



## 12 stranded Filipino seafarers in Greece helpless

TWELVE Filipino seafarers stranded on MV Aetea Sierra in a port in Greece seek justice for their sorry situation.

MANILA, Philippines-The 12 Filipino seafarers stranded in Greece since July this year have not been paid their agreed salary, and live on dole-outs and the minimal allowance of food and water given to them by their employer.

"Our situation here is so difficult. Right now, our food is good enough only for three days and the drinking water is rusty," said third engineer Jesus Hantic in a text message to INQUIRER.net. He was reacting to a story that



came out in the website which said that he and his fellow Filipino seafarers are about to be repatriated soon. "We are in a floating prison," Hantic said describing their situation on MV Aetea Sierra. "We didn't know that we would be going home because nobody has told us so," he added.

The 11 others with him are: second officer Jose Cardenas, second engineer Gardner Monte, able-bodied seamen Constancio Cubay, Florvic Labaco, and GilJhun Moneva; Julius Cesar Flores; oilers Ricleand Camino and Wilfredo Ranara; second cook Primo Fernandico; and merchant marines Erolin Choing and Jerry Laride. "We all want to go home. We demand our salaries and our back pay. We are now deep in debt," he said. Hantic also belied the statement of the Department of Foreign Affairs that Philippine embassy personnel in Greece have visited them and have looked after their welfare. "We were visited by the embassy only once, by Attorney (George) Eduvala of the Overseas Workers Welfare Administration," Hantic said.

"Only Akbayan and Kasapi are helping us here," Hantic said. Ellene Sana, executive director of Center for Migrant Advocacy who connected INQUIRER.net to the seafarers, said the seafarers could not simply leave because not only are their travel documents with their employer, but also

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leaving the ship with its \$11-million worth of cargo (20,000 of steel coil) would mean they have abandoned their jobs.

In a related development, Akbayan party-list Representative Walden Bello, who was in Greece for the Global Forum on Migration and Development, asked the Philippine embassy in Greece to "act decisively to rescue" the stranded seamen. "Good publicity will not hide the fact that they have been sitting on this case for a long time at the expense of our stranded countrymen," Bello said in a statement.

"The overarching issue that the embassy and the Department of Foreign Affairs have to address is this long-standing issue of foreign employers abusing Filipino workers, depriving our seafarers of adequate pay, decent working conditions, and the benefits and privileges accorded to them by law and through international treaties," he added.

### **Ocean shipping/cargo security: GAO report indicates 100 percent cargo scanning has a long way to go**

A report released by the United States Government Accountability Office this week stated that container scanning efforts made by the U.S. Department of Homeland Security's Customs and Border Protection (CBP) group have made "limited progress."

The report's findings center on the CBP's Secure Freight Initiative (SFI), a pilot program at seven foreign seaports that deploys radiation detection networks and imaging equipment. The GAO said that since the inception of SFI, "CBP has not been able to achieve 100 percent scanning at any participating port." It added that while CBP has been able to scan a majority of the U.S.-bound cargo containers at the comparatively low volume ports it has not achieved sustained screening rates above five percent at the comparatively larger ports. Other factors impeding progress on this front are the global nature of supply chains, costs, and a lack of sophisticated technology.

The impetus for cargo scanning was laid forth when former President George W. Bush signed into law H.R. 1 Implementing Recommendations of the 9/11 Commission Act of 2007 in August 2007. The bill calls for the 100-percent scanning of maritime cargo before it's loaded onto vessels heading for the United States to be required by 2012. The bill also calls for specific annual benchmarks on the percentage of maritime cargo containers headed for the U.S., an analysis of how to best incorporate existing maritime security initiatives, including the Container Security Initiative and C-TPAT, and an analysis of the scanning equipment, personnel, and technology needed to reach the 100-percent container scanning objective.

According to the GAO report, CBP has not developed a plan to scan 100 percent of U.S.-bound container cargo, although it does have a strategy to expand SFI to select ports, where it will mitigate the greatest risk of Weapons

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## **AN AFTER THOUGHT ON VIEWING "MARINE PIRACY"**

To

**Dr. Chandran Peechulli**, The Managing Editor & Publisher, "MARINE WAVES"

Dear Sir,

This message says about "PIRACY", incidents of Somalia Pirates. Subject is thought provoking. It is to be proved very soon that there is a big master-minded country behind this operation. With the help of a mother vessel, pirates are moving world-wide. Mother vessel supports and supply all necessities to the pirates. Obviously the mother vessel is a registered one for practical reasons, which belongs to some Flag State. I have all reasons to suspect the owners who are neither Americans and/or Britishers. Somali people are the tools while not able to find out the hiding operators, operating from remote. I am paused to think as to why a corrective solution is still lacking. IMO 's hands are tied-up because of US and UK. After so many Malacca strait attacks, joint patrolling is going on with Malaysia, Singapore and Indonesia Naval Forces. When a flight is hijacked an immediate is taken by the Government of India, why the step-motherly treatment to Indian seafarers while they perform sacrificial life living away from their close and near dear ones, performing dangerous works onboard with occupational hazards, responsible to keep the world trade active and bringing in valuable foreign-exchange to the country.

In my opinion to conclude Somali attacks are not for food, may have started, initiated from poverty. U.S. again and again making lot of mistakes, camouflaging previous mistakes. Shipping Companies who have realized this, post one of the said national to escape attack. Of late an SCI super-tanker "Maharaja Agresen" near mangalore. Earnestly hope an end for this game, as nothing can be concealed for long in the eyes of the almighty. Hopefully look forward for a smooth and safe sailing.

– **Er. Sudhahar**, Chief Engineer(Marine) & Consultant-Industrial & Marine, Tuticorin (TN)

## From the Editor's Desk



*Seafaring professionals are out of sight, hence out of the minds of our government, since seafarers have no tall claims, who are working out on the deep seas and the oceans of the world, on hazardous working conditions living with risks and sacrifices, staying away from their near and dear ones, sacrificing the prime part of their youth-life living out at sea and during their precious earned leave spend with their near and dear ones. They have no regrets even for their losing the citizen's voting rights while they are out at sea, not realizing the cause of negligence by the politicians who count only on ballot votes, for which they exist in power. Similarly the politicians do not realize that these seafarers bring in valued foreign-exchange to our country. The government needs to introduce appropriate welfare schemes, measures like rehabilitation and resettlement of merchant navy personnel for on shore employment, to those invalidated on medical grounds and those leaving sea services on compassionate grounds. MARINE WAVES have expressed concern over the "casual manner" in which successive*

