinated approach among United Nations agencies and soliciting the input of relevant agencies, including UNHCR, the UN Refugee Agency, within the scope of their respective mandates.



An inter-agency effort focusing on State responsibilities for non-rescue issues, such as immigration and asylum, which are beyond the competence of IMO, is an essential complement to IMO's own efforts. IMO is co-operating with UNHCR and other relevant agencies as necessary following rescue incidents involving persons in distress who subsequently are found to be asylum seekers or undocumented migrants. An excellent example of this inter-agency co-operation occurred in June 2006, when a passenger ship, the Noordam - rescued 22 persons of various nationalities after their boat had sunk in the Aegean Sea between the Greek island of Samos and the coast of Turkey. When IMO was informed of the rescue by the International Council of Cruise Lines (ICCL), the Organization quickly established lines of communications with UNHCR and the appropriate authorities in Greece, the Netherlands and Turkey to ensure the disembarkation of the survivors at the ship's next port of call, Kusadasi in Turkey.

The timeliness of the entry into force of the new IMO amendments has been emphasised by the rising death toll among migrants and asylum seekers attempting sea passages, often in unseaworthy and overcrowded vessels. The new Convention provisions constitute a significant milestone, of which the entire maritime community can feel justifiably proud, since they strengthen further the centuries old tradition of mariners throughout the world, of giving succour and salvation to fellow human beings in distress at sea. In an age when ships' captains are constantly asked to improve efficiency and cut costs, it remains vital that they continue to rescue those found in grave peril on the sea - whoever they are and whatever their reason for being there. The new IMO amendments should help to ensure that any ambiguities surrounding the obligations of all concerned towards those who become involved in an accident at sea are clarified, and that anything which might serve as a disincentive to ships' masters in the fulfilment of their obligations, is removed.

From the Editor's Desk



International Shipping, undergoes a surge of scientific and management stream of progressive developments, during this golden age of "Right to information", transpiring wake up calls calling for commitment, accountable responsibility of the authorities, to ensure transparency in shipping business environment, characterized by increased focus on safety, environmental issues and social responsibility. We need to solemnly pledge, to take care of the voiceless section of seamen living with unfairness sustaining injustices. "Seamen-whether officers or ratings" their real welfare, need to be looked into, instill their legitimate rights, while they are increasingly leading stressful lives, out at sea and on their return at home. They need spiritual release and relaxation Primarily, help them to make their work and living conditions onboard conducive. Let's be united to help them, to ensure their real welfare, their future of hopes and aspirations, dreams and destiny, for all their sacrifices and risks in their professional life, to care for their family and as well earn foreign

exchange to their country. It is not a hunt for treasure, or for a cozy life but for a career and livelihood, but with maximum risks and sacrifices, unlike other professionals, it's not everybody's bread. Risk is an inherent part of any activity and while risk can never be totally eliminated, could be well controlled by administration of management. Improving safety, does not occur by chance, but the result of planned actions and qualified decisions through the process cycle of any activity.

In traditional shipping, the emphasis is on conventional thinking (vertical thinking) which is though effective but incomplete in its true sense. Selective thinking type, supplemented with qualities of creative or lateral thinking, helps to restructure insight, which can be learnt, by the application of knowledge earned. One can acquire better skill, by virtue of one's own initiative and drive, keeping abreast on the subject, with continuous quest for related field knowledge and its application, enhancing job interest (specializing) with sincerity and hard work. "Theory and Practice" needs to go hand in hand for growth, which is inseparable. As much as, vertical thinking immensely being useful, one has to enhance with creativity, to widen and sharpen one's perception. Lateral thinking is not a substitute for vertical thinking. They are complementary to each other. Vertical thinking though conventional and selective, lateral thinking is the need for onward progressive development. In pursuit of administrative excellence of global standards, by our national shipping administration.

We see, Seamen's set out, on yet another search, yet another journey and yet another sea line, along a network where all routes are cluttered and where the wait for the future turns out to be just that a wait, long, restless and for most futile, losing good part of their life, out at sea away from their near and dear ones. It is unfortunate, as a marine society and as a maritime nation; we in India tend to shy away from answering their time to time genuine welfare needs. Lack of genuine, provoking national debate, emerging from national to international issues, on international shipping, be it the Indo-US, Indo-EU, SAARC, etc. to relevant topics: Re-Modern Day Pirates, terrorism, directions of the economy or any other – keep us going round and round in small circles; same questions confronting us and we keep improvising limited solutions within the small limited same circles; it is merely the manifestation of the condition of the national mind, induced by economy of knowledge. We expect the active and inactive seafarers, to actively participate interacting, exchanging their thoughts with an open mind, bringing the seafarers forum more livelier, encourage enrolling all seafarers into the fold of Seafarers Clubs located in the port regions, for more social meets, resulting in productive interactions, as a more vibrant move and an open page to inter-act during this electronic computer age, towards a comprehensive outlook.

The national maritime administrators need to feel the pulse of stake holders associated directly and indirectly, extend support and cooperation preserving the fruitful outcome on relevant subjective debates as national asset, primarily protecting Indian seamen who are out at sea, bringing in valued foreign-exchange to their country. "Wide Publicity attracting Public Awareness" is the key to successful implementation of welfare schemes with transparency, implement without bias or prejudice, irrespective of caste or creed, religion or race. One needs to assert themselves of their Rights, such as Employment Guarantee Scheme, Right to Information Act. etc.

The need to encourage constructive criticisms, in all spheres of life, with commonality of thoughts, creative partnership of sensibility, would be the seeds of progressive development, if taken in the right spirit and perspective, with basic civic sense of live and let live. Progresses do not just come by its own, it's a culmination of sincere efforts and hard work to succeed, innovative and creative ideas with an open mind, with certain amount of discipline, dutifulness, dedication etc., considering "work is worship". Hence, some one needs to initiate and contribute their mite, for others to join (extend cooperation) and pave the way to progress. In regard to competencies of the certified competent person by authorities, needs to be addressed now and then to meet the times, to realign the framework of the disturbed mindset, owing to various reasons, or else the safety of others onboard could be jeopardized. Professionals do get outdated (obsolete), in their respective field of discipline, if they do not keep abreast to the times of development. Hence, not all COC holders whether Master Mariners or Chief Engineer, are all alike. A multi-skill within management needs updates to keep abreast. "It takes pain to gain" One needs to upgrade themselves professionally, for assignments in Maritime Institutions of higher learning. Shortcuts to achieve are not the end of it, for continuance of recognition, by Marine Society.

The hard-earned leave period of a seafarer, after a hard life out at sea considering their separation from near and dear ones, is more a precious time/moments, while he or she counts down their leave period ashore, particularly those in the prime of their youth. It's high time; the nation recognises seafarer's contribution, in earning foreign exchange to the country, on their working in hazardous zones, unlike others availing the common community benefits and privileges enjoyed ashore. They (seamen) are deprived of their citizen's right of voting while out at sea, for which their welfare need not be neglected. The Office of the Directorate General Shipping, should arrange to assure sailors ashore, a time frame for the various documentation process services rendered by the Mercantile Marine Department, similar to the time frame arrived and displayed in public sector banks, for banking services. Seafarers have all along exhibited, to be more disciplined with utmost patience and hence do not grumble for not finding agencies to ease-up their work ashore, unlike found in many motor vehicle licensing offices, registration offices etc. within the cities, moreover while many of the seafarers residing in far of places, from MMD offices.

"There are presently huge gaps between the actual conditions out at sea, as against the discussions and decisions made by policy making bodies, re-competencies of the certified competent, Gandhian approaches to what seen, heard or said and what actually goes on, out at sea. Incidents/ Accidents going unreported. The actual seafaring conditions vary, which mostly depend upon the crowd (floating staff members onboard), more particularly the senior officers, constituting two senior heads of the navigation and engineering branch, who are contracted to deviate from the standard norms of accepted good practices. Hence, practitioners' viewpoint, missing from legislative process.

Chief Engineers (Marine), don't have nor need a separate association, unlike the Master Mariners, for their identity, the engineering feat is far more wide and universal. "Chief Engineer" is an entity in the organizational set-up of hierarchy, referred ashore as Marine / Mechanical / Shipyard Engineer, Engineer Surveyor, Consulting Engineer etc. The technical and/or Management acumen, speaks off the individual's experience, his knowledge, contribution in technical and/or management society. It would have been more appropriate to re-name the "Master Mariners Association" as "Navigating -Marine Officers Association" in line with the Marine Engineers Institution / Association (I. Mar. E.). An association representing members' interests, forming a bonafide specialized trade association, fully representing the needs of national and global shipping management sector.

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Demand for new criteria on lifeboats:

A CALL for a radical overhaul of design criteria and operational practices for ships' lifeboats, which continue to kill and injure seafarers involved in drills, has come from the Nautical Institute.

Singapore corruption bureau sets up Consort Bunkers investigation:

CORRUPTION allegations could be rearing their ugly head again in the Singapore bunker industry with Consort Bunkers under investigation by the Corrupt Practices Investigation Bureau, writes Marcus Hand in Singapore.



Singapore to meet energy needs with LNG imports:

Singapore has decided to go ahead with liquefied natural gas imports to meet future energy demand and ease its dependence on piped supplies from Indonesia and Malaysia, the trade minister said.

MISC hits 3-mth high on firmer tanker rates:

The share price of MISC Bhd and its covered warrants hit a three-month high on Aug 9 on firmer tanker rates outlook given the growing shortage of double-hull tankers and the on-going crisis in the Middle East. MISC and its foreign tranche rose 25 sen each to RM8.65 and RM8.70 with a volume of 345,600 and 1.52 million shares respectively. Its covered warrant jumped 6.53% or 26 sen to RM4.24. Industry players said MISC, the world's second largest owner-operator of Aframax tankers (about 80,000 deadweight tonnes each) would gain with the recovery in the tanker sector.

Analysts said MISC's price earnings multiple of about 10 times based on the current price is still attractive. "The stock was oversold recently (when it hit a low of RM7.20 on June 21). It should be trading between RM11 and RM12," an analyst said. Industry players said the

Middle East crisis and shortage of double-hull tankers has pushed up charter rates and prices in recent weeks.

"The charter rates and prices of tankers will continue to firm as shipping lines phase out their single-hull tankers by the end of this year under the International Maritime Organisation (IMO) timetable," said Barwil Unitor Ships Service managing director Winston Loo said. According to the July tanker market highlights by Marsoft, which provides market analysis, investment and risk management, and finance services to the maritime industry, both product tanker and the crude tanker market have staged a strong recovery in July after declining in the second quarter. The upturn that started in May and June carried into July, with very large crude carriers (VLCCs - about 300,000 deadweight tonnes) on the Arabian Gulf/East route soaring to more than US\$90,000 (RM329,702) per day in the second half of July.

Earnings also improved for smaller crude carriers in July, though less dramatically, as Suezmax (125,000 dwt to 180,000 deadweight tonnes) rates increased to US\$50,000 from US\$43,000 per day, and Aframax rates rose to US\$32,000 per from US\$26,000 per day. The Suezmax sport rate for Africa/US route was going at US\$52,000 in the first quarter while the Aframax at US\$40,000 per day.

Govt permits fuel price adjustments:

Oil prices are likely to go up every month from September, if global crude stays high. In a written reply in Parliament, Petroleum Minister Murlu Deora said: "The government has permitted autonomous adjustments in fuel prices by PSU oil marketing companies every month". Though the decision to allow oil marketing companies to revise prices every month was taken at the Cabinet meeting two months back, the government was tightlipped about it especially after the strong political opposition to the last fuel price hike. It was also decided that this move will come into effect only when average monthly price of the Indian basket of crude oil goes above the \$70 a barrel mark.

Last month, the Indian basket of crude averaged around \$71 per barrel. This month, the average so far has been \$73

per barrel. Oil marketing companies like BPCL and IOC, which were sinking into the red because of artificially low prices will be happy. But so far they have not got any word from the government, which is why they have not hiked prices yet. They will now wait to see how long this freedom lasts.



Iran heavy crude excess sold to domestic market and Asia:

IRAN has shifted its stored heavy crude from two Middle East Gulf fields by supplying its own refineries and selling it into Asian markets, writes Martin Wingrove.

Fire crews struggle to control reefership blaze at Lloyd Werft:

FIRE fighters were still struggling to bring the fire on the reefership Cala Palma under control last night at Lloyd Werft shipyard in Bremerhaven.

India bids for Nigerian oil refinery:

India's continuing efforts to secure energy supplies have taken a significant step forward with state refiner Indian Oil Corp preparing a \$2bn investment in a bid to set up a 6m tonnes per annum refinery in Nigeria's Edo state.

French body raps ship scrap 'arrogance'

FRANCE'S premier maritime body, the Institut Français de la Mer, has warned France and its European partners against treating existing shipbreakers in developing countries with "arrogance and egotism" in trying to build a ship demolition industry of their own.

Cochin Port achieves 41% growth in cargo throughput:

Eyetransport. Cochin Port Trust registered a 41% growth in cargo traffic during the first four months of the current financial year, compared to the prior year period.

UN oil spill team arrives in Syria:

THE first United Nations pollution experts arrived yesterday in Syria to evaluate the heavy fuel oil spill that started in Lebanon three weeks ago.