*Governments had dealt with various recommendations made in plain words of truth, exposing the deficiencies and defects by it for streamlining the system. 'Law needed against the black sheep in MMD's of our country.'*

*In the recent crack down against the growing menace of deemed universities by the Ministry of Human Resources, derecognising 44 universities, of which Academy of Maritime Education and Training, Chennai, Tamil Nadu. And Vel's Institute of Science, Technology and Advanced studies (VISTAS), Chennai, Tamil Nadu were the two deemed maritime universities that appeared in tamilnadu, such string pulling where a sheer necessity, for awakening all those flouting all norms wherever feasible and going unchecked. It is imperative to therefore ensure a minimum and common standard of curriculum of education, reasonable fees structure, with the requisite infrastructure facility, qualified and willing faculty staff to impart quality education. It is more of honing the requisite work-skills, sincere-efforts, quality and valuing time.*

### **Reasons known for Derecognising of Deemed Universities by HRD**

*The Human Resource Development (HRD) ministry's review has cited several reasons for the derecognizing of 44 deemed universities. The most common reason was that most of the private deemed universities were run by undesirable management, where families rather than professional academics who controlled the functioning. Besides that several other common reasons are mentioned below:-*

- *Most of the institutions had violated the principles and guidelines prescribing excellence in teaching and research and were engaged in introduction of thoughtless programmes.*
- *Little evidence of noticeable efforts in case of emerging areas of knowledge*
- *little or no commitment towards research.*
- *Institutions increased their intake capacity disproportionately beyond their infrastructure and number of faculties.*
- *Under-graduate and post-graduate courses were fragmented with concocted nomenclatures which were aimed to attract high number of students with the sole aim of making money.*
- *Higher fee structure than reasonably prescribed.*

*Foster values: A consequence of increased globalization, birth of quality-visionary, is the recognised need to assure the quality of education beyond national borders, or the mutual recognition of quality standards. namely:-*

- *The development of a "learning organisation" which encourages collaboration and scholarship*
- *"The encouragement of a "research culture" with a world-leading reputation*
- *The pursuit of excellence in teaching and learning*
- *A willingness to undertake new challenges and develop international opportunities*
- *The encouragement of scholarly debate and community interaction.*
- *The need to be innovative and to develop meaningful links with private industry*

*The recent debate on the need for comprehensive regulatory reform in the Indian maritime sector needs to be viewed against the urgent measures needed to spur its growth and modernization to keep pace with the developments elsewhere in the world. Indeed, while the regulatory reform process is bound to be long and winding, it makes a lot more sense to peg the reform process to more concrete objectives of achieving specific milestones in the growth and modernization process. This is perhaps also essential because at the current stage of development of the maritime industry, it is best left to its own possibilities of growth and development. "Whoever commands the sea commands the trade and whoever commands the trade commands the riches of the world "*

*Environmental Safety & Standards in International Shipping: Poor monitoring and compliance with international safety standards by Flag of Convenience (FOC) countries, coupled with recent ship accidents, the case of "Erika" and MT "Prestige" incident, off the Spanish coast still fresh in mind the issue of environmental safety and standards is likely to be a major issue of concern to all national ship registries and is likely to make new stringent demands. Tankers: which has major share of global fleet and seaborne cargo is going to be particularly affected. International: Transport Workers Federation (ITF), Green Peace International and World Wildlife Fund have stepped up their campaign against what they call "substandard" shipping and have sought urgent UN intervention, to primarily raise their image for more funds as Greenpeace in India.*

*The US Terrorism Act & Implications for Shipping: following the September 11 happenings, the worldwide concerns about national security have resulted in unprecedented demands on national ship registries and ocean liners to fall in line with series of new regulations and norms for port clearance of cargo. This is likely to substantially increase legal and insurance costs and other indemnity obligations and liabilities and build greater pressures on reorganization of terminal loading operations, which will affect shipping. The US Terrorism Act, which seeks to tightly regulate cargo movements into and out of the United States, a major partner in world trade, now comes into force from December 2002 and is likely to seriously impact US bound cargo logistics and trade supply chains across the world.*

**Dr. Chandran Peechulli**, Ph.D; MBA; D.Sc; FIE(India), PgDIMS(UK), PgTED; FIPE; MSEI; MSNAME(USA),

Ex.Chief Engineer(Marine), G.M.(Tech) Crossworld Shipping, Managing Editor & Publisher - "MARINE WAVES" International Maritime Newsletter. [www.themarinewaves.com](http://www.themarinewaves.com) \* view highlights and back issues of editorial contents, to convince you all about what "Marine Waves" does to the society's well-being, as a member of the Humanist Party of India.

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of Mass Destruction (WMD) entering the U.S. And it added that CBP does not have a plan to scan container cargo at all ports, because "according to agency officials, challenges encountered thus far in implementing SFI indicate that doing so worldwide will be difficult to achieve."

The report also noted that since CBP will not meet the original 2012 deadline to scan all U.S.-bound cargo containers, DHS plans to issue a blanket extension to all foreign ports by July 2012 to be in compliance with the 9/11 Act.

"These findings are absolutely not surprising at all," said Albert Saphir, president of international trade consultants ABS Consulting in Fort Lauderdale, Fla. "Any practical on the ground study, approach or discussion certainly all point in the same direction in that the mandate that was put out...cannot be met. We cannot impose U.S. law onto foreign soil. If we wanted to scan 100 percent of containers once they arrive in the U.S., we can do a lot of things. But the way the law was written with 100 percent needing to be scanned before a vessel can enter a U.S. port is in limbo between a foreign country and the U.S. Where are we going to scan?"

And Senator Jay Rockefeller (D-WV) and Chairman of the U.S. Senate Committee on Commerce, Science, and Transportation, opined that while the 100-percent scanning mandate was well-intentioned, it does not appear to be doable at this point.

"Without a better understanding of the feasibility of such a policy to international commerce and security, a mandate of global proportions was unquestionably well intended, yet premature," said Rockefeller in a statement. "The transportation of hazardous cargo, small vessel security, and most certainly cybersecurity all remain significant

vulnerabilities where much more needs to be done. Both Congress and the Administration must balance important but competing needs-maintaining an efficient flow of commerce while ensuring no terrorists can enter our country by land, sea, or air. We must work toward a more reasonable balance to focus our assets and resources in the best possible manner to protect the American people."

Yesterday, a hearing was held by Rockefeller's Senate committee on "Transportation Security Challenges Post 9-11."

At the hearing DHS Secretary Janet Napolitano cited myriad challenges that come with 100 percent cargo scanning. Some of the challenges she cited were limitations that are inherent in available technology, including technology which can detect suspicious anomalies within cargo containers that should trigger additional inspection and costs.