Skills crisis may force UK yard to look abroad for expertise:

THE manager of a British offshore yard has warned he may have to recruit foreign workers because he cannot find enough skilled tradesmen in Britain's worst unemployment blackspot. Sekibo Pushes for Mentally Sound Pilots. From Patrick Ugeh in Abuja, 07.16.2006. As part of the ongoing efforts to reposition the maritime sector, the Transport Minister, Dr. Abiye Sekibo, has constituted a 16-man board with a charge to ensure that not only must pilots recruited to man Nigerian ships be qualified, they must also be mentally sound. Inaugurating the Nigerian Ports Authority (NPA) board in his office, the minister said with the right and competent professionals on the board, there was need for them to screen pilots who would operate Nigerian ships properly to see to it that besides possessing the requisite qualifications, they were also sound in mind. He was optimistic that the inauguration of the board would spell a new dawn in the annals of maritime development in the country. Sekibo congratulated the Managing Director of the NPA, Chief Dapo Sarumi, for discarding old pilots and bringing a crop of young and competent ones on the board.

Speaking earlier, Sarumi explained that among the functions of NPA Pilots board are to examine pilots to man Nigerian ships as well as licensing ships. Members of the board were picked from the four districts of the ports - Warri, Calabar, Lagos and Bonny-Port Harcourt. Thanking the minister and the NPA Managing Director on behalf of other members of the board for the opportunity to serve the country, Captain Emmanuel Ihenacho, Managing Director of Genesis Worldwide Shipping and Executive Secretary, Nigerian Shipping Companies, pledged their loyalty to the Federal Government. He urged the government to show more interest in maritime activities which, he said, "are the pride of any nation."

Stolt Australia crew win jobs fight:

Thirty-six seafarers employed on the chemical carrier MT Stolt Australia who were facing the sack won a victory

on July 14, when their employer signed a memorandum of understanding with the Maritime Union of Australia (MUA). On July 7 the ship's owners announced their plan to sail it to Singapore, sack the crew, and re-flag the Stolt Australia in the Cayman Islands tax haven. This would have created a "flag of convenience" (FoC) vessel, which meant the owners could employ a Third World crew paid as little as \$100 a week. The 18 crew members on board at the time risked \$6000 fines and 12 months' jail by refusing to sail the vessel, keeping it tied up with its load of sulphuric acid at the Zinfex zinc smelter wharf in Hobart.

During the course of the dispute, a support protest sprang up on the wharf, and on July 11 a rally was held outside Stolt NYK's Melbourne headquarters. The combined pressure brought the company to the table, and it agreed to redeploy the crew to other Stolt vessels and negotiate the introduction of an alternative chemical tanker. Stolt NYK claimed that the vessel was no longer required to work the Australian coast, however the MUA had good reason to be suspicious of this claim. Under the Navigation Act, cargo carried from one Australian port to another is supposed to be carried by Australian-flagged vessels. But shipping bosses can get around this requirement by claiming that there are no appropriate vessels available and applying for an exemption (called single and continuous voyage permits).

Ship owners can manipulate the availability of vessels to create such situations, and the Howard government has encouraged this by handing out more permits than ever before. The *Stolt Australia* was the last Australian-flagged chemical tanker on the coast. In the last 10 years, the number of Australian-flagged vessels has dropped from more than 100 to around 52. Government policy has introduced Third World wages and conditions into a sector of Australia's domestic transport system, not only wiping out Australian seafarers' jobs, but also undermining conditions in the land transport industry. However, unlike a land-based, low-wage "export processing zone", the manipulation of the permit system goes unseen by the majority of the population.

With the exception of a small number of specialised commodities, international cargo is now carried by FoC vessels with Third World crews. This process was cemented with the privatisation of the Australian National Line by the Keating

Labor government in 1994. By allowing the spread of FoC vessels into coastal trade, the Howard government threatens to completely destroy what remains of Australia's deepwater seafaring work force.

In a statement explaining their stand, the crew of the *Stolt Australia* said: "We, after much consideration, have decided that this is a fundamental issue for the future of Australian shipping and Australian workers in general. "We condemn the Howard Government for its wholesale destruction of Australian shipping and for its abuse of the Single Voyage Permit System, which creates serious security and environmental risks to our country, as well as undermining the standard of living of Australian workers by forcing them to compete with cheap Third World labour. "Accordingly, we as the crew of this vessel have decided that we must take a stand against the massive injustices that the Howard Government has inflicted upon Australian workers."

Ship crew defended Aussie jobs: Beazley:

Opposition Leader Kim Beazley has commended the crew of the coastal tanker *Stolt Australia* for successfully defending Australian jobs. The *Stolt Australia* had been docked at Hobart since Saturday night after its crew took action against moves to reflag the ship to the Cayman Islands and replace them with foreign workers. Maritime Union of Australia (MUA) national assistant secretary Mick Doleman says an agreement has been reached with the vessel's operators, *Stolt NYK Australia*, which guaranteed the workers future employment. "Labor welcomes the negotiated settlement of the dispute," Mr Beazley said in a statement. "Labor commends the crew and the Maritime Union of Australia for the stand they took to defend the role of Australian shipping on the coastal trade." Mr Beazley said the federal government's industrial relations laws posed the threat of massive personal fines and jail terms for unions members, for protesting against the loss of their jobs to foreign seafarers. "The Howard government has practically destroyed the Australian shipping fleet by permitting foreign-flagged vessels, including flag of convenience vessels, to trade on our coastline in preference to Australian-flagged vessels like the *Stolt Australia*," he said. "Flag of Convenience vessels are the weakest link in Australia's maritime security chain." They are flagged in tax

havens around the world and crewed by assorted nationals with little safety training and subject to minimal security-vetting by Australian authorities."Stolt-Nielsen Transportation Group general manager Peter Beekman said the Stolt Australia was being redeployed to Asia because the vessel was no longer suited to the company's Australian customers.

"The crew has always been aware of this situation and frequently asked how long the vessel would continue to operate the Australian coastal trade," he said in a statement."There was never any question of replacing the Australian crew while the Stolt Australia was operating the Australian coastal trade."Mr Beekman said the crew's employer, ASP Ship Management, had always intended to redeploy the workers to other Australian vessels."There is a shortage of Australian seafarers and the Stolt Australia crew were assured they would be offered alternative jobs," he said.

1. Foreseeability of loss. SHIPOWNERS have failed in an appeal against an arbitration decision based on foreseeability of loss. The 'Kamilla' was chartered on an amended NYPE form incorporating the NYPE Inter-Club Agreement. It loaded a cargo of lentils for carriage to Algeria but its holds were not watertight and, during the voyage, seawater wetted over one per cent of the cargo. The cargo receivers complained to the Algerian authorities, who prohibited discharge of the cargo. The vessel was arrested and the owners, who suffered substantial financial loss, claimed a 100 per cent indemnity from the charterers on the basis that the receivers, as agents of the charterers, had failed to take steps to reverse the decision of the authorities. The owners did, however, accept that they were responsible for a very small proportion of the wet damage caused to the cargo.

The charterers argued that the loss was to be borne 100 per cent by the owners as it was damage due to unseaworthiness. But the owners maintained that it was not reasonably foreseeable that the small amount of wetted cargo would cause a total rejection of the consignment. Arbitrators held that the foreseeability of the loss or damage was irrelevant, and that the correct test was whether the unseaworthiness could be said, in a practical sense, to be a cause of the loss. The owners appealed. Mr Justice Morison subsequently held that the arbitrators had applied the correct test of causation when they found that the

unseaworthiness of the vessel could be said in a practical sense to be a cause of the loss. It did not have to be the effective cause of the loss. (Marine, Energy and Trade Notes, Barlow Lyde & Gilbert).

2. Dumping at sea. THE US Court of Appeals for the Eleventh Circuit has upheld the conviction of the chairman of a US-flag ship operator who had been found guilty of conspiring to violate US law and of knowingly discharging an oily mixture into the sea without using an oil discharge monitoring system. The ship, a former tanker re-certified as a cargo vessel, was being used to carry grain from the US to Bangladesh. Enroute, diesel fuel leaked into the cargo spaces, contaminating some of the grain. Rather than paying to have the contaminated grain discharged ashore, the chairman conspired with persons in the company headquarters and with various crew members to dump the grain overboard while the ship was under way in international waters. Following his conviction, the chairman appealed, maintaining that the ship was not a cargo vessel and that the venue was not properly proven.

Holland + Knight, reporting the decision in its Maritime Items newsletter, notes, "On appeal, the court spent a lot of time discussing the niceties of venue. More importantly, though, it discussed differences between various regulations applicable to tankers as opposed to those applicable to non-tank vessels." (United States v Stickle, No 05-12077 (11th Cir, July 6, 2006).

3. Class action. THE US Federal District Court for the Southern District of New York has overturned an arbitration panel's decision permitting a class action arbitration where the arbitration clauses in the applicable charter parties were silent regarding class actions. (Stolt-Nielsen SA v Animalfeeds International Corp). The court held that custom and usage in maritime commerce, and hence the law, did not allow such a result. The court also held that New York law would lead to the same conclusion as under federal maritime law. Details of the case can be accessed on David Martin-Clark's website, to which they have been contributed by Steven Hollander of Healy & Baillie, New York. The latter comments, "The district court concluded that a charter party containing an arbitration clause that is silent regarding class action arbitrations will not support a class action arbitration, in the absence of a clear indication to the contrary. It is not yet known whether this

judgment will be appealed."

4. SECA trigger limit. FUEL testing agency Lintec Testing Services has urged shipowners to act - but not panic - should their fuel tests marginally exceed the 1.5 per cent sulphur limit imposed within the MARPOL Annex VI Sulphur Emissions Control Area (SECA) in the Baltic Sea. Geoff Jones, Lintec's managing director, says, "Since the SECA's enforcement on May 19, Lintec has found numerous occasions where a bunker fuel sample exceeds the 1.5 per cent sulphur limit, but falls within the accepted 95 per cent confidence limit for a single test." In cases when the commercial sulphur result is confirmed to exceed the 1.5 per cent limit, Lintec recommends that the fuel supplier is notified of the result. The shipowner or charterer should ask the supplier to confirm, in writing, that the fuel supplied to the vessel meets the requirements of the MARPOL Annex VI SECA limit. Confirmation that the fuel meets this regulation must be stored with the MARPOL sample, and all evidence recorded in the Annex VI log book. Lintec recommends that the vessel also immediately notifies the flag state administration. This is particularly important in cases where the supplier fails to act on the request from the vessel, or confirms that the fuel is in excess of the SECA limit. If the supplier confirms the fuel to be non-compliant, the port state authority should be advised.

5. Philippines developments. THE National Labour Relations Commission in the Philippines has denied death benefits to the widow of a seafarer who died of tuberculosis of the liver six months after completing the term of his last contract with an employer with whom he had served on a short-term contract basis for ten years. The NLRC found no concrete indications that the seaman had served on a short-term contract basis for ten years.

Hutchison to build, operate Barcelona terminal: THE Barcelona Port Authority has awarded the concession to build and operate the new Prat Pier Container Terminal at the Spanish port of Barcelona to Terminal Catalunya (TERCAT), a subsidiary of Hutchison Port Holdings (HPH), the Hong Kong-based company announced recently.

Prat Pier Container Terminal will have a quay length of 1,500 metres and water depth of 16 metres, and is scheduled to

begin operation in 2008. HPH acquired a majority shareholding in Barcelona-based TERCAT following an agreement last December. This was its second investment in Spain, following its acquisition last year, along with its local partner Grupo Mestre, of Terminal de Contenidors de Barcelona, another container terminal in Barcelona.

"We are delighted to learn about the decision and we welcome the Port of Barcelona as our key port in southern Europe," said John Meredith, Group managing director of HPH, commenting on the news about the concession.

"We look forward to developing the Port together with our partner Grupo Mestre and the Port Authority."

No details were given on the size of the transaction or shareholder structure.

HPH is a wholly-owned subsidiary of multinational conglomerate Hutchison Whampoa, and is the world's leading port investor, developer and operator with 247 berths in 42 ports throughout the world. It handled 51.8 million TEU in 2005.

The announcement came after Hutchison Whampoa boss Li Ka-shing said in May that container ports remained a key component of the group's operations. He stated that it was working on acquiring or investing in at least 10 port and container projects to beef up its presence in the global port sector.

'K' Line to upgrade CSG service: "K" Line plans to upgrade and revamp the current fixed-day weekly China Straits Gulf (CSG) service jointly operated with PIL in order to cope with market changes and to boost its competitiveness.

A company statement said the six 1,200 TEU vessels currently being used on the service will be replaced by five 2,000 TEU ships to improve transit time to the Middle East.

The ports covered by CSG and PIL's new independent MEX service, for which "K" Line has arranged a slot exchange, will be revamped and expanded to include Qingdao and Kaohsiung to offer more comprehensive and reliable service with transit time from Shanghai to Dubai shortened from 18 to 14 days.

The new upgraded and revamped CSG and MEX services are expected to start sailing at the end of June.

The "tentative" port rotation of the CSG service is: Shanghai, Ningbo, Xiamen, Singapore, Port Kelang, Jebel Ali, Bandar Abbas, Karachi, Singapore, Laem Chabang, Hong Kong and Shanghai.

The preliminary port calls for the MEX service are: Qingdao, Shanghai, Kaohsiung, Hong Kong, Singapore, Port Rashid, Damman, Mundra, Port Kelang, Singapore, Pasir Gudang, Kuantan, Hong Kong and Qingdao.

New propeller shaft coating complements water lubricated bearings:

Thordon Bearings has announced the introduction of Thor-Coat, a new proprietary shaft coating specially formulated to address the risk of traditional coating failures on water lubricated propeller shafts. This was specifically developed to complement the company's COMPAC water lubricated propeller shaft bearing system with the objective of providing corrosion protection for a minimum 10-year period in service. Thor-Coat addresses the issue of current shaft coating systems not being sufficiently reliable to allow extension of shaft withdrawal periods beyond five years. Thordon is also working closely with the classification societies to develop approval for other techniques, such as borescoping, that facilitate inspection of the bearings and coating without withdrawing the shaft.

A toughened, two-part epoxy coating, Thor-Coat is up to nine times more flexible than existing products currently approved for use as propeller shaft coatings. It was subjected to the full-scale 180 bend test and did not crack whereas all other products tested showed initial cracking at a much lower bend angle. In a propeller shaft application, or in other similar applications where a coating must be durable, yet flexible, its enhanced elasticity and toughness will provide corrosion protection over longer service periods. Applied with a brush and troweled smooth to a thickness of 2 mm (0.08), application is straightforward, as Thor-Coat is a one-coat product.

Should it suffer impact damage, it tends to fail locally resulting in some of the coating remaining on the shaft continuing to offer corrosion protection. If the coating is damaged to the point where corrosion does occur, the corrosion is limited to the damaged area only and will

not migrate along the shaft under the coating to unexposed areas. Localised damage can be easily repaired if necessary. Thor-Coat currently has provisional approval from Lloyds Register, ABS and Bureau Veritas while being noted by DNV. Other classification society approvals are pending and expected shortly.

LRIT to enhance Maritime Security:

On the high seas, seafarers are largely on their own. Pirates and terrorists operate with impunity across the oceans and it is the worst nightmare of a seafarer. Piracy occurs in international waters; usually outside security patrolled or monitored areas. The recent incidents of sea-jacking reveal that, pirates are using most modern weapons, navajds, fast boats and have adopted terrorist tactics to board merchant vessels. While security at land based locations was tightened, consequent to terrorist attacks, concrete steps were not taken to address the vagaries at sea. The International Ship and Port Security Code (ISPS Code) has introduced some crucial steps to address the maritime security problem. Implementing a system of positive vessel identification and control then emerged as the best hope to reduce the menace. The IMO's Maritime Safety Committee (MSC) adopted new regulations on Long-Range Identification and Tracking of ships (LRIT), during its 81st session from 10 to 19 May 2006. This will be included in Chapter V of SOLAS on Safety of Navigation, through which LRIT will be introduced as a mandatory requirement for passenger ships and cargo ships (including high-speed craft) of 300 GT and upwards and mobile offshore drilling units on international voyages.

LRIT System: The LRIT system consists of the shipborne LRIT information transmitting equipment, the Communication Service Providers, the Application Service Providers, the LRIT Data Centres, including any related Vessel Monitoring Systems, the LRIT Data Distribution Plan and the International LRIT Data Exchange.

Distinction Between LRIT and AIS: The Automatic Identification System (AIS) is a shipboard broadcast system that acts like a transponder, operating in the VHF maritime band and ensure reliable ship-to-ship operation. Data derived through LRIT will be available only to the recipients who are entitled to receive such information. There will be no interface

between LRIT and AIS.

Operation of the System: The SOLAS regulation on LRIT establishes a multilateral agreement for sharing LRIT information for security and search and rescue purposes, amongst SOLAS Contracting Governments, in order to meet the maritime security needs and other concerns of such Governments. The LRIT information ships will be required to transmit the ship's identity, location and date and time of the position. It maintains the right of flag States to protect information about the ships entitled to fly their flag, where appropriate, while allowing coastal States access to information about ships navigating off their coasts. The SOLAS regulation on LRIT does not create or affirm any new rights of States over ships beyond those existing in international law, particularly, the United Nations Convention on the Law of the Sea (UNCLOS), nor does it alter or affect the rights, jurisdiction, duties and obligations of States in connection with UNCLOS. LRIT information is provided to Contracting Governments and Search and rescue services entitled to receive the information, upon request, through a system of National, Regional, Co-operative and International LRIT Data Centres, using where necessary, the LRIT International Data Exchange. Each Administration should provide to the LRIT Data Centre it has selected, a list of the ships entitled to fly its flag, which are required to transmit LRIT information, together with other salient details and should update, without undue delay, such lists as and when changes occur. Ships should only transmit the LRIT information to the LRIT Data Centre selected by their Administration. The obligations of ships to transmit LRIT information and the rights and obligations of Contracting Governments and of Search and rescue services to receive LRIT information are established in regulation V/19-1 of the 1974 SOLAS Convention.

Implementation and Impact: The regulation foresees a phased-in implementation schedule for ships constructed before its expected entry into force date of 1 January 2008. There have been apprehensions from some corners of the maritime industry on the proposed initiative on tracking of ship's identity. Those who are carrying out genuine shipping business would never hesitate to reveal vessel identities, registries, ownership, voyage histories, cargo and crew details. It would be unwise for the

industry to resist compliance of any security plan. In the vast ocean, there are two types of vessels - friends those who could be identified and foes. With the implementation of LRIT, it is hoped that any vessel perceived to be a threat could be tracked and intercepted well in advance.

Improvement for Seafarers in acquiring US VISA:

With reference to our previous article, it is reliably learnt that during a meeting between US State Department Office of Field Support and Liaison officials and Industry representative body - BIMCO (which has been highlighting the difficulties that US visa policy has created in the maritime trades) says that they have been given valuable advice and guidance and are hopeful of a noticeable degree of improvement with respect to seafarers acquiring visas for calls at US ports as well as to seafarers in transit via US territories.

A temporary exception to a personal appearance requirement would be granted by the State Department to accommodate visaed crew list applications, this exception is available until the proposed final rules take effect. When new rules take effect personal appearances will be required for initial individual visa applicants, but waived when visa extensions are sought. It will not be necessary for seafarers to apply for visas at US Consular offices in their country of citizenship, nor will seafarers be required to specify the US port of entry on their applications. Visa validity periods, will be based on reciprocal agreements between the US and the applicants' respective countries of citizenship, depending on the discretion of the issuing officer.

Global Deployment of Filipinos Overseas Up:

The deployment of overseas Filipino workers (OFWs) rose by 1.69 percent or by 9,387 from 555,533 to 564,920 within the first six months of 2006, the Department of Labor and Employment (DOLE) Sunday said. A Philippine Overseas Employment Administration (POEA) report to DOLE Secretary Arturo D. Brion attributed the increase in OFW deployment worldwide to a higher OFW rehiring rate in various land-based industries worldwide, as well as the increased demand for the services of skilled overseas Filipino seafarers in the global shipping arena. The report showed that a total of 136,763

overseas Filipino seafarers, and 428,157 documented land-based OFWs, have been deployed to more than 180 host destinations globally between January 1 to June 29, 2006.

Brion said that the rising trend in OFW deployment augurs well on the DOLE's efforts to reinvigorate global OFW marketing initiatives through the Philippine Overseas Labor Offices (POLOs), and to sustain the thrust towards better protection and welfare at their overseas work sites. The Labor Chief emphasized that promoting and safeguarding the welfare of the OFWs remain as the DOLE's primary responsibility amidst its efforts to support employment generation in the Philippine economy, in coordination with other agencies and sectors. "As we build up our global marketing thrusts, we are confident that we shall inch closer to achieving, if not surpassing, our 1-million goal in total documented OFWs deployed worldwide as the year 2006 progresses," Brion said. Meanwhile, Labor Undersecretary for Employment Danilo P. Cruz, said that land-based OFW deployment has been reinforced by a robust 6.8 percent (18,380) growth in rehired OFWs worldwide to 288,820 as of June 29, 2006, from 270,440 in the same period in 2005. Cruz added that the total number of Filipino seafarers continues to rise to higher levels in the global shipping industry based on the strength of the Philippines' consistent compliance with the amended Standards of Training, Certification and Watchkeeping (STCW) of the International Maritime Organization (IMO). Cruz also bared that as of June 29, 2006, an increment increase of 16,007, from 120,756 in the same period last year to 136,763 highly skilled overseas Filipino seafarers have been deployed globally, representing a growth rate of 13.3 % percent.

CBCP: No quid pro quo in statement:

The stand of Catholic bishops on the impeachment case against President Arroyo was "independent and not in any way influenced" by the reported distribution of money by government officials during a dinner meeting with the bishops last week, a Church official said yesterday. Archbishop of Cagayan de Oro Antonio Ledesma, Catholic Bishops' Conference of the Philippines (CBCP) vice president, described allegations of bribery against the bishops as "making a big thing out

of a small matter." Speaking over the CBCP weekly program on Church-run Radio Veritas, Ledesma admitted that envelopes containing cash were distributed to bishops during a meeting in a restaurant a day before their annual retreat in Manila.

However, he said they were told that the money was meant for the reimbursement of travel expenses of the bishops who attended the dinner with Cabinet secretaries. "Actually I did receive one of those, and I politely refused to accept it," he said. "I thought I did not need the travel reimbursement they mentioned." Ledesma said there were bishops who accepted the money. "They said it was just normal for them to receive travel reimbursement which they also receive during meetings with other groups," he said. "When bishops are invited to come together by a certain group, they are given travel reimbursement, not for their individual interests, but really to cover up the cost of coming to the venue and attend the meeting from their far dioceses," Ledesma said.

He said the issue of impeachment against Mrs. Arroyo was not discussed during the meeting with the Cabinet secretaries. "We discussed issues along those three areas of concern — population, family planning issues, mining issues, and sex education," he said. Ledesma said the government's offer to set up pharmacies in parochial centers was also raised during the meeting. "But actually over the past four or five years, we already have 'botika sa barangay,'" he said, "so it's really another program of the government to course these low-cost medicine and low-cost rice to some parish centers." Ledesma said there was nothing wrong with the offer since there are some local government units that are not motivated to work on the program. Sometimes, parish centers are better in bringing the medicine and Ledesma said the issue was highlighted because of the "timing" of the meeting. "I thought it was not the right time to distribute the envelopes given the sensitivity of issues," he said. Earlier, Archbishop of Jaro Angel Lagdameo, CBCP president, said the bishops attended the meeting and the reported "victory dinner" after the plenary assembly of "their own will."

"On the question of envelopes or gifts allegedly being distributed and of dinners offered by Malacañang to some bishops, since these were done privately, there

was no consensus among the bishops whether to accept or not, whether to go for the dinners or not," he said in a statement issued last Friday. Caloocan Bishop Deogracias Iniguez Jr., who filed an impeachment complaint against Mrs. Arroyo two weeks ago, said discontented parties should just respect the position of CBCP on the impeachment issue and stop circulating rumors like supposed bribes from Malacañang. "I think this issue is just a ploy to destroy the credibility of bishops so the people would think the CBCP is really against the impeachment," he said in an interview. Iniguez said he sees nothing wrong in the reported move of the administration to channel its resources to help poor people through Catholic dioceses. "The medical and food donations from Malacañang were not bribes to convince the bishops to change their minds on the impeachment issue," he said. Last Monday, the CBCP spoiled recent attempts of opposition lawmakers to oust Mrs. Arroyo when the bishops stood against the impeachment process in a pastoral statement issued after their semi-annual meeting in Manila. "As bishops reflecting and acting together as a body in plenary assembly, in the light of previous circumstances, we are not inclined at the moment to favor impeachment process as the means for establishing the truth," the bishops said. "For unless the process and its rules, as well as the mindsets of all participating parties, pro and con, are guided by no other motive than genuine concern for the common good, impeachment will once again serve as an unproductive political exercise, dismay every citizen, and deepening the citizen's negative perception of politicians, left, right and center," the bishops said.

Liquid gas accident in Jordan increases LNG safety concerns:

As the deadline for public comment on air and water permits for the proposed liquefied natural gas port proposed for Malibu's coast nears, an accident in Jordan raises safety issues once again. By Paul M. J. Suchecki / Special to The Malibu Times. As Malibu continues to debate the construction of Cabrillo Port, a liquefied natural gas facility proposed to be built 14 miles off the coast of Leo Carrillo State Beach, news from the Middle East brings up some of the potential hazards of such an installation. In Jordan last Thursday, a liquid gas tanker caught fire as its cargo was being unloaded. One of the pumping

Best Health Q&As of the Month

Q: I've heard that cardiovascular exercise can prolong life. Is this true?

A: Your heart is only good for so many beats, and that's it. Don't waste them on exercise. Everything wears out eventually. Speeding up your heart will not make you live longer. That's like saying you can extend the life of your car by driving it faster. Want to live longer? Take a nap.

Q: Should I cut down on meat and eat more fruits and vegetables?

A: You must grasp logistical efficiencies. What does a cow eat? Hay and corn. And what are these? Vegetables. So a steak is nothing more than an efficient mechanism of delivering vegetables to your system. Need grain? Eat chicken. Beef is also a good source of field grass (green leafy vegetable). And a pork chop can give you 100 per cent of your recommended daily allowance of vegetable products.

Q: Should I reduce my alcohol intake?

A: No, not at all. Wine is made from fruit. Brandy is distilled wine, which means they take the water out of the fruity bit so you get even more of the goodness that way. Beer is also made out of grain. Bottoms up!

Q: How can I calculate my body/fat ratio?

A: Well, if you have a body and you have fat, your ratio is one to one. If you have two bodies, your ratio is two to one, etc.

Q: What are some of the advantages of participating in a regular exercise programme?

A: Can't think of a single one, sorry. My philosophy is: No Pain - Good!

Q: Aren't fried foods bad for you?

A: YOU'RE NOT LISTENING! Foods are fried these days in vegetable oil. In fact, they're permeated in it. How could getting more vegetables be bad for you?

Q: Will sit-ups help prevent me from getting a little soft around the middle?

A: Definitely not. When you exercise a muscle, it gets bigger. You should only be doing sit-ups if you want a bigger stomach.

Q: Is chocolate bad for me?

A: Are you crazy? HELLO. Cocoa beans! Another vegetable! It's the best feel-good food around.

Q: Is swimming good for your figure?

A: If swimming is good for your figure, explain whales to me.

Q: Is getting in shape important for my lifestyle?