To deploy the required scanning equipment would require an investment of about \$8 million per lane for the more than 2,100 shipping lanes at the more than 700 global ports that ship to the U.S., she said, with operating costs also being very high, too.

"It is also important to keep in mind that about 86% of the cargo shipped to the United States is sent from only 58 of those more than 700 ports. Installing equipment and placing personnel at all of these ports-even the tiny ones-would strain government resources without a guarantee of results," said Napolitano. "[And] in order to implement the 100% scanning requirement by the 2012 deadline, DHS would need significant resources for greater manpower and technology, technologies that do not currently exist, and the redesign of many ports. These are all prohibitive challenges that will require the Department to seek the time extensions authorized by law."

## W o r l d I n f o D e s k

### **DoLE eyes psycho-social counseling for**

**seamen:** The Department of Labor and Employment (DoLE) said Monday it plans to provide psycho-social counseling and support services to families of abducted seafarers in Somalia and the Gulf of Aden. "The department also intends to give emergency financial assistance to the families as part of its measures to help the sailors and address the impact of piracy affecting mostly Filipino seafarers," said Labor and Employment Secretary Marianito Roque. "These are just among the measures that were discussed with the tripartite partners in the manning industry. The tripartite meeting will serve as a blueprint to protect seamen from the continuing hijacking incidents in Somalia area," according to Roque.

"The piracy in Somalia has come to an alarming proportion affecting not only the Philippines, but other European countries

and the United States as well. We hope for strict monitoring of compliance to the rules set by the POEA Governing Board Resolution No. 5 s. of 2009," he added. According to a POEA Board resolution, ship owners, managers and manning agencies hiring Filipino seafarers should ensure that vessels transiting through the Gulf of Aden "shall pass only within the Maritime Security patrol area;" submit an appropriate security plan to all ships passing through the area; and provide training to their crew on how to avoid, react and cope with piracy and other related incidents.

Manning agencies are also required to immediately report to the Department of Foreign Affairs (DFA) and the DoLE any incidents of piracy involving their ships and share their experiences in handling these incidents. Roque said he already instructed the Philippine Overseas Employment Authority

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(POEA) and Overseas Workers Welfare Administration (OWWA) to spearhead this effort to put in safety nets to protect the country's sailors. "While some have measures in place, we want to set stronger safety nets for our seamen," he said.

## **SA elected vice-chair of UN's shipping**

**body:** South Africa has been elected vice-chair of the council of the International Maritime Organisation, the United Nations' shipping regulator. "Dumisani Ntuli of South Africa was elected to the position of vice-chairman of the IMO council," said Thami Ngidi, a spokesman for the Department of Transport on Thursday. Jeffrey Lantz, of the US, has been elected as chairman. Transport Minister Sibusiso Ndebele said: "By electing South Africa as vice chairman, the IMO Council recognises the significant role played by South Africa in this important United Nations body.

"We now take our place proudly among the leading maritime nations of the world." He said South Africa would use its place on the council to develop its maritime sector, create jobs and grow the economy. "Approximately 98 percent of our goods are transported through the sea, and therefore we must play a key role as a port country, coastal country and flag country," he said. South Africa was one of 40 countries elected on to the council, which is the executive body of the IMO.

## **Regional shipping sector on way to speedy recovery:**

The Middle East's maritime sector is poised to ride the wave of recovery that is sweeping across the region, an official has said. "The rebound in regional economies is spurring shipping activity, reclamation and waterfront constructions, increased import and export, new build orders, dry and wet repairs and conversion of single-hulls," Fasahat Ali Khan, Advisor to the Chairman and Board of Directors of Expo Centre Sharjah, said in a press statement. He said sea-air cargo, where cargo is brought by sea and re-exported by air, is also gaining importance. The UAE, which is strategically located, is a key player in the regional shipping activity. He was speaking during the opening of the seventh edition of Gulf Maritime exhibition at Expo Centre Sharjah yesterday. The three-day exhibition, an initiative of Expo Centre Sharjah with the support of the Sharjah Chamber of Commerce and Industry, will run until December 16. The Gulf Maritime exhibition is featuring more than 100 brands and exhibitors showcasing their products and equipment across 4,000 square metres of space. Exhibitors have come from more than 20 countries such as Bahrain, Canada, China, Denmark, Germany, India, Italy, Japan, Korea, the Netherlands, Norway, Oman, Poland, Saudi Arabia, Singapore, South Africa, Spain, the United Kingdom, Ukraine and the US.

The exhibition is featuring products such as deck machinery and other vessel equipment, docking equipment, electronics, communication and navigation systems, engine and propulsion systems, fuel and lubricants, ride control systems, sound and vibration control systems and marine interiors. Other exhibits include paints and coatings, latest vessel building designs and technology, equipment for fishing, offshore support vessels, cargo ships, tankers, tugs, ferries and patrol boats, ship repair and port operations products and cargo handling services.

## **Govt Likely To Develop 17 Ports Via**

**Private Players:** The Indian government is planning to award 17 major port-development projects to private players. This will pave way for more private participation in the maritime

sector under the ambitious National Maritime Development Programme or NMDP, say media reports.

Shipping Secretary K. Mohandas said in Mumbai that upon completion of these projects, the cargo-handling capacity would be enhanced by 183.5 million tonne per annum (MTPA).

The NMDP is thinking of increasing the handling capacity of major ports by 410 MTPA, involving an investment of Rs.62,000 crore, he said.

## **Joint venture creates Indian offshore**

**service center:** Sembawang Shipyard and Kakinada Seaports are set to form a joint venture company, Sembmarine Kakinada Ltd. (SKL) providing outfitting support services to offshore and merchant vessels operating in Indian waters.

SKL will be based on India's east coast between Vishakhapatnam and Chennai Port. Sembawang's parent company Sembcorp Marine expects the initiative to be well supported by the Indian government and the oil and gas sector.

Kakinada Seaports is the first private port to operate on the Indian east coast, and it is currently one of the country's busiest ports, according to Sembcorp, serving over 3,500 ship-calls annually.

The new facility will be located nearby, and will be developed in stages. Initially SKL will offer riser/equipment repairs, afloat repairs, and module fabrication. Within three-five years, the aim is to turn the venture into a one-stop integrated offshore service facility also providing repairs and servicing, and newbuild vessel construction

At last week's formal signing ceremony in New Delhi, Transocean subsidiary Offshore International Ventures, India, was expected to sign an agreement to use SKL's facilities to support its drilling rigs in the area. Another contract was due to be signed with Asian drilling contractor Aban Offshore for repairs/upgrade work.