A: 'Round' is a shape!

lines exploded. Nineteen were injured. The ship was evacuated and towed a kilometer offshore where the fire was brought under control after a couple of hours. Although initial reports from the Associated Press described the ship as being filled with liquefied natural gas, another account by the Jordan Times said the vessel was carrying liquid gas or propane, which can be compressed to a liquid state by applying pressure alone. LNG is natural gas cooled down to minus 260 degrees Fahrenheit to compress it to 1/600 of its usual volume at standard temperature. The gas has to be re-vaporized (or regasified) before being pumped into a distribution network. Anchored and moored to the 2,900-foot deep ocean floor, Cabrillo Port would have an import terminal and a re-gasification unit that will feed two undersea pipelines to onshore receiving facilities in Oxnard. According to the California Energy Commission, liquefied natural gas is hazardous not only because it is flammable, but also because it is also cryogenic and will expand rapidly at standard temperature and pressure.

The commission, in a staff white paper, points out that, "A vapor cloud, formed by an LNG spill, could drift downwind into populated areas ... LNG vapor clouds can ignite within the portion of the cloud where the concentration of natural gas is between a five and a 15 percent (by volume) mixture with air. To catch fire, however, this portion of the vapor cloud must encounter an ignition source. Otherwise, the LNG vapor cloud will simply dissipate into the atmosphere." It also states that, "An ignited LNG vapor cloud is very dangerous, because of its tremendous radiant heat output." The commission also notes that LNG vaporizes more quickly over water than land, and the risks with shipping loading and offloading LNG tankers are much greater than with land-based facilities. The gas industry informational Web site naturalgas.org states that: "LNG, or any vapor associated with LNG, will not explode in an unconfined environment. Thus, in the unlikely event of an LNG spill, the natural gas has little chance of igniting an explosion." Proponents of natural gas point out that despite the potential hazards, since the inception of shipping by sea in 1959, LNG tankers and loading terminals have not had a major accident in more than 33,000 voyages with no spills. Also, in a 2005 study, the California Energy Commission pointed out that there is a growing gap in the state between natural gas supply and demand,

causing a recent cost doubling. California now imports 87 percent of its natural gas. The demand for natural gas is expected to increase even more because most of the new power plants built in the state are fueled by clean burning natural gas. Natural gas is considered the cleanest burning fossil fuel, emitting very small amounts of sulfur dioxide and nitrogen oxide. Combustion releases less carbon dioxide, a greenhouse gas, than fuel oil or coal.

The first major accident caused by LNG was in Cleveland, Ohio in 1944. There a storage tank failed due to the extreme cold. The LNG spilled into the sewers, ignited, exploded and killed 128 people injuring 255 in the adjoining residential area. Today, a web of U.S. laws and strict regulations is geared to prevent an accident like this from happening again. Still, large scale mishaps are not relegated to history. In 2004, a steam boiler in Algeria that was part of an LNG production plant exploded into a fireball, sparking the ignition of an LNG vapor cloud that took eight hours to extinguish. Twenty seven people died, 74 were injured. The explosion caused \$800 million in damages. LNG production at the plant dropped 76 percent for the year as the destruction spread beyond the plant's boundaries. Just five years before, Kellogg Brown and Root, a division of Halliburton, announced that the revamp of the Algerian LNG facility had passed all performance tests. Anti-Cabrillo Port activist Tim Riley said, citing a report published this year by Sandia National Laboratories, a flammable LNG vapor cloud could extend as far as 7.3 miles downwind from the floating storage facility. Yet, the same Sandia report points out that at 14 miles off the coast, "The location of [the] facility is sufficiently remote as to pose limited risk to shore-side persons or facilities under any scenario of LNG release." As reported in the New York Times, Al Qaeda has specifically singled out LNG facilities as a prime target because of LNG's "raw explosive power." Unlike a pipeline, the flow of gas at a facility cannot be readily cut off. Malibu resident Kraig M. Hill points out that the only way to forestall the impact of a terrorist sea attack like the one on the USS Cole would be to have four days notice to fully purge the port's LNG tanks. In the post 9-11 world, Congress passed the U.S. Maritime Transportation Security Act of 2002, which requires a federally approved security plan for all port facilities, including this one. Implementation will be enforced and

regulated by the U.S. Coast Guard. Scott MacDonald of Cal CASE, Californians for Clean Affordable Safe Energy, told The Malibu Times that LNG transportation "has an outstanding safety record because it is subject to stringent regulations, attracting the attention of everybody from the U.N. to local harbor police. It's this attention that makes it an unlikely target for terrorists. They are looking for soft targets." Although critics have pointed out shortcomings in the facility's Draft Environmental Impact Statement/Report, White House officials intend to put environmental review for LNG imports into California on the fast track. Gov. Arnold Schwarzenegger said he prefers Cabrillo Port to other LNG options. There are six proposed LNG projects for California's coast alone.

In addition to safety concerns, possible pollution from the LNG ship is another factor under consideration. Although liquefied natural gas tankers and tanks are very well insulated, that factor alone does not keep the gas cool enough to remain liquid. LNG will stay at a steady temperature if the pressure remains constant. Boiling water never climbs higher than 212 degrees Fahrenheit. The evaporation keeps the water temperature constant. The same thing happens with LNG hundreds of degrees cooler. As long as the vapor boils off, the natural gas remains a liquid. But the vapor is methane, a greenhouse gas. Tankers must constantly vent methane to power the vessel and keep their cargo's temperature low enough, according to naturalgas.org. The deadline for the public to submit comments on the air quality permit under consideration by the Environmental Protection Agency is Aug. 3, which is essential for the facility to open.

Saudi Arabia: National Shipping Company achieves ISO:9001

Standards Authorization: A-Sharq Al-Awsat newspaper quoted a notice published in early June 2006 by the Saudi National Shipping Company announcing its receipt of ISO-9001 standards authorization by the D. N. F. Company. The paper noted that the new authorization of this standards level confirms the implementation of international quality standards in all matters connected to the supply of marine transport services.

Shipping steps in for Lebanon evacuation: COMMERCIAL shipping is playing a central role in the mass

evacuation of foreigners from Lebanon, after European administrations chartered in tonnage on an emergency basis to pick up tens of thousands of nationals.

Middle East war risk premiums set to soar:

CARGO interests are facing a fivefold rise in the war risk element of their insurance premiums for goods destined for Lebanon or Israel, although the level of hostilities has ruled out almost all normal sea trade with the countries for now.

Kill Or Cure: Kill Or Cure? returns with a new series this Quarter. The programmes explore the world's deadliest diseases, the latest cutting-edge cures and meets the people who must live with the consequences of such diseases.

New Weapon Against Malaria: A chemical called artemisinin, which is extracted from the ginghao plant, is providing new hope for millions of malaria sufferers. The plant is grown in vast quantities in China and could do much to fight malaria, particularly in Africa.

Cancer Wars: Cutting edge research using the immune system and antibodies to fight cancer, part of cancer researchers' dream that one day our bodies will cure themselves of cancer.

Vaccine of Hope: Japanese Encephalitis kills thousands of children across Asia and leaves thousands more disabled. A new vaccine, developed and manufactured in China, is being rolled out across Southern Asia for the first time. The new manufacturing process is more streamlined making the drug much cheaper.

Fighting Syphilis: Syphilis was thought to have been beaten by mass penicillin treatment in the 1950s and 1960s. Now it's back, particularly among the rural populations of places like Haiti – which medical experts believe is where the disease started in the first place. The theory goes Christopher Columbus' crew brought the disease back to Europe. Now, special mobile testing units are being used to tackle the disease and with great success. Syphilis is a leading killer of new born babies.

Tackling the Deadly Trematode: Trematodes are tiny parasites that live for years in the liver, lungs and even the brains of at least 40 million worldwide. People get infected by eating freshwater fish and shellfish – and it's very hard to detect and cure. Millions of pounds a year

are wasted on treating the wrong disease.

Economic Empowerment to reduce Seapiracy in S.E. Asia

Straits: Maritime piracy in Southeast Asia, in the Malacca and Singapore straits in particular, has become a serious danger to the waterways' users ranging from shipping industry, exporters and importers, insurance industry, banks to seafarers. It also harms the national economies of the countries relying on the shipping lanes in the region's waters because the damage caused by pirates to ships, cargoes and seafarers will eventually push shipping, insurance and import and export costs up for all countries involved.

"Piracy will exist as long as unemployment remains a major economic problem," Paris Institute of Political Studies researcher Eric Frecon said. In many poor and remote areas in a number of Southeast Asian countries including Indonesia unemployed fishermen or seamen are driven by poverty to commit piracy, he said. Frecon who stayed with pirates for about six months and filmed them in action said piracy is a form of livelihood for example for poor Indonesians living in Batam island. According to him, minor piracy incidents should be viewed as similar to theft on land. As for the pirates, they staged only minor attacks, according to academicians, and in the last six years, there had been only 25 attacks. Frecon and other researchers like Dr Sam Bateman of the University of Wollongong and Mak Joon Num of the Singapore-based Institute of Southeast Asian Studies at a workshop themed "Covering Maritime Piracy in Southeast Asia" organized by the Konrad Adenauer Foundation in Kuala Lumpur recently concurred that piracy was on the decrease and no big ships had been attacked in the past few years.

Indonesia is fully aware that piracy and armed robberies increased significantly between 2000 and 2002.

Most of the armed robberies in 2000-2002 in Southeast Asia occurred in Indonesian waters, particularly in archipelagic waters between Singapore and the Java Sea, in the Malacca Strait and in the South China Sea.

In the first half of 2003 alone, 64 out of 234 reported incidents worldwide took place in Indonesia, or more than 25 percent. These incidents included 43

boardings, four hijackings and 17 attempted attacks. In the Malacca Strait, piracy attacks fell from 38 incidents in 2004 to 12 in 2005, from January to March 2006 (0 incidents of piracy), from April to June 2006 (three incidents of piracy) and July 2006 till today (three incidents of piracy). The foundations' regional representatives, Werner vom Busch, said piracy had vanished after the December 2004 tsunami.

In a recent bilateral meeting with Singaporean Prime Minister Lee Hsien Loong in Batam, Indonesian President Susilo Bambang Yudhoyono said, "We also discussed the current security and safety in the Straits of Malacca. I am pleased to observe that the trilateral cooperation is showing positive results as clearly indicated by a significant drop in the number of piracy attacks in the strategic waterway. We are committed to enhancing the existing cooperation on maritime security, including navigation safety and protecting the marine environment."

Experts identify some of the main problems of piracy are: the economic situation then prevailing in the regions concerned; certain resource constraints on law-enforcement agencies; lack of communication and cooperation between the various agencies involved; the response time after an incident has been reported to the coastal state concerned by affected ships; general problems of ship reporting; timely and proper investigation into reported incidents; the persecution of pirates and armed robbers when apprehended; and lack of regional cooperation.

"While these problems are being addressed at a technical level, the root causes of piracy in Southeast Asia, such as poverty and unemployment, are yet to be addressed in any comprehensive manner," Bateman said. Cooperation. Major users of the Straits, particularly the United States and Japan, have been critical of the littoral states, Indonesia, Malaysia and Singapore, for still not doing enough to ensure the security of shipping. Japan whose total trade is worth US\$260.4 billion in 1994 via the Southeast Asia Straits including the Malacca Straits has been extremely active in assisting regional countries with building their capacity for maritime security and in promoting regional measures to combat piracy and maritime

(Contd. on page 14)

No: 24(6)/CR/2006

Dated: 24th March, 2006

To **1. All Shipping Companies (as per list attached)**
2. INSA/MASSA/FOSMA

Sub: Placing supernumeraries on board the various vessels - reg

Sir,

1. Of late it is observed that some of the shipping companies are submitting the proposals for placing supernumeraries on board the vessel in a short span of time and on several instances supernumeraries are placed on board the vessel without the approval of this Directorate and then submitting proposal for ex-post-facto approval.
2. In this regard, it is brought to the notice of all concerned that approval for placing of supernumeraries on board ships must be sought at least 7 working days in advance. While forwarding the proposal it should also be certified that the total number of persons on board the vessel including the proposed supernumerary/ies will not exceed the certified accommodation as per Certificate of Registry & also LSA capacity of the vessel.
3. This should be noted for future compliance and any violation of placing supernumeraries without prior approval of this Directorate will be viewed seriously.

Please acknowledge receipt.

Yours faithfully,

Sd/-

(Panote Kumaran)

Dy. Director General of Shipping

DIRECTOR GENERAL OF SHIPPING

Authorised by EAC BRANCH

ENG/EXAM-17(9)/99

EACQM : 0751

DyNA / DyCS with the Govt. of India

NT / ENG CIRCULAR NO. 4

ISSUE No.00

Date : 16th June 2006

Subject: Verification of documents of seafarers

It has come to the notice of the Directorate that inspite of taking all preventive measures a few cases have been detected of persons obtaining employment in ships with fraudulent certificate of competency and other documents.

As per STCW 95, under the Regulation I/14 it is required that the Company shall ensure that each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the present Convention. Similarly as per the ISM Code, it is the responsibility of the Company to ensure by careful scrutiny of all related documents that each ship is manned with qualified, certificated and medically fit seafarers.

In view of the above all Shipping Companies, Recruitment and Placement Services and Agencies are advised to ensure that all documents of the seafarers are verified for their authenticity and validity prior to the seafarer joining any of their vessels.

Non-compliance of this circular will attract penal provision under M.S. Act and rules framed thereunder.

This issue with the approval of Chief Examiner of Engineers & Master and Mates.