## **More nuclear ships in the future?**

Maritime London member Lloyd's Register is exploring the possibility of the reintroduction of nuclear propulsion for merchant ships. LR says research is focused on the application of nuclear propulsion to tankers, bulk carriers, container ships and cruise ships. Early in 2007, LR began research into the implications of nuclear propulsion for merchant ships. The UK-based classification society says the initiative was built on LR's extensive experience in the traditional nuclear industries and from studies which led to the formation of its Rules for the Nuclear Propulsion of Ships.

The Rules, available from 1966 until 1976, were developed in response to the interest shown in nuclear propulsion in the early 1960s, which resulted in ships such as Savannah and Otto Hahn, two ships that were technically successful. At that time, LR says, operational and economic conditions were not conducive to commercial success of nuclear propulsion. But both ships, nevertheless, traded worldwide for some years. Over the years, there has been a steady, slow development of nuclear propulsion for merchant ships -- principally with ice breakers -- but also extending to a lash barge carrier and a containership. Indeed, two nuclear ice breakers presently are utilised on popular passenger cruises.

However, LR believes, the steady increase in the price of fuel oil -- and the probable introduction of either a carbon-emissions trading scheme or a related tax -- now presents the possibility that nuclear propulsion could be more competitive. LR's

research programme is revisiting the technical challenges of nuclear propulsion for ships, as well as refuelling and waste-disposal issues.

The scope of the programme has been expanded to include public health, manning, training, operational, risk and regulatory requirements. The principle maritime sectors of focus are how these propulsion systems could benefit tankers, bulk carriers, container ships and cruise ships, although a range of other ship types may also benefit. "The technology is there to commence building nuclear ships.

"The issues regarding their acceptability and the need for a cultural step-change in shipping still need to be addressed so that society is comfortable any risk is being managed", commented John Carlton, global head of LR's marine technology & investigations.

**CINEC: Catering to global maritime and industrial market:** Colombo International Nautical and Engineering College (CINEC), is the largest Maritime Education & Training Facility registered to operate under the board of investment (BOI), approved by the Directorate of Merchant Shipping of the Ministry of Ports and Aviation of the Democratic Socialist Republic of Sri Lanka. Popularly known as Cinec Maritime Campus, located in the picturesque IT-Park, at Millennium Drive, Malabe, CINEC was the first Education and Training Institution in Sri Lanka to be certified to BS EN ISO 9002: 1994 Quality Management Standards, established and maintained since 1996. Three Generations of Quality Management. The organization was showered and fed with three generations of quality management - ISO9002:1994 - ISO 9001:2000 -and ISO 9001:2008 - a culture that is incomparable to the strongest competitor if there is one. Our total commitment to quality education and training was recognised as a recipient of the prestigious National Quality Award (NQA), for being the best service organisation in Sri Lanka in 1999. CINEC was adjudged the best Education and Training facility, in the island, and bestowed with the prestigious National Quality Award, for the second five year term in succession, in the year 2004.

Customers, Ship Owners, Ship Crew Managers and Employers of our alumni have always been supportive of our quest for excellence in Maritime Education and Training. CINEC offers an unparalleled learning experience to students and continue to be a reliable corporate partner for quality human resources. Having established in 1990, 20years of continual improvement and development of CINEC is the result of the absolute commitment, dedication and untiring efforts of our faculty. Without them our intention of becoming one of the best Maritime training facilities in the world would have been a distant dream. Top management at CINEC firmly believes that talents and dedication of both our academic and non-academic staff are the foundation for our growth and success. CINEC Maritime Campus comprises four Faculties:-Faculty of Maritime Sciences, Faculty of Marine Engineering, Faculty of Commercial Sciences, Faculty of Engineering Sciences

Cinec Maritime Campus offers education and training programmes from Ratings and Cadets right up to Chief Engineer, and Master Mariners (Ship's Command), Electrical, Electronic, and Control Engineering, Maritime Electronics, and Radio Communication, BSc degree programmes in International Transportations Management and Logistics, BSc in Maritime sciences, BSc in Marine Engineering Sciences, Diploma and

Certificate courses in Logistics and Transportation, Safety and Survival Training, Bachelor of Engineering Degree Programmes in Electrical and Mechatronic Engineering, Electronics and Micro-engineering, Telecommunications, Computer Systems Engineering, Electronics, and Communications. International Computer Driving Licence (ICDL) Asia Pacific, Computer aided learning for school teachers and the University of Cambridge Diploma Programmes, Maritime English, and communication skills, diving emergencies, working in buddy systems, underwater welding and cutting technology, and horizontal vertical and overhead welding techniques.

**Simulators:** State-of-the-art Bridge Simulator upgraded to Transas Navi- Trainer Professional 4000 with high quality photo textured visualization, improved to 270 degree vision. Engine Room Simulator upgraded to full mission Transas ERS 4000. Liquid Cargo Handling Simulator with ARI Multimodal 2004 Advanced. The Bridge simulator, the full mission Engine simulator, GMDSS Radio Communication simulator, and the Liquid cargo handling simulators provide seamless, integrated and more realistic education and training capabilities. Our Officer Cadet Trainees are taught Meditation, Swimming, Yoga, 5S Concepts, and Ballroom and Latin American Dancing, adding value to training to produce a Distinctive Brand "CINEC CADETS".

CINEC is probably the only Maritime Educational Institution / facility in the world to be accredited to ISO 9001:2000 Quality Management System Standard, being upgraded to ISO 9001:2008 version; ISO 14001:2004 Environmental Management System Standard, OHSAS 18001:2007 Occupational Health and Safety Management system; and DNV Standard for Maritime Academies and 5S Concepts. CINEC is probably the only such institution in the world to be concurrently certificated to FOUR Internationally recognised management systems. In order to preserve improved quality standards, and maintain exceptional delivery capabilities, our faculty comprises of professionally qualified, highly experienced specialised staff. The TOP Management at CINEC believes in developing a corporate culture within a framework of professional ethics. From inception CINEC has given priority to the quality of training programmes, to ensure customer satisfaction. With a team of well-informed Quality Improvement Steering Group (QISG), it has never been a difficult task to be ahead of significant developments in the field of Maritime and Industrial world. Moulded by four Management Systems, we believe that we provide a culture and an environment rich with quality, health and safety, for the benefit of the students and the staff.

**Antarctic nations plan tough new shipping controls:** Countries that manage Antarctica plan tough new controls on ships visiting the southern oceans and the fuels they use to reduce the threat of human and environmental disasters as tourist numbers rise, officials said Saturday.

The new code will reduce the number of ships carrying tourists into the region by requiring that all vessels have hulls strengthened to withstand sea ice. Officials and ship operators said a ban on heavy fuel oil will effectively shut out big cruise ships.

Experts from among the 47 signatory nations to the Antarctic Treaty - the world's main tool for managing the continent - and the International Maritime Organization discussed plans to impose a mandatory Polar Code to control all shipping in the

region at a meeting in the New Zealand capital, Wellington.

The safeguards are seen as necessary to limit accidents in the region, where blinding sleet, fog, high winds and treacherous seas pose major dangers for ships and huge problems for rescuers located thousands of miles (kilometers) from remote Antarctic waters.

The code will cover vessel design, safety equipment, ship operations and crew training for ice navigation, meeting chairman and New Zealand Antarctic policy specialist Trevor Hughes said.

The nearly completed Polar Code is expected to be in place by 2013, he said. Once approved, it would operate on a voluntary basis until it is ratified by treaty states and becomes legally binding.

While existing rules bar tourists or tour operators from leaving anything behind - like garbage or human waste - and require protection of animal breeding grounds, there are no formal codes on the kind of vessels that can use the waters or the kinds of fuel and other oil products they can carry.

In March, the International Maritime Organization, the United Nations' shipping agency, is to ratify a ban on the carriage or use of heavy fuel oil in Antarctica. It is to come into effect in 2011.

The moves follow a huge growth in tourist traffic as people flock to see the world's last great wilderness.

Annual tourist numbers have grown from about 10,000 a decade ago to 45,000 last year. Tourists can pay between \$3,000 and \$24,000 for a two-week trip. Some travel on ships carrying up to 3,000 passengers that also take many tons of heavy fuel oil, chemicals and garbage that can pollute the region.

Nathan Russ, operations manager of Antarctic eco-tourism company Heritage Expeditions, said the proposed heavy fuel ban "will most likely regulate the biggest cruise ships out of Antarctic operations" because of the costs involved in switching to lighter fuel.

The Antarctic Treaty, first signed in 1959, is the main tool for regulating what is the world's only continent without a native human population. New Zealand is one of the dozen founding members of the treaty, along with the United States, Russia and Britain. The treaty now has 47 signatories.

### **Piracy in waters off the coast of Somalia: In 2008, the number of reported piracy attacks off East Africa rose astronomically:**

Barely a day seemed to pass without a new incident being reported. Figures compiled by IMO show that, in the first quarter of 2008, there were 11 piracy attacks in that region, rising to 23 in the second quarter and rocketing to 50 in the third and 51 in the fourth quarters, making a total of 135 attacks during 2008, resulting in 44 ships having been seized by pirates and more than 600 seafarers having been kidnapped and held for ransom. Any act of piracy and armed robbery can impact on human life, the safety of navigation and the environment. Piracy is a criminal act, which not only affects the victims but also has severe financial repercussions. The three areas of concern to IMO, particularly relevant to the situation off Somalia and in the Gulf of Aden, can be summed up as:

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- the need to protect seafarers, fishermen and passengers;
- the need to ensure the uninterrupted delivery of humanitarian aid to Somalia effected by ships chartered by the World Food Programme; and
- the need to preserve the integrity of the Gulf of Aden - a lane of strategic importance and significance to international shipping and trade, both east and west of the Suez Canal, which is used by some 22,000 vessels annually, carrying around 8% of the world's trade, including more than 12% of the total volume of oil transported by sea, as well as raw materials and finished goods.

Regional cooperation among States has an important role to play in solving the problem of piracy and armed robbery against ships, as evidenced by the success of the regional anti-piracy operation in the Straits of Malacca and Singapore. The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (RECAAP), which was concluded in November 2004 by 16 countries in Asia, and includes the RECAAP Information Sharing Centre (ISC) for facilitating the sharing of piracy-related information, is a good example of successful regional cooperation which IMO seeks to replicate elsewhere.

In January 2009, an important regional agreement was adopted in Djibouti by States in the region, at a high-level meeting convened by IMO. The Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden recognizes the extent of the problem of piracy and armed robbery against ships in the region and, in it, the signatories declare their intention to co operate to the fullest possible extent, and in a manner consistent with international law, in the repression of piracy and armed robbery against ships.

The signatories commit themselves towards sharing and reporting relevant information through a system of national focal points and information centres; interdicting ships suspected of engaging in acts of piracy or armed robbery against ships; ensuring that persons committing or attempting to commit acts of piracy or armed robbery against ships are apprehended and prosecuted; and facilitating proper care, treatment, and repatriation for seafarers, fishermen, other shipboard personnel and passengers subject to acts of piracy or armed robbery against ships, particularly those who have been subjected to violence.

Implementation of the Djibouti Code of Conduct will help to:

- improve communications between States;
- enhance the capabilities of States in the region to deter, arrest and prosecute pirates;
- improve States' maritime situational awareness; and
- enhance the capabilities of local coast guards.

IMO has also revised the guidance on measures to take to deter piracy, to include region-specific guidance based on industry best management practice.

IMO is also seeking additional support from States able to provide warships and maritime patrol aircraft for the Gulf of Aden and Western Indian Ocean area and is focusing on bringing the recently opened Maritime Rescue Coordination Centres in Mombasa and Dar es Salaam into the counter piracy role.

In the longer term, IMO is seeking to promote international action to stabilize the situation in Somalia through the UN Security Council, the UN Political Office for Somalia, the UN Development Programme, the Contact Group on Piracy off Somalia, and others.

In the case of the situation off Somalia, developments ashore are probably the only way to resolve this problem in the long term.

In the meantime, it is essential to maintain support from States able to provide warships and maritime patrol aircraft until the political situation is resolved.

### **Marine Electronic Highway (MEH) Demonstration Project in the Straits of Malacca and Singapore:**

Implementation of the Marine Electronic Highway (MEH) Demonstration Project in the Straits of Malacca and Singapore was given the go ahead in June 2006 following the signing of a US\$6.86 million grant agreement (on 19 June) between the Global Environment Facility (GEF)/World Bank and the International Maritime Organization (IMO).

The four-year regional demonstration project aims to link shore-based marine information and communication infrastructure with the corresponding navigational and communication facilities aboard transiting ships, while being also capable of incorporating marine environmental management systems. The overall objectives are to enhance maritime services, improve navigational safety and security and promote marine environment protection and the sustainable development and use of the coastal and marine resources of the Straits' littoral States, Indonesia, Malaysia and Singapore.