Sd/-

(D.Mehrotra)

Dy. Chief Surveyor cum Sr.DDG(Tech)

Training Circular No. 10 of 2006

No:21-TR(4)/2006

Dated: August 4, 2006

A consolidated review of the authorized intake strength for various courses undertaken in the Directorate has revealed that sufficient intake capacity has been created in Nautical and Engineering pre-sea courses, for producing marine

officers and ratings. There is a need now to focus on improvement of the quality of the courses started and to direct effort to increasing and improving academic inputs and creating more avenues for sea-time training of candidates passing pre-sea courses proportionate to pre-sea intake. A Committee has been constituted by the Government of India to review marine training systems in regard to quality and intake.

Therefore, until such time the recommendations of this Committee are considered by Government, it is intimated to all concerned that no new applications for new institutes / courses / additional intake of students in marine colleges for officers or ratings be sent to the Directorate.

This order comes into immediate effect and issues with the approval of the Director-General of Shipping & ex-officio Additional Secretary with the Government of India.

Sd/-
(PH. Krishnan)
Dy. Director General of Shipping

N.T. BRANCH CIRCULAR No: NT/ISPS/SHIP/06/2006

No. 44-NT(4)/Ship/2003-III

Dated :4th Aug 2006

Subject : Instructions to ship owners on ISPS verification audits for foreign going and coastal vessels

The following procedure is to be adopted by all ship owners of Indian registered foreign going and coastal vessels for the conduct of all Interim/ Initial/ Renewal/ Intermediate/ Additional/ Follow up verification audits under the ISPS Code with immediate effect:

1. Requests shall be submitted by the ship owner/ manager directly to the Recognized Security Organisation (Indian Register of Shipping), Powai, Mumbai, requesting for the relevant verification audit, giving at least 3 working days notice in the form of a fax giving the name of the vessel, name of the company, name of port where verification is to be carried out, likely date of verification addressed to:

Mr. I.N. Bose, Vice President (Statutory Services) / Mr. Amit Bhatnagar, Surveyor In Charge (ISPS Cell), Indian Register of Shipping, Mumbai. Fax no: 91 22 25703611 OR e-mail to: inbose@irclass.org/ _amit.bhatnagar@irclass.org/ ho@irclass.org

2. Upon receipt of such requests, the Indian Register of Shipping shall inform the Principal Officer of the concerned Mercantile Marine Department if the ship is in India, the Directorate General of Shipping and the ship owners/ managers. If the ship is outside India, the Indian Register of Shipping shall inform the Directorate General of Shipping and the ship owners/ managers.

3. The requested audit shall be conducted by the surveyors of the Indian Register of Shipping and/ or surveyors of the Mercantile Marine Department as applicable and the report forwarded to the Directorate.

Sd/-
(Capt. V. Baijal)
Dy. Nautical Adviser to the Govt. of India-cum-
Sr. Dy. Director General (Technical)

Training Circular No.11 of 2006

No:21-TR(4)/2006

Dated: August 4, 2006

Subject: Diploma in Nautical Science - One year pre-sea course

In continuation of Circular No. 9 of 2006 and in pursuance of representations from various Institutes conducting Diploma in Nautical Science ? One year pre-sea courses, it is hereby ordered that the last date for submission of category-wise list of candidates selected, application forms and remittance of fees for the ?Institute sponsored candidates? stands extended to 1600 hours of 14th August 2006, subject to the condition that no relaxation whatsoever shall be allowed in terms of attendance of the cadets. No candidates, in respect of whom the above formalities are not completed by the stipulated time and date shall be entertained for admission into the course for the August 2006 batch and in case the candidature of any such enrolled candidates is disallowed later by the IGNOU at the risk and responsibility of the Institutes concerned, whose decision shall be final and binding in this respect, the whole fees paid by such candidates shall be refunded in full by the Institutes concerned.

Yours faithfully,
Sd/-
(PH. Krishnan)
Dy. Director General of Shipping

Shipping Development Circular No.3 of 2006

NO: SD-9/CHRT(82)/97-III

Dated 8th August, 2006

Sub: S.D.Circular No.3/2006 - Clarification regarding

MEMORANDUM

This Directorate has been receiving inquiries /correspondences seeking clarifications on SD Circulars No 3/2006 issued by this Directorate regarding Procedure for issue of licence to Indian & Chartered Foreign Flag Vessels. It is clarified that Circular no. 3 of 2006 intends to systematize and to elaborate the existing procedure for the issue of Licences under Section 406 & Section 407 of the M S Act 1958 to Indian & Chartered Foreign Flag Vessels.

Circular no. 3 of 2006 has not been issued in super-session of any of the earlier circulars issued by this Directorate. Provisions in the earlier circulars relating to age restrictions etc. remain fully in force. As such it requires to be read in continuation of them.

Sd/-

(S.G.Bhandare)

Asstt. Director General of Shipping

(Contd. from page 11)

terrorism, and was instrumental, for example, in setting up the Regional Cooperation Agreement against Piracy and Armed Robbery at Sea (ReCAAP).

In recent years many Southeast Asian governments have assumed an active role in cracking down on piracy within their jurisdiction. It is believed that Indonesia, Malaysia and Singapore agencies have increased their cooperation in combating maritime piracy. The littoral states have launched a coordinated patrol scheme and conducted joint air patrols over the Straits of Malacca. This was launched in September 2005 and became known as the "Eyes in the Sky" program. The US which has interests has pledged to help Indonesia develop a radar system in the Straits which is one of the world's busiest sea passages.

"The radar system is expected to help improve our capability so that we can cooperate more effectively with the Singaporean and Malaysian navies to secure the straits," Defense Minister Juwono Sudarsono said after a meeting with US Navy Chief of Staff Admiral Michael G Mullen in Jakarta on Wednesday. He said the technical assistance offered by the US was very important in view of the fact that the 500-mile straits was the world's busiest sea lane as around 90 percent of world trade routinely passed through it. Besides radar system, Juwono said Indonesia also needed swift patrol boats with appropriate radar capability to equal Malaysia and Singaporean capability in securing the strait.

Indonesia at present has 124 patrol boats but 40 percent of them are not functional

because of equipment and spare part problems. To empower the economy of people living on outermost small islands, the Indonesian Navy has launched a mobile market. The Navy boats and ships will move from one island to the other carrying staple food aid needed by the local people and made available at more reasonable prices.

The people living in border areas like Riau islands normally obtain their daily needs from neighboring countries like Malaysia and Singapore at lower prices. This condition prevailed as a result of price differences and the difficulty of getting food and other commodities from Indonesia.

However, Batemen said, international or trilateral cooperation forged by countries involved still remain 'bogged down' by the divergent interests of the different stakeholders. "It is essential that an appropriate diplomatic and technical structure be established to facilitate the identification of necessary cooperative measures and agreement upon them," he added.

It is possible the down trend in piracy cases will be reversed and more people will fall victim and more property will be lost if nothing is done to empower people living in poor and remote areas.

Readers' valued feedback very important to us. Please be free to e-mail:

seafarersman@indiatimes.com
seafarersman@hotmail.com

You don't have to be a "Writer", all you need to be yourself and pour out your thoughts on Seafarers and their life and work out at sea.

Too many systems spoil good intentions:

Since the early 1980s the integrated bridge system has become ubiquitous on board all sorts of ships throughout the world fleet. Yet, despite the accuracy of these sophisticated satellite navigation systems, integrated electronic charts and radars where vector-tracking systems can warn watchkeepers hours in advance of potential peril, there are still an inordinate number of groundings and collisions. According to the Salvage Association (SA) annual report of operations last year saw an increase in the number of groundings in the Suez Canal and the Sea of Marmara, while the usual presumably high number of collisions occurred around the Korean coast.

The SA's surveyor in Lisbon, Tom Wilson, is 'astonished' that in this age of super-advanced technology ships continue to both run aground and collide. That no legislation has yet been introduced to verify levels of Ecdis electronic chart display and information systems training and competency, which would undoubtedly reduce further the scope for 'human error', is perhaps more astounding. 'Problems arise,' says Kongsberg's oystein Andreassen, 'when the bridge becomes 'loaded' with additional systems.'

'Some of the new systems support older systems, some overlap and some are completely new. In this respect the overlapping systems may be the most demanding as there is a risk that similar systems give different interpretations of

the same [chart] data.'With this in mind the most advanced bridges require navigators that have been trained to take full advantage of the installation.'The problem is how the information is interpreted and how the navigator maintains his traditional watch, which still means keeping 'eyes peeled'. Another concern is the consequent effect of the shipbuilding boom in the Far East, which is seeing a plethora of 'new' officers from countries that have not traditionally supplied officers the Philippines, even China is now supplying ships' officers.

'The skill level of many of the people going to sea nowadays is perhaps not as it once was and of course the sophistication of the equipment has increased,' says Mr Andreassen.'But equipment familiarisation for a new officer going on board is still expected to be immediate.'Most get a 'cascade' style of training which relies only on the information from the onboard crew and, like a game of Chinese whispers, some of that information may be missing or open to wrong interpretation or both.' Malcolm Tidley, Sperry Marine's director of customer service programmes for Europe, says Sperry views training as a crucial element in partnership with the suppliers of the equipment.

Younger crew, without the experience, may be more dependent on the equipment rather than traditional watchkeeping methods. However, there has been little or no research into whether over-reliance on chart systems, automatic track control, satellite positioning and other automatic devices

is a problem, although the industry is becoming much more aware of potential shortcomings.

Classification societies and the International Maritime Organization have changed their rules and require duplicated or redundant system solutions or alternative manual back up systems, while shipowners and navigators are now introducing IBS and Ecdis manufacturers' training programmes and procedures that will help towards greater crew awareness in the event of a malfunction and safeguard against human error.

Meanwhile, some flag states are implementing their own initiatives. The Paris Memorandum of Understanding, for instance, advises its port state control officers to make a number of checks, seven in all, if ships are using Ecdis in the ENC, or electronic navigation chart, mode. These include whether there are written procedures aboard the vessel for using Ecdis, whether the master and deck watchkeeping officers are able to produce appropriate documentation that generic and type-specific Ecdis familiarisation has been undertaken and whether the ENC used for the intended voyage is the latest edition used by an authorised hydrographic office and conforms with the transfer standard for digital hydrographic data (S-57).

'It is a very interesting document,' says Mr Tidley. 'This is the first statement we have seen that says, 'You really should have something on board to say that navigational officers are trained in correct

use [of Ecdis]'.
'But, again, this is not mandatory, only a recommendation. I believe Australia is also very close to saying there should be legislative requirements.'

The International Maritime Organization, it seems, is moving in the right direction. In January, at the 37th session of the sub-committee on Standards of Training and Watchkeeping, it was decided that a comprehensive review of the STCW code was needed to ensure that the convention met the new challenges facing the shipping industry, including, but not limited to, rapid technological advances in the years to come. At the 81st session of the MSC in May, proposals for the development of Ecdis training and familiarisation were discussed. And at the time of writing the 52nd session sub-committee on Safety of Navigation was gearing up to propose amendments to Ecdis performance standards and to evaluate the use of Ecdis and ENC development.

The industry will obtain a greater understanding of IMO's commitment to legislating for Ecdis training next January when the sub-committee on Standards of Training and Watchkeeping meets to review the STCW convention once more.'Training will be discussed and part of that will be Ecdis training,' said an IMO spokesman.

Company bridges gap in maritime security:

Robert Lyness pulled back slowly on the throttle, easing the boat from a brisk skip over the waves to an impulse crawl as he rounded the tip of the Charleston peninsula Thursday morning. He looked east to a black square on the horizon just north of Fort Sumter. "There's my second home," he said.

The square was an Egyptian freighter named the Edco, which has been detained in Charleston's harbor under court order. None of the Edco's 29 crew members has a U.S. visa, so a private security company was hired by a local shipping agency to staff the ship 'round the clock and make sure none of the crewmen tries to get to shore. The agency was ordered by the federal government to secure the ship.

Lyness is one of the security officers working 12-hour shifts on the Edco. He is a supervisor for VIP Services, a security company that has offices in West Ashley and Orangeburg."When

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they called us, they told us it was going to be three days," VIP owner Tommy S. Vickers said. "That was three weeks ago. It's the nightmare that won't go away."

A judge ordered the Edco to stay put as part of a lawsuit filed by Grand Max Marine Limited of Hong Kong, which had contracted with the Edco's sister ship, the Edco Star. The suit was filed after the Edco Star was ruled unseaworthy in May while at the Suez Canal, the man-made shipping lane that connects the Mediterranean and Red seas. The ruling upset Grand Max Marine's flow of commerce and cost the company millions of dollars, according to the complaint.

VIP Services regularly provides port security to shipping companies in Charleston and is trying to break into the maritime security industry in Georgetown as well, Vickers said. It might be the only private company in South Carolina with its own patrol boat, Vickers said. Vickers started the company 13 years ago to provide special-event security and bodyguard service to celebrities when they come to town. VIP has since expanded to 25 employees and sometimes uses as many as 60, he said. VIP got into maritime security in 2000, when a ship coming into the Port of Charleston carried a former Croatian rebel who was not cleared to enter the United States, Vickers said. VIP provided the man an armed escort from the boat to the port, to a hotel, to the Atlanta airport and onto a plane headed for eastern Europe, Vickers said.

Today, VIP regularly takes people who are not cleared to enter the country from boats in the harbor and provides security during the deportation process, Vickers said. A couple of years ago, the company's personnel spent two weeks in a hotel with 10 Russian sailors who came into port but did not have proper paperwork to be in the United States. They also escorted several African stowaways a few weeks ago from a ship to the Atlanta airport for deportation, Vickers said. The future of VIP probably will be to provide more water-borne security via its patrol boat, Vickers said. Although the South Carolina State Ports Authority has its own police force, and though the federal government has some jurisdiction over shipping, those agencies can't handle everything. For example, the ports authority did not have the resources to man the Edco with armed guards 'round the clock, Vickers said. Lyness said VIP's main mission

onboard Edco is to keep anyone from getting on who does not have clearance, and to keep anyone from getting off. Despite the 12-hour shifts, Lyness called it "a fun job."