In addition to the US\$6.86 million assigned to IMO for the regional MEH demonstration project, the GEF/World Bank has also agreed to grant US\$1.44 million to Indonesia for the procurement of equipment for a differential global positioning system (DGPS) station and automatic ship identification (AIS) stations, as well as tidal instruments and an ocean data buoy.

The MEH is being built upon a network of electronic navigational charts using electronic chart display and information systems (ECDIS) and environmental management tools, all combining in an integrated platform covering the region that allows the maximum of information to be made available both to ships and shipmasters as well as to shore-based users, such as vessel traffic services. The overall system - which would also include positioning systems, real-time navigational information like tidal and current data, as well as providing meteorological and oceanographic information - is designed to assist in the overall traffic management of the Straits and provide the basis for sound marine environmental protection and management.

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The implementation of the demonstration project follows a preparatory phase, from 2001-2005, involving IMO, the littoral States and other partners, which was also funded by the GEF/World Bank (amounting to US\$473,000).

Start-up activities of the regional component of the MEH demonstration project commence in July 2006 with the recruitment of a Project Manager and consultants to establish the Project Management Office in Batam, Indonesia; preparation of the first Project Steering Committee Meeting, to be held within the year; preparation of bidding documents for various goods and services required by the project; as well as assistance to Indonesia in the procurement of maritime safety facilities. The project's experts will also prepare the bidding document for a hydrographic survey, scheduled to take place in 2007, of the Traffic Separation Scheme of the Malacca Strait Routing System from One Fathom Bank to Pulau Iyu Kecil, using multi-beam technology, with the aim of producing electronic navigation charts of the Straits.

The financial go-ahead for the project from the GEF/World Bank followed the signing, in Jakarta, Indonesia, in September 2005, of agreements to co-operate and collaborate to implement the MEH Project. Signatories to those agreements included the three littoral States, IMO, the International Hydrographic Organization (IHO), the International Association of Independent Tanker Owners (INTERTANKO) and the International Chamber of Shipping (ICS).

## LEGAL

### 1. Arrivederci Rule B? Not Necessarily

New York and Florida attorneys Hill, Betts & Nash report via Mark Jaffe that they received a kind overture from their South African colleagues to herald in the New Year by attending the test cricket match in Newlands, Cape Town between England and South Africa from January 3 to 7, 2010. There was a comforting invitation to share a cold beer with South African colleagues entitled "Dismiss your Rule B blues at Newlands this summer!" Regrettably, given the current situation in a number of the segments of the shipping industry, the US lawyers may still be too busy to join in the South African festivities. For Hill Betts and other U.S. maritime law firms, reports of the demise of Rule B may have been greatly exaggerated. According to the U.S. lawyers, attachments of all kinds, whether under Rules B and C or under the New York State law are alive and well in the U.S.

First, enough teeth remain in the traditional Admiralty remedies, including Rule B, to pose a potent threat to maritime debtors, notwithstanding the Shipping Corp of India decision. That holding only prohibits the restraint of Electronic Funds Transfers ("EFTs") in the hands of intermediary banks, and even then, only in the absence of a lien in the funds. There is nothing to stop, the Rule B claimant from levying the attachment on any of the debtor's tangible or intangible property in the district court, including most notably, debts owed to a defendant by any corporation that can be served in the US. As Shipping Corp. of India recognizes, EFTs even in the hands of an intermediary bank, remain subject to attachment under Admiralty Rule C, whenever there is a lien in the particular funds (freights, for example).

Second, the the New York State CPLR allows attachment "in aid of arbitration" whether it is to take place in the US or at another location, such as London. The process is somewhat

more time consuming and technically demanding than Rule B attachment, but it remains viable and, in fact, poses an even more potent threat for international debtors because the scope of the attachment is far broader, being applicable to any commercial disputes - not just maritime matters - that are subject to arbitration. A recent example is a suit filed against a Korean shipowner for \$13.3 million in support of a London arbitration over a defaulted supermax-bulker charter. The attachment would give the creditor the right to attach "all tangible or intangible property belonging to the debtor to prevent the London arbitration of the claim from being rendered ineffectual."

Of course, as Hill, Betts points out, these attachment remedies remain subject to judicial scrutiny and discretion, but that safeguard should be of comfort to parties on both sides of the process.

It seems that our South African friends may have to keep the beer on ice for longer than they may have expected.

### 2010 Worldscale Rates to Include AtoBviaC Distance Tables:

The 2010 Worldscale tanker flat rates, due to be published this week, have been calculated using round voyage distances taken from tables developed by AtoBviaC, the leading publisher of marine distance tables for the global shipping industry.

Accurate calculation of the distances between load ports and discharge ports is crucial to the consistency of the Worldscale rates and its decision to use AtoBviaC data reflects the trust this worldwide body has in the accuracy of these distances.

More significantly for the tanker trade, all distances used by Worldscale for the 2010 rates will be routed, where applicable, via the Gulf of Aden Transit Corridors.

Established in November 1952 by the London Tanker Brokers' Panel at the request of British Petroleum and Shell, Worldscale is a unified system of establishing the cost of shipping oil from one port to another by sea. Its table of published rates covers 320,000 voyage permutations from one or more loads to one or more discharge ports. The freight for a given ship and voyage is normally expressed as a percentage of the published rate and reflects the freight market demand at the time of fixing.

Bill Morris, Director of AtoBviaC, said shipowners were relying more and more on realistic distance tables. "The industry needs to know what these distances are, to have confidence in their computation and to have immediate access to the calculation of new distances and routings whenever they are required," he said.

"While the route between two ports, appearing as a straight line on a chart or map, may look ideal, it may not necessarily be the correct route a ship should take when you consider issues such as traffic separation schemes and other navigational restrictions," he says.

AtoBviaC, which is the leading publisher of marine distance tables for the global shipping industry, was formed in 2003 by a group of Master Mariners and software developers whose unique combination of expertise - totalling more than 360 years marine experience between them - combined to produce these accurate and widely-used marine software applications.

**Wreckhire Revision:** Work has begun on the revision of the widely-used ISU/BIMCO WRECKHIRE 99 Daily Hire Wreck

Removal Agreement. This follows a request to the Documentary Committee by the International Group Salvage Sub-committee to consider the agreement for revision - primarily driven by a desire to better control costs.

The Clubs feel that the nature of wreck removal in respect of legislative and technical requirements has changed significantly in the 10 years since the form was last revised. In particular, the Clubs are proposing to incentivise the agreement by placing a cap on the period in which the required services are to be completed, combined with a bonus scheme for timely completion and a reduction in daily hire if work is not completed by the due date.