"Our biggest concern right now is getting these guys fresh food and water," he said. The 29 Egyptians onboard are very friendly, Lyness said. "They're a really good bunch of guys." Lyness was part of the Army's initial invasion force of Iraq in 2003 and is familiar with Arab culture. "They're misunderstood by the West," he said. The Edco could be gone by today, according to Vickers and a representative from Lucas and Brown, the local shipping agency overseeing the Edco.

'Creek-Hawks' found them with China-made VHF Wireless Set: BSF rounds up 6

Pak 'fishermen': IT is called a 'creek hawk' by the security agencies. But on Thursday, the 48th battalion of the Border Security Force proved it was a sea hawk. For, in a special operation, the BSF men ventured into the treacherous creek area, comprising the disputed Sir Creek which forms the maritime border with Pakistan. They went out to verify intelligence reports of Pakistanis entering the Indian side of the ocean. The operation was a success for the BSF nabbed six Pakistanis who claimed to be fishermen. However, the BSF also found the men in possession of a Chinese-made sophisticated VHF wireless set, never before carried by fishermen. Four of them did not possess any identity card. All the six were being sent for interrogation, the BSF said. The creek area is prohibited for fishing and shipping from May to August because of rough monsoon months and breeding of a variety of fish in the area. A senior BSF official said, "After the recent serial bomb blasts in Mumbai, we had tightened our border security. But on Thursday we were on a special task as we had reports of Pakistanis coming into and going out of our waters in the creek areas. While returning from the Sir Creek area we found a Pakistani boat at the Peer Sinai creek. It tried to escape but we surrounded the. They were 5 km inside Indian waters. There were six Pakistani fishermen aboard it." The six men have been handed over to the Koteshwar police and will be brought to Bhuj to be lodged at the Joint Interrogation Centre (JIC) for interrogation by various central and state security and intelligence

agencies. Preliminary investigation by the BSF throws suspicion on the claim made by the men that they are fisherfolk.

Says the BSF officer: "The men had been in Indian waters in the creek area for six days, and that too in very rough weather. When the sea is this choppy, even the better equipped Water Wing of the BSF dare not enter the treacherous creek area. Also, the men had a sophisticated VHF wireless set of Chinese make." The officer wondered how fishermen could be carrying such equipment. "Never in the past has any Pakistani fisherman had been caught with such sophisticated gadget," he added. While two of the fishermen are aged 50, the rest are in the 20-30 age group. All claim to belong to the Jangisar village of Thatha district of Sind province of Pakistan. The BSF officer said one of the men, Jumman Ahmed was seen throwing a battery from the wireless set into the sea before being surrounded and had then claimed that the set did not work. He said the men could not offer convincing explanations as to why it was in their possession. The officer said Jumman kept changing his statements and had good knowledge of Pakistani security agencies. The names of the other five men are Mohamed Hasan, Ahmed Ahmed Hasan, Farookh Achar, Umar Achar and Maman.

Tipping the balance: A DECISION of the Australian federal court in December last year may further tip the balance in favour of cargo interests on cargo claims litigated in Australia, according to Ebsworth & Ebsworth partner Joe Hurley.

The court found two carriers liable for corrosion damage to two cargoes of coiled steel sheet caused by condensation in the holds on voyages from Japan to Australia. It said there was a high probability that, as the vessels had travelled from the Japanese winter across the equator to Australia, conditions for condensation would be created in the holds during the course of the voyages if free water was not eliminated or if moist air was introduced into the holds.

While there was evidence that the shipper had knowledge that the vessels did not contain dehumidifying systems, the court determined that the vessels were nonetheless unseaworthy by reason of the shipowner's failure to install these systems within the holds for

(contd. on page 18)

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:: STCW COURSE SCHEDULE FROM JANUARY 2006 TO JUNE 2007 ::

S.NO	COURSES & DURATION	DETAILS OF COURSE
1.	B. E. MARINE ENGINEERING COURSE (DGS APPROVED) 4 yrs	IN COLLABORATION WITH BIRLA INSTITUTE OF TECHNOLOGY, RANCHI. COURSE COMMENCES IN JULY EVERY YEAR
2.	B.Sc. NAUTICAL SCIENCE COURSE (DGS APPROVED) 3 yrs	IN COLLABORATION WITH . BIRLA INSTITUTE OF TECHNOLOGY, RANCHI.COURSE COMMENCES IN JULY EVERY YEAR
3.	GRADUATE MECHANICAL ENGINEER COURSE (DGS APPROVED) 1 yr	COURSE COMMENCES IN OCTOBER EVERY YEARFOR B.E. MECHANICAL ENGINEERING GRADUATES ONLY
4. 5.	HIGHER NATIONAL DIPLOMA (HND) IN MARINE ENGINEERING(UK) 2 yrs. NAUTICAL SCIENCE (UK) 2 yrs	IN COLLABORATION WITH GLASGOW COLLEGE OF NAUTICAL STUDIES, U.K. COURSES COMMENCE IN MID - SEPTEMBER, BOTH FOR ENGINE AND DECK CADETS. FIRST YEAR AT AMET, SECOND AT GLASGOW. ENABLES CADETS TO APPEAR FOR UK CERTIFICATE OF COMPETENCY AFTER REQUISITE SEA TIME.
6.	M. B.A. IN SHIPPING AND PORT MANAGEMENT (A FULL TIME MBA PROGRAMME) 2 yrs	IN COLLABORATION WITH BIRLA INSTITUTE OF TECHNOLOGY, RANCHI. COURSE COMMENCES IN AUGUST EVERY YEAR.
7.	ELECTRO-TECHNICAL OFFICERS COURSE (ETO) 6 months	IN COLLABORATION WITH INDIAN INSTITUTE OF TECHNOLOGY (IIT) MADRAS COMMENCEMENT DATES WILL BE ANNOUNCED
8.	DIPLOMA IN SHIPPING COURSEPART TIME (EVENING) 6 mths	COVERING A NEED BASED AND EXTENSIVE SYLLABUS DESIGNED BY EXPERTS OFFERING EXCELLENT OPPORTUNITY TO ACQUIRE / ENHANCE SHIPPING KNOWLEDGE FOR EMPLOYMENT IN THE SHIPPING INDUSTRY.COURSE COMMENCED 10 JAN 05. ADMISSION OPEN
9.	CERTIFICATE PROGRAMMES 3 months-	TO ENABLE AND GET SUITABLE EMPLOYMENT IN SHIPPING COMPANIES AND SHIPPING OFFICES ASHORE.COURSE COMMENCED 10 JAN 05. ADMISSION OPEN.
	<ul style="list-style-type: none"> ● LINER TRADE, MULTI-MODAL TRANSPORT AND LOGISTICS. ● CLEARING, FORWARDING AND DOCUMENTATION. ● SHIP BROKING AND CHARTERING. ● SHIP AGENCY & PORT AGENCY AND STEVEDORING 	
10.	<ul style="list-style-type: none"> ● DIPLOMA IN MARITIME STUDIES (DMS). ● DIPLOMA IN NAUTICAL SCIENCE (DNS). ● DIPLOMA IN SHIPPING & MARITIME TRANSPORTATION (DSMT) 	IN COLLABORATION WITH SINGAPORE MARITIME ACADEMY (SMA).DURATION AND COMMENCEMENT DETAILS WILL BE ANNOUNCED SHORTLY.

S.NO	STCW COURSES - DURATION	COURSE DATES	FEES			
			NON-RES	RES.		
11.	GMDSS(DGS APPROVED) 16 days	19/08	04/09, 16/09 03/10, 14/10	06/11, 17/11 04/12, 15/12	RS.10,000	Rs.12,000
12.	GMDSS(MCA, UK APPROVED) 12 days	21/08, 29/08	18/09, 26/09 16/10, 25/10	20/11, 27/11 18/12, 26/12	Rs.17,000	Rs.19,000
13.	SPECIALISED TANKER SAFETY COURSE (DGS APPROVED) 11 days	22/08, 23/08	05/09 - 16/09 03/10 - 14/10	01/11 - 12/11 05/12 - 16/12	Rs.5,000	Rs.6,800
14.	SPECIALISED TANKER SAFETY UPGRADATION COUSE (DGS APPROVED) 2 days	22/08, 23/08	26/09 - 27/09 24/10 - 25/10	21/11 - 22/11 26/12 - 27/12	Rs.1,200	Rs.1,500
15.	PROFICIENCY IN SURVIVAL CRAFT AND RESCUE BOATS(DGS APPROVED) 5 days		12/09 - 16/09 10/10 - 14/10	07/11 - 11/11 12/12 - 16/12	Rs.3,600	Rs.4,350
16.	OIL TANKER FAMILIARISATION COURSE (DGS APPROVED) (OTFC) 5 DAYS	19/08, 23/08	19/09 - 23/09 17/10- 21/10	14/11- 18/11 19/12- 23/12	Rs.2,500	Rs.3,250
17.	MEDICARE COURSE (DGS APPROVED) 10 days		19/09 - 29/09	14/11- 24/11	Rs.5,000	Rs.6,650
18.	MEDICAL FIRST AID COURSE (DGS APPROVED) (MFAC) 4 days	16/08 - 19/08	17/10- 20/10	19/12 - 22/12	Rs.2,500	Rs.3,100
19.	FIRE PREVENTION AND FIRE FIGHTING COURSE (DGS APPROVED) (FPFF) 3 days	15/08, 17/08	05/09 - 07/09 19/09 - 21/09 03/10 - 05/10 17/10 - 19/10	07/11 - 09/11 21/11 - 23/11 05/12 - 07/12 19/12 - 21/12	Rs.1,850	Rs.2,300
20.	PERSONAL SURVIVAL TECHNIQUES COURSE (DGS APPROVED) (PST) 3 days	18/08, 20/08	08/09 - 10/09 22/09 - 24/09 06/10 - 08/10 20/10 - 22/10	10/11 - 12/11 24/11 - 26/11 08/12 - 10/12 22/12 - 24/12	Rs.1,500	Rs.1,950
21.	PERSONAL SAFETY AND SOCIAL RESPONSIBILITIES COURSE (DGS APPROVED) (PSSR) 3 days	08/08, 10/08 22/08, 24/08	12/09 - 14/09 26/09 - 28/09 10/10 - 12/10 24/10 - 26/10	14/11 - 16/11 28/11 - 30/11 12/12 - 14/12 26/12 - 28/12	Rs.1,000	Rs.1,450
22.	ELEMENTARY FIRST AID COURSE (DGS APPROVED) (EFA) 2 days	11/08, 12/08 25/08, 26/08	15/09 - 16/09 29/09 - 30/09 14/10 - 15/10 27/10 - 28/10	17/11 - 18/11 01/11 - 03/12 15/12 - 16/12 29/12 - 30/12	Rs.625	Rs.925

N.B. 1. ALL CANDIDATES MUST PRODUCE A MEDICAL CERTIFICATE VIDE MEDICAL EXAMINATION (SEAFARERS) CONVENTION 73 UNDER ILO CONVENTION 147. IN THE ORIGINAL, PLUS ONE COPY. ORIGINAL WILL BE SIGHTED, COPY WILL BE RETAINED. 2. ONE COPY OF COC / COP IS REQUIRED. 3. PASSPORT SIZE PHOTOGRAPHS REQUIRED : TWO FOR GMDSS(U.K), THREE FOR GMDSS (IND) AND ONE FOR ALL OTHER STCW COURSES . 4. BOOKING WILL BE MADE ONLY ON PAYMENT OF FEES. DEMAND DRAFT MAY BE SENT IN FAVOUR OF DIRECTOR, AMET, PAYABLE AT CHENNAI. CHEQUES NOT ACCEPTED. CASH ACCEPTED. 5. BOILER SUIT (OVERALL) IS REQUIRED FOR PSC&RB, PST AND FPFF COURSES.

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the voyages in question.

Writing in the latest issue of *The Charterer*, the newsletter of the Charterers P&I Club, Joe Hurley says, "This decision, if affirmed on appeal, further tips the balance in favour of cargo interests in cargo claims litigated in Australia.

"Prior to this decision, the question of whether the carrier had met its obligations under Hague-Visby was assessed by reference to the vessel's current structure ... This decision places a positive obligation on carriers to actively modify their vessels, even when these modifications or capabilities were not requested by the cargo interests. This obligation raises difficulties for many carriers since they may operate in areas where it is difficult to source the necessary equipment such as dehumidifying systems and the personnel who are trained to use them.

"Further, it also appears that carriers may need to obtain more specifics of cargo to be carried, as well as the mode and type of packaging ... It follows that the clausing of bills and mates' receipts must be sufficiently strong to at least raise the bar for any would-be claimant.

Rail liability: THE federal court of Canada has issued an important decision dealing with a shipper's direct right of action against railways in Canada (*Boutique Jacob v Pantainer*). Reporting the decision in its latest *TT Talk* newsletter, the *TT Club* says the ruling may have significant implications for ocean carriers.

Boutique Jacob had contracted with *Pantainer* for the carriage of a containerload of fashion goods from Hong Kong to Canada. *Pantainer* subcontracted the door-to-door carriage to *OOCL*, which issued its own through bill of lading. When the container arrived at Vancouver, *OOCL* handed it over to *Canadian Pacific* for rail haulage and final delivery in Montreal under the terms of a contract which included limits on the railroad's liability. The train carrying the container derailed and the cargo was badly damaged. *Jacob* sued all three companies.

The court held that *Pantainer* could limit its liability under the terms of its bill of lading, as could *OOCL*, but decided that the railroad could neither limit its liability under the terms of its contract, nor could it benefit from the Himalaya clause in

either *Pantainer's* or *OOCL's* bills of lading.

The reason for this was that, in Canada, railway companies as common carriers are subject to a statutory liability regime, with a minimum duty of care set down in the *Transportation Act 1996* subject to certain liability exemptions. According to the act, this liability regime can ONLY be amended by express consent, i.e., by written agreement with the immediate contracting party. As such, the court held that, under the terms of the act, the amended liability regime only affected the parties to the contract, that is *Canadian Pacific* and its customer, *OOCL*.

The agreement / contract could not affect the rights of the third parties, such as *Boutique Jacob*, who could still benefit from the statutory scheme. The court also pointed out that to allow the application of the Himalaya clause in favour of the railway company would "defeat the purpose" of the act and "would make no sense".

The decision means that the legal position in Canada is different from that in the United States, where the Supreme Court held in 2004 (in *Kirby v Norfolk & Southern*) that, in very similar circumstances, the railroad could rely on the Himalaya clause in the *NVOC's* bill of lading. There is no equivalent in the US of the statutory liability regime for railroads under the *Canadian Transportation Act*.

It is understood that the railroad is appealing the decision.

Malta awaits new shipping

laws: THREE new pieces of legislation affecting shipping are being promulgated in Malta.

Parliament is currently considering a draft act to incorporate the Convention on the Contract for the International Carriage of Goods by Road. This development has been long awaited in Malta, whose failure to adopt the convention has, at times, caused difficulties for both importers and exporters, given that an increasing amount of Malta's imported goods now reach the country on trailers by means of door-to-door transportation. The terms of consignment notes have often produced conflicting judgments, particularly when they seek to incorporate the limitations contained in the convention, because Maltese law does not recognise the notion of

limitation of liability.

The Maltese parliament is also considering a bill to amend the Code of Organisation and Civil Procedure. So far as transportation is concerned, it is hoped that the final draft of the bill will contain sections relating to the arrest of ships and in rem jurisdiction, as well as court-approved sales.

Finally, a new law on ship agency is expected to enter force this year. Until now, the rights, obligations and duties of shipping agents in Malta have been spread over several pieces of legislation. The new law is expected to draw them all together.

For more information, contributed to the International Law Office website by Ann Fenech of Fenech & Fenech Advocates, go to:

The cost of war: SHIPPING is currently playing a big part in evacuating people from Lebanon. But what price war risks cover? Last week, in the latest issue of its 'Scuttlebutt' newsletter, *HSBC Insurance Brokers* said it was seeing war risk premiums for vessels calling at Beirut of sixty times the market norm, with the call limited to 24 hours. Underwriters also expect safe passage to have been arranged with the Israeli and Lebanese governments through the UN, by the country whose citizens are being evacuated.

HSBC also ponders what effect the conflict might have on the marine market if there were to be a broadening or prolonging of hostilities, "since, in most cases, war risks are underwritten as part of the hull book.

Taxing bunkers: REINSTATEMENT of the Oil Spill Liability Tax in the United States is going to result in an increase in some bunker prices. This federal tax, which equates to \$0.05 per barrel, was introduced in 1981, but has not been in effect for the past twelve years.

But *Chemoil Corporation* reports, "Unfortunately, we now find ourselves in a position where this tax must be added to all bunker deliveries made in the United States. This tax will apply to deliveries in Houston, Los Angeles, and New York starting August 1, 2006, and will be added to bunker invoices for all ex-wharf or pipeline sales."

The master's role: THE theme of this year's 'The Mariner and the Maritime Law' seminar, organised by the Nautical

Institute North-East Branch in the UK, is 'Collisions - Controlling the Chaos: The Master's Role'.

The seminar is being held at The Hilton Newcastle Gateshead from November 10 to 11. It will examine the position of the master in the aftermath of a collision, and will feature contributions from a variety of sectors within the maritime industry, including a look at criminal and civil liabilities for marine casualties by Tom Macy-Dare, of Quadrant Chambers.

People & Places: THE North of England P&I Association has further expanded its UK-based claims team and its FD&D team with four senior-level appointments drawn from the shipping insurance and legal sectors.

Stephen Pennicott has joined the club as a senior claims executive from The American Club's London liaison office. Ian Gilchrist, who has also been appointed as a senior claims executive, was previously an associate in the shipping and international trade department of Eversheds. Chris Metcalf has joined the FD&D department as a solicitor from Clyde & Co. And Steven Cockburn has been appointed a solicitor in the FD&D department, having joined from Barlow Lyde and Gilbert.

World's largest containership launched by Maersk: A CHRISTENING ceremony was recently held for the world's largest containership, the 11,000-TEU Emma Maersk. The newbuild was constructed at the Odense Steel Shipyard in Denmark for the AP Moller-Maersk Group, where she was named after former company head Maersk Mc-Kinney Moller's late wife, Emma, who passed away last year. Following delivery and sea-trials, the Emma Maersk is expected to begin service in the next several weeks. The mega vessel boasts a 14-cylinder diesel engine and 110,000 BHP. Emma is also covered with special silicone paint on her hull to reduce drag, which in turn is expected to help her reduce fuel consumption by some 1,200 tonnes per year.

Chinese shipyard orders engines from Hyundai Heavy: HYUNDAI Heavy Industries (HHI) has signed a US\$110 million agreement to supply Shanghai Shipyard & Chengxi Shipyard with nine sets of marine propulsion engines and 68 diesel

generating sets. The equipment will be installed in an unspecified number of 3,500-TEU container ships belonging to German shipowners. The engines will be delivered from April 2007 to July 2009. A statement from HHI said that this is the largest engine order it has ever received from a Chinese shipyard since it first started producing the engines back in 1979. "This is one of our success stories, achieved through our solid relationship with Chinese shipyards and shipowners' confidence in quality and performance of HHI-built marine engines," said a spokesperson from HHI's Engine & Machinery Division. Including this order, HHI's Engine & Machinery Division has so far supplied the Chinese yard with 22 sets of main propulsion engines and 128 diesel-generating engines, the company release added.

Fuel, rates drive NOL group's first half net profit down 52pc:

SINGAPOREAN cargo transportation and logistics company NOL said that the group's net profit for the first half of 2006 fell by 52 per cent compared to the corresponding period last year to US\$187 million. The group posted a second quarter net profit, ending June 30, of \$67 million, down 66 per cent year-on-year. The results show that during the first six months of the calendar year, NOL's revenue rose by one per cent to \$3.52 billion, while the group's core earnings before interest and tax (EBIT) dropped by 47 per cent over the same period last year to \$227 million, down from \$426 million in 2005. "After record financial performances in the past three years, we are now in a more challenging business environment, which is reflected in reduced earnings for the first half of 2006," said NOL chairman Cheng Wai Keung. "Business conditions for both our liner and logistics segments have become more difficult."

Second quarter revenue dropped three per cent compared to the same quarter in 2005 to \$1.64 billion, while core EBIT declined 60 per cent to \$84 million.

David Lim, NOL group president and CEO, said: "While demand for our services remains strong across most trades, continued higher fuel costs and a softening of rates in some trades have impacted earnings - particularly when compared with the performances of 2003 to 2005. In the second quarter we continued to see growth in volumes but the revenues of both the liner and logistics businesses declined slightly in the

quarter." A breakdown of the group's individual business segments indicates that average revenues per FEU for NOL's liner division, APL, in the first half of the year were \$2,650, down four per cent compared to the previous year, a group statement said. Container volumes, however, were five per cent higher than a year before at 1.01 million FEU, with headhaul capacity increasing by eight per cent. First half core EBIT for APL was \$194 million, down 52 per cent from the same period in 2005. Core EBIT in the second quarter was US\$71 million, 65 per cent lower than in the comparable period a year ago.

"We continue to manage our business mix to ensure we carry cargo which provides the maximum yield," said Ron Widdows, CEO of APL.

In the second quarter, total costs per FEU rose three per cent, due mainly to the impact of fuel prices, which the company said were \$60 million higher than in the corresponding prior year period. Excluding the impact of fuel, costs per FEU in the second quarter were down two per cent year-on-year. Meanwhile, APL Logistics' revenues for the first six months of the year rose four per cent over the comparable period last year to US\$636 million. The contract logistics services line of business posted revenue growth of four per cent over 2005 and international services revenues were three per cent higher year-on-year. The strongest revenue contribution came from the Asia and Middle East regions.

Looking ahead, NOL expects the challenging market conditions experienced in the first half to continue in the second half of the year, particularly with regard to the liner industry owing to the high price of fuel and uncertainties over freight rates.

'Safety at sea begins with good design':

AFTER a decade characterised by change, the Royal Institution of Naval Architects can be satisfied at its transformation into a truly international body, but chief executive Trevor Blakeley is not content for the august organisation to rest on its laurels.

The dramatic knock-on effects of BP's Prudhoe

shutdown: When BP announced a shutdown of production at Prudhoe Bay oilfield in Alaska, the impact was not just

(contd. on page 22)

Major achievements of IMO since 1992 in the context of Agenda 21

When world leaders met at the Johannesburg Summit 2002 – the United Nations' World Summit on Sustainable Development (WSSD) – IMO was there to report on its role in the integration of environment, development and policy making as part of its work in achieving maritime safety and the prevention of marine pollution by ships. At the 1992 United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro, Brazil, also known as the 1992 Earth Summit, IMO was able to report significant progress on many issues relating to the environment and sustainable development. There remained much to be done, however, and Agenda 21, a global plan of action for sustainable development adopted by the Rio Conference, gave fresh impetus to IMO's activities in the maritime sector, especially in the area of prevention and control of marine pollution from ships. Some of the major achievements of IMO since 1992 in the context of Agenda 21 are outlined in this article.

Prevention of air pollution from ships: In 1997, IMO adopted a Protocol to amend MARPOL 73/78, adding a new Annex VI to the Convention entitled "Regulations for the Prevention of Air Pollution from Ships". The adoption of the Protocol is being followed up by further discussion on climate change gases, including carbon dioxide (CO₂), with the aim of developing technical measures to reduce their emissions. Discussions on air pollution from ships had actually begun at IMO in the late 1980s and the adoption of the Protocol marked the completion of several years of preparatory work. When it comes into force, MARPOL Annex VI will set limits on sulphur oxide and nitrogen oxide emissions from ship exhausts and prohibit deliberate emissions of ozone depleting substances. It has been ratified by five States as at 31 May 2002. IMO's Marine Environment Protection Committee (MEPC) has established an action programme to facilitate its entry into force including development of relevant implementation guidelines. An IMO climate gas study has been completed and the Organization decided in May 2000 to prohibit the use of perfluoro carbons (PFCs) onboard ships. PFCs have extremely long atmospheric lifetimes (in excess of 5000 years) and possess high global warming potential.

Harmful aquatic organisms in ships' ballast water: Ships' ballast water may contain harmful aquatic organisms which may settle as "harmful alien species" in new regions of the world, causing tremendous damage, either economically or in regard to the original biodiversity. IMO has adopted guidelines and conducted technical co-operation projects, to minimize the adverse effects of the introduction of harmful aquatic organisms through ships' ballast water. Since 1994, the MEPC has been developing mandatory regulations for the control and management of ships' ballast water and sediments. A Diplomatic Conference to adopt an international instrument is tentatively planned for late 2003.

Protection of special areas and particularly sensitive sea areas: The concept of the "special area" was introduced by IMO in 1973 under MARPOL Annexes I, II and V in order to provide additional mandatory measures for preventing marine pollution from ships in those areas. For example, under MARPOL Annex I, any discharge into the sea of oily mixture from ships shall be prohibited while in a "special area" unless a number of stringent conditions are met. The special areas established by IMO under MARPOL 73/78 are listed in table 1.

The International Conference on Tanker Safety and Pollution Prevention (TSP), convened by IMO in 1978, introduced the concept of "particularly sensitive sea areas" (PSSAs). PSSAs are areas deemed in special need of protection against marine pollution from shipping and dumping on account of the particular sensitivity of the areas in respect of their renewable resources. There are currently four designated PSSAs: The

Great Barrier Reef, Australia, was the first area to be designated a PSSA in 1990; Sabana-Camagüey Archipelago in Cuba was designated a PSSA in September 1997. Malpelo Island, Colombia and Around Florida Keys, United States, were designated in 2002. New guidelines for the identification and designation of "special areas" and "particularly sensitive sea areas" were adopted by IMO's 22nd Assembly in November 2001.

Ratification of MARPOL 73/78 in the Gulf Area: The countries in the Gulf Area, assisted by IMO, have established a politically binding project aiming at ratification of MARPOL 73/78 and providing adequate reception facilities in order for the area to be declared a functional "special area".

Oil and chemical pollution preparedness and response: Agenda 21 invited States to consider ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC Convention), which was adopted by IMO in 1990 in response to the necessity of preventing and minimizing enormous environmental consequences caused by major tanker accidents. It also invited IMO to consider possible extension of the OPRC Convention to cover chemical spill response. As a result, the 1990 OPRC Convention entered into force in 1995 and a protocol to extend the Convention to cover hazardous and noxious substances (HNS) – chemicals – was adopted in 2000.

Compensation for pollution damage caused by hazardous and noxious substances (HNS): The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (the HNS Convention) was adopted in 1996 and IMO's Legal Committee has been working to accelerate its entry into force. The Convention will make it possible for up to 250 million SDR (about US\$320 million) to be paid out in compensation to victims of accidents involving HNS. The HNS Convention has been ratified by two States as at 31 May 2002.