A working group consisting of experts from the salvage industry, P&I Club and shipowner representatives, ably assisted by a lawyer specialising in wreck removal work, met in London on 9 December to discuss the scope of the revision and to start drafting work. Although the main focus of the revision work will concentrate on the daily hire version, WRECKHIRE 99, parallel amendments, where necessary, will also be made to the lump sum and staged payment versions of the wreck removal agreements. The Sub-committee hopes to be able to present a first draft to the BIMCO's Documentary Committee already in May 2010.

**VAT explained:** THE insurance team at Moore Stephens has reached 'V' in its Devils Dictionary, an alphabetical look at classic and alternative definitions of accountancy and insurance terms. In the latest issue of its Insured Interest newsletter, it explains that 'V' is for VAT, or Value Added Tax, an indirect percentage tax levied on products and services at each stage in the production and distribution process, based on the difference between the purchase cost of the asset to the taxpayer and the price at which it may be sold.

As an alternative definition, however, Moore Stephens offers, "VAT is a primary source of tax revenue in certain European countries but not in the United States, where they have the death penalty instead. For people still alive and well in Europe, however, new rules will come into effect on January 1 next year whereby businesses will incur increased VAT liabilities. Can you imagine such a thing? Here's how it works. VAT will be payable in the country where the customer is based. Where this is not possible the customer will have to move, and his letters will not be forwarded automatically. No hawkers or circulars.

"Under the new system, businesses will have to account for VAT via the reverse charge mechanism, which involves shining up one side of the ball by rubbing it on the front of your trousers, while keeping the other side rough. VAT travels faster round the shiny side, based on the Bernoulli Principle. In the event of rain, Duckworth-Lewis will apply.

"The new rules are designed to ensure that everybody in business is done up like a kipper, and forced to pay tax in several different countries at once, twice in some cases. Moreover, they will not be able to claim back 'contra' amounts unless they had both feet off the ground at the time of completing their European Sales Lists.

**People and Places:** Lloyd's Register Group has made several changes to its management structure. All the key roles will report directly to Tom Boardley, Lloyd's Register's marine director, who joined the company from CMA CGM in April 2009.

Tim Kent, currently marine strategy and planning director, will assume the role of technical director designate, commencing

in January next year. He will replace Vaughan Pomeroy who is retiring in June 2010 after more than 29 years at Lloyd's Register.

John Curley, recently moved from Dubai where he was Lloyd's Register EMEA's senior vice president, marine, for Middle East and Africa, will take on a new and enhanced role as head of global marine sales and marketing.

Chris Walters continues in his role as marine operations director while Anne-Marie Warris, who joined the marine business from LRQA in July 2009 as marine environmental advisor, will continue to work with marine stakeholders in addressing environmental matters.

A further new position, marine finance director, has been filled by Simon Nice. His appointment completes the creation of a senior financial management team for the Lloyd's Register Group, representing region and business divisions.

**David Miliband challenged:** The general secretary of Anglo-Dutch seafarers union Nautilus, Mark Dickinson, has sent an unusually forthright letter to Foreign Secretary David Miliband challenging his stance of the payment of ransoms, following the minister's alleged failure to acknowledge an earlier letter, of 12 November.

Mr Dickinson also criticises Mr Miliband's reported intervention to block the payment of a ransom to free the Chandlers, British citizens who were kidnapped from their yacht in October.

London Matters has seen the letter and understands it is only latest in a series of representations by Nautilus, a member of Maritime London, opposing Mr Miliband's view that ransoms should not be paid which started following comments he made over year ago when the VLCC Sirius Star was hijacked.

In his letter, dated 8 December, Mr Dickinson writes: "Nautilus has spent many years seeking action to address the problem of piracy and to reduce the appalling risks of death, injury and kidnapping that it presents to our members. There has long been a concern that successive governments have not treated the issue with the seriousness it deserves. The absence, so far, of even an acknowledgement to my letter of 12 November does little to dispel the impression that piracy is not something that your government considers worthy of a place high on the agenda."

He continues: "Nautilus cannot allow such an attitude to prevail. Piracy is a deadly serious subject and the stakes are very high. The Observer's report [on the Chandler case] exacerbates our concern about your reported policy of opposition to ransom payments. We can see no other option but to pay to secure the release of seafarers who have been taken hostage and until we hear of a viable alternative that would ensure the safety of our members in such circumstances."

A Nautilus spokesman told London Matters that the union had become very frustrated that the Foreign Office continued to repeat the "no payment of ransoms" formula but refused to spell out an alternative way of securing the safe release of kidnapped seafarers or of preventing hijackings taking place. The union is supporting an International Transport Workers' Federation statement that shipowners could be failing in their legal duty of care by sending seafarers into the danger area in the current circumstances.

In his 12 November letter Mr Dickinson wrote: "Nautilus believes there are a number of significant issues that need to be

addressed further, including: How to make the counter-piracy operations more effective What the government could do to improve onboard protection for merchant seafarers The presence onboard high-risk merchant ships of armed military personnel What could be done to address concerns about the adequacy of the International Ship & Port Facilities Security Code The UK government policy on ransom payments for those held hostage by pirates. We remain concerned at moves to dissuade shipowners from making such payments, and seek assurances on what is proposed as an alternative."

## **DNV And PSE Joint Project for Maritime**

**CCS:** Det Norske Veritas AS, the leading maritime classification society, and Process Systems Enterprise Ltd (PSE), process development consultancy and providers of the gPROMS advanced process modelling system, today announced a collaborative R&D project aimed at developing blueprint designs for on-ship carbon capture and storage (CCS) technology to reduce maritime CO2 emissions.

A recent International Maritime Organisation (IMO) study estimates maritime CO2 emissions at over 1000m tonnes per year, about 3% of total anthropogenic CO2 emissions. With these expected to increase threefold by 2050 the IMO is likely to introduce regulations to reduce emissions.

The Maritime CCS project aims to develop a blueprint design for an on-board process for chemical capture and temporary storage of CO2 for ships in transit until discharge into transmission and storage infrastructures at the next suitable port.

The project, jointly financed by the two partners plus the UK's Technology Strategy Board and the Norwegian Research Council under the Eurostars initiative, will take into account the unique challenges posed by the maritime environment, including constant ship movement, limited space and access to utilities, stringent safety requirements and the need for energy efficiency.

Project leader PSE is a leader in model-based innovation (MBI), which applies high-fidelity mathematical models to accelerate innovation, manage development risk and optimise process design and operation. Its gPROMS modelling technology is widely used in the oil & gas, chemicals, power generation, clean energy and other process sectors, and underpins much current European R&D in CCS applications.

DNV is a world-leading classification society that assists its customers within the maritime industry to manage risks in all phases of a ship's life, through ship classification, statutory certification, fuel testing and technical, business risk and competency-related services. DNV's Research & Innovation activities in greener shipping, maritime logistics and safety also enable it to deliver high-quality consultancy services.

Dr Nikolaos Kakalis, Head of DNV Research & Innovation Greece, says "the concept of maritime carbon capture is completely new in the field of maritime transportation, with no current end-to-end solution available. With the competence that DNV has in maritime R&D, we intend to provide the European shipbuilding and relevant manufacturing industries with a sound basis for the development of CCS systems for ships".

Prof. Costas Pantelides, Managing Director of PSE, says "This is a challenging design problem with tight constraints, and the application of our MBI technology will be key to developing technically feasible and economically viable solutions. The

project is fully aligned with PSE's aim of being the leading provider of modelling technology and know-how to companies developing CCS solutions."

## **Stakeholders condemn maritime security bill, canvass improved funding of NIMASA, Navy:**

**STAKEHOLDERS** in the Nigerian maritime sector were unanimous in their condemnation of the Maritime Security Bill, which proposes to establish a Maritime Security Agency for the country.

The stakeholders, made up of major actors in the industry like the Ministry of Transport, Nigerian Navy, NIMASA, Nigerian Ports Authority, Women in Shipping (WISTA), Maritime Lawyers, former Directors-General of NIMASA, former Chief of General Staff, Admiral Mike Akhigbe, Maritime Workers Union of Nigeria and many others, have never spoken in one voice like they did at the public hearing on Maritime Security Agency Bill held at the National Assembly recently.

The only group who spoke in favour of the bill which has passed through the second reading at the House of Representative were its proponent, the Office of the Attorney General of the Federation and the National Security Adviser.

This fact came to the fore, at the public hearing on the Bill organised by the House of Representatives Committee on Marine Transport headed by Mr. Ifeanyi Ugwuanyi in Abuja.

In its presentation, the Federal Ministry of Transport, submitted that by the provisions of Section 1 (4) of the Armed Forces Act Cap a20, LNF, 2004, the power to enforce maritime security is largely vested in the Nigerian Navy while the National Drug Law Enforcement Agency (NDLEA), Nigeria Immigration Service, Marine Division of the Police and the Nigeria Customs Service are also vested with similar powers. The Minister of Transport, Alhaji Ibrahim Isa Bio observed that some of the provisions of the Maritime Security Agency Bill as presently drafted were in conflict and a duplication of some existing responsibilities of the Nigerian Maritime Administration and Safety Agency, NIMASA

The minister, whose paper was presented by the Permanent Secretary, of the Ministry, Mr. Adeyemi Olayisade noted that the Ad-Hoc Presidential Committee on Maritime Security and Safety (PICCOMSS) set up in 2004 to respond to maritime security exigencies as at that time had not performed the function adequately adding that the International Maritime Organisation, (IMO) did not support a militarised outfit handling maritime security of any maritime nation.

The minister specifically listed conflicting sections of the Bill with the NIMASA Act to include section four, which was described as an adoption of section 22 of the NIMASA Act and section 21 of the Bill, which appears to be a replication of section 15 of the NIMASA Act amongst others.

Sections 2(i), 3(a-d), 4 and 5 of the Bill, were described by the Transport Ministry as simple duplication of the preventive, interdictive and detention functions and powers of the Nigerian Customs Service, Nigerian Navy, Nigerian Immigration Service, Marine Police and the Nigerian Drug Law Enforcement Agency, (NDLEA).

In his words," the Maritime Security Bill was not a product of conventional collaborative efforts of all relevant stakeholders. It is too general, contains ouster clauses, duplications and does not take other existing and relevant legislation into

consideration."

While admitting that the maritime security situation in Nigeria required urgent attention, the Transport Ministry urged the lawmakers to review the NIMASA Act in order to empower the agency to effectively enforce maritime security.

On her part, the Nigerian Maritime Administration and Safety Agency, NIMASA aligned with the position of the Ministry of Transport, in faulting the Bill. The agency's Director General, Mr. Temisan Omatseye noted that NIMASA at the moment performed all the duties proposed for the agency in the Maritime Security Bill under the NIMASA Act 2007, Cabotage Act 2003 and the Merchant Shipping Act (MSA) 2007.

In its submission, the Nigerian Navy noted that passing the Maritime Security Bill would result in undue duplication of functions, wastage of scarce resources and would be inimical to the interest of national security.

The Chief of the Naval Staff, Rear Admiral Iko Ibrahim who personally led the naval team to the public hearing, noted that the Bill which proposes that the agency regulate all bodies engaged in the provision of Maritime Security in Nigerian territorial waters, seeks to usurp the function of the President and Commander-in-Chief, Ministers of Defense, Transport and Police Affairs.

Ibrahim maintained that the country had adequate legislation and agencies to attain optimum safety and security in the maritime sector, adding that they only required adequate funding to perform optimally.

In a presentation on behalf of the Nigeria Navy, Rear Admiral Umosen faulted the creation of a Maritime Security Agency (MSA) with the broad functions of promoting maritime security in Nigerian territorial waters. According to him, an analysis of the objectives, functions and operations of the proposed agency shows that it would take over most policing functions of the Nigerian Navy and create avoidable duplicity of effort in the maritime sector. Speaking further, he explained that it would hamper the development of the Nigeria Navy into a viable maritime force by competing for scarce resources from the Federal Government

In his words, "most of the roles and functions proposed for the MSA are the same roles assigned to the Nigerian Navy, NIMASA, Marine Police, Nigerian Ports Authority by the constitution, Nigerian Defense Policy and the Armed Forces Act Cap A20, Laws of the Federal Republic of Nigeria. Duplicating these functions will be wasteful, unnecessary and ill-advised"

On its part, the Indigenous Ship Owners Association of Nigeria, ISAN, also called on the Law makers to throw out the Bill on the grounds that it will only further hinder the growth of the sector.

According to Captain Labinjo, "if you want to create Maritime Security Agency for us in the maritime then, you may also consider creating the Land Security Agency, Rail Security Agency and the Aviation Security Agency. Honorable members, we say NO to this Maritime Security Bill."

A Senior Advocate of Nigeria, (SAN), Mr. Mike Igbokwe led the team of legal practitioners who also lent a voice to reasons why the Bill should not be passed, others are Chidi Ilogu