Safe carriage of irradiated nuclear fuel by sea: The Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (the INF Code) was adopted in 1993, and amendments to chapter VII of the International Convention for the Safety of Life at Sea (SOLAS), 1974, to make the Code mandatory were adopted in 1999. These amendments entered into force on 1 January 2001.

The INF Code stipulates that all ships carrying INF materials, regardless of size, should comply with relevant requirements concerning damage stability, fire protection, temperature control of cargo spaces, structural considerations, cargo securing arrangements, electric supplies, radiological protection equipment and management, training and shipboard emergency plan. This is the first international code prescribing such requirements.

Port State control: While the primary responsibility for implementing the regulations provided for in IMO conventions rests with the flag State, IMO also acknowledges the role of port State control (PSC) in promoting more effective implementation of all applicable standards for maritime safety and pollution prevention. Experience has shown that port State control can be extremely effective, especially if organized on a regional basis. Eight regional Memoranda of Understanding (MOUs) on port State control have been established, which have become effective tools to promote the implementation of IMO's treaty instruments on maritime safety and prevention of marine pollution. The MOUs now cover most of the world's oceans: Europe and the north Atlantic (Paris MOU, established 1982); Latin America (Acuerdo de Viña del Mar, 1992); Asia and the Pacific (Tokyo MOU, 1993); Caribbean (Caribbean MOU, 1996); the

Mediterranean (Mediterranean MOU, 1997); the Indian Ocean (Indian Ocean MOU, 1998); West and Central Africa (Abuja MOU, 1999); and the Black Sea region (Black Sea MOU, 2000).

Navigational safety and management of international straits: Agenda 21 requested IMO to promote navigational safety by adequate charting of coasts and ship routing as appropriate, and to address the matter of heavily used international straits with a view to ensuring compliance with generally accepted international regulations. The first ships' routing system (traffic separation scheme - TSS) was established in the Dover Strait, United Kingdom, in 1967 and IMO made observance of such schemes mandatory in 1971. IMO's responsibility for ships' routing is enshrined in SOLAS Chapter V, which recognizes the Organization as the only international body for establishing such systems. Several schemes including TSS, mandatory reporting systems, etc, have been adopted around the world over the years and since UNCED 1992, more measures have been taken with a view to enhancing maritime safety and preventing marine pollution. These include the adoption of new and amended traffic separation schemes, areas to be avoided, rules for navigating through the Straits of Malacca and Singapore and a partial system of archipelagic sea lanes in Indonesian archipelagic waters. A number of mandatory ship reporting systems have also been adopted since 1992, including in the Straits of Malacca and Singapore, the Torres Strait and the Inner Route of the Great Barrier Reef and the Systems for protecting North Atlantic right whales in sea areas off the north-eastern and south-eastern coasts of the United States.

Facilities in ports for the reception of wastes from ships: Agenda 21 invited States and IMO to assess the need for additional measures to address degradation of the marine environment by establishing port reception facilities for the collection of oil and chemical residues and garbage from ships, especially in MARPOL 73/78 "special areas".

MARPOL 73/78 sets out requirements for port reception facilities and all Parties to the Convention are obliged to provide reception facilities for ships calling at their ports. The requirement is especially necessary in "special areas" because of the vulnerability of these areas to pollution. The responsibility for providing reception facilities is a matter for individual Governments, and progress in this regard has not been satisfactory. To help the situation, IMO published the Comprehensive Manual on Port Reception Facilities in 1999, and Guidelines to Ensure the Adequacy of Reception Facilities in 2000. IMO has also organized an extensive programme of national and regional workshops in Asia, India and other countries.

Harmful effects of the use of anti-fouling paints for ships: Anti-fouling paints are used to coat the bottoms of ships to prevent sea life from attaching itself to the hull, thereby maintaining the economic speed of ships. The harmful effects of anti-fouling paints using tributyl tin (TBT) were first brought to the attention of IMO in 1988. By that time there was evidence that TBT compounds in anti-fouling paints for ships can pose substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms, especially in coastal waters. A number of countries began to adopt measures at national or regional levels to control the use of TBT compounds in anti-fouling paints. IMO's MEPC worked on the issue through the 1990s, eventually developing mandatory regulations to control harmful anti-fouling systems used on ships. In October 2001, IMO adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships, which will, when it enters into force, prohibit the use of harmful organotins in anti-fouling paints used on ships and will establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. Annex I of the Convention states that by an effective date of 1 January

2003, all ships shall not apply or re-apply organotins compounds which act as biocides in anti-fouling systems. By 1 January 2008 (effective date), ships either: (a) shall not bear such compounds on their hulls or external parts or surfaces; or (b) shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems.

Stricter pollution prevention from cargo ships (including bulk carriers): In 1997, IMO adopted a new SOLAS chapter XII on Additional safety measures for bulk carriers, as well as amendments to the enhanced programme of inspections for tankers and bulk carriers (resolution A.744(18) as amended). These measures are intended to reduce accidents and pollution.

In April 2001, IMO adopted a revised global timetable for accelerating the phase-out of single-hull oil tankers, intended to have a major impact in minimizing pollution by oil tankers. Single-hull tankers will be scrapped several years earlier than previously required and the phase-out years for single-hull oil tankers terminate at 2015. Tankers complying with relevant requirements of the revised regulation 13G of MARPOL Annex I may be allowed to continue operation until their anniversary date in 2017 or they reach 25 years of age, whichever is the earlier date.

Carriage of chemicals in bulk and in packaged form (Annex III): Agenda 21 Chapter 19 on *Environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products* has influenced IMO's work in its revision of Annexes II and III of MARPOL 73/78 dealing with the transport of chemicals in bulk and in packaged form, respectively. In particular, IMO has participated with other international bodies in the co-ordinated processes for harmonization of classification and labelling of chemicals. The revised Annex II (intended to be finalized in 2003) will take into account the Global Harmonization System (GHS).

Ship recycling: Ships sold for recycling (scrapping) may contain environmentally hazardous substances such as asbestos, heavy metals, hydrocarbons, and ozone depleting substances and others. Concerns have been raised about the working and environmental conditions at many of the world's ship scrapping locations. IMO is now working on developing international guidance to ensure safer and more environmentally friendly procedures and methods for recycling of ships. IMO is acting as lead agency in co-operation with the International Labour Organization (ILO) and the Basel Convention (on the Control of Transboundary Movements of Hazardous Waste and Their Disposal) in recycling matters. IMO's role in the recycling of ships, the terminology used to refer to ship scrapping, was first raised at the 44th MEPC session in March 2000. The United Nations Commission on Sustainable Development (CSD), established at UNCED 1992, requested IMO to look into the issue of ship recycling.

Illegal and unregulated or unreported (IUU) fishing: IMO is assisting in the development of measures to reduce illegal, unreported or unregulated fishing in a joint effort with the Food and Agriculture Organization (FAO), at the request of the CSD. The issue of illegal, unreported and unregulated (IUU) fishing in world fisheries is of serious and increasing concern. IMO's Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) which deals with technical aspects relating to fishing vessels and fishermen safety, is currently revising the fishing vessels safety Code and voluntary Guidelines and IMO is promoting and encouraging the implementation and entry into force of the 1993 Torremolinos Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels (SFV), 1977 and the 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) Convention.

Compensation and liability for pollution damage from ships' bunkers: In March 2001, IMO adopted the International Convention on Civil Liability for Bunker Oil Pollution Damage, which provides for a strict liability and compensation regime for pollution damage from ships' bunkers (fuel) including the cost of preventive measures, and for compulsory insurance or financial security.

Wreck removal: IMO is developing an instrument to secure environmentally sound management and adequate compensation regarding shipwrecks. The aim is to hold an international Diplomatic Conference to conclude an instrument in 2003.

Implementation of IMO instruments: As at August 2001, 35 out of 42 treaty instruments for which IMO is responsible were in force. The most important treaty instruments relating to maritime safety and prevention of marine pollution, such as SOLAS and MARPOL, have been ratified by over 100 States representing more than 90% of the world's total tonnage. Two developments since UNCED 92 which are directly aimed at improving effective implementation of existing rules and regulations are: the introduction of the International Safety Management (ISM) Code (focusing on the shipowner's management responsibilities regarding marine safety

and environmental legislation); and the development of the Flag State Self-Assessment Form first adopted by the IMO Assembly in 1999 and revised in 2001. The form establishes a uniform set of internal and external criteria which can be used by flag States on a voluntary basis to obtain a clear picture of how well their maritime administrations are functioning and to make their own assessment of their performance as flag States.

Warsash name change: Southampton Solent University's "Warsash Maritime Centre", one of the world's leading providers of education training and consultancy to the international shipping and off-shore industries, will become Warsash Maritime Academy. The centre, originally the University of Southamptons School of Navigation, says in a statement: The change from 'Centre' to 'Academy' is part of the overall re-branding of Southampton Solent University, which was granted university title last year. Although the name is new, there will be no change to either the Academy's mission or commitment to serving the maritime industry, which is why the Academy retains its previous logo and the key words Warsash and Maritime." It adds: "With university status coinciding with the UK industry's move towards degree-based cadet training programmes, the Academy will be well placed to embrace this initiative to increase standards and attract high quality young people into the industry."

(contd. from page 19)

felt in the oil market. Shipping freight costs have since spiked higher, extending a dramatic surge from lows touched this year. The loss of output from the largest oilfield in North America forced BP to look for additional vessels to keep deliveries flowing to refiners on the US west coast. "The shutdown of a significant part of US crude production reinvigorated confidence, and rates have shot up for all destinations as a result," says Ole-Rikard Hammer, analyst at PF Bassoe, the Norwegian shipping broker. The Baltic Freight Dirty Tanker index, which measures the costs of hiring ships able to transport crude, rose 10.2 per cent last week, and is 42.8 per cent higher than last year. The index is up by an even sharper 51 per cent from April lows. Shipping brokers reported last week that BP was enquiring about the availability of a wide range of ships from the Middle East, the Gulf, West Africa, the Mediterranean and the Caribbean. Clarksons reported a 33 per cent surge last week in the average earnings of Very Large Crude Carriers to \$93,229 a day compared with the previous week. Rates for VLCCs sailing between the Gulf and the US Gulf of Mexico soared by 44 per cent to \$74,483 a day. Analysts say it would require 12 VLCCs to transport crude from the Gulf or West Africa to fully meet Prudhoe Bay's 400,000 barrels of

daily production over a 60-day period. That is a significant increase in a market served by 400 to 450 comparable vessels worldwide. BP said over the weekend that it is producing about 150,000b/d and will bring that up to 200,000b/d after completing maintenance planned before the recent leak. That is about half Prudhoe's total output. But conditions remain tight. The strength spilled over last week into the Suezmax market (the largest vessels that can negotiate the Suez canal – typically 150,000 tonnes). Clarksons reported that earnings for a Suezmax vessel built in the 1990s rose by 27 per cent last week to \$61,012 a day as charters rushed for cover. Earnings for a Suezmax sailing between West Africa and the US Atlantic coast jumped by 41 per cent to \$61,665 a day. Mr Hammer says the shipping market was enjoying an unusually strong summer run even before the Prudhoe Bay news. "From a shipping perspective, growth in oil demand has proved much stronger than expected, and we have also seen the increase in fleet capacity take a breather this year, with few VLCCs coming to market in 2006," he says.

China's oil demand growth has risen by an estimated 8 to 10 per cent this year, significantly above the level for last year.

Demand growth for refined products appears to be accelerating, with an increase of 11.2 per cent year-on-year in the second quarter from 6 per cent in the first quarter. In the US, refineries also have been hit by a spate of production problems, leading to higher US imports of refined products. This has pushed up rates for clean tankers as a result. Clarksons reported a 7 per cent increase in clean tanker average daily earnings last week to \$31,595. The Baltic Freight clean tanker index has been rising since April and is currently 45 per cent higher than last year and 68 per cent above March lows. Chinese steel mills have been delaying imports of iron ore from Brazil due to the surge in freight rates. Taiwan Maritime Transport also has chartered and put aside several big dry bulk carriers while taking out long positions in the growing market for freight derivatives, known as Freight Forward Agreements.

"The fourth quarter is typically a very active and strong period in the tanker market," says John Wright, senior wet freight broker at AMC/GFI Group. "The FFA forward curve for the fourth quarter generally trades at a premium to the rest of the year. However, the knock-on effect of Prudhoe across all classes of vessels has tightened the availability of ships and is driving up chartering rates."

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INSTITUTIONAL NEWS



MARITIME FOUNDATION is one of the best Marine Training Institutes in Chennai with an excellent track record in turning out quality officers and sailor trainees for Merchant Navy.

On 28th July 2006, the Institute held its "Passing Out" ceremony at their training campus in Ambattur, Chennai. Trainees were awarded their pre-sea course completion certificates and merit certificates at an impressive ceremony presided over by the Chief Guest **Shri K.S.S. Money**, Regional Manager, Shipping Corporation of India Ltd., Chennai. **Mr. V. Mohanan**, CEO of Maritime Foundation introduced the Chief Guest **Shri K.S.S. Money** who took the guard of honor presented by the passing out trainees.

During this auspicious gathering, **Shri K.S.S. Money** stressed upon integrity, sincerity, safety and environmental protection and dedication to duty, during their career in Merchant Navy. **Shri K.S.S. Money** was highly impressed upon the high level of theoretical and practical training imparted at this Institute.

Shri K. Mohandas, Dean, Engineering detailed the significant aspects on the activities of the Institution. Cadet Captain of DME-02 batch, gave the vote of thanks. The function came to a close followed with the cultrual programme presented by the trainees and a high-tea.

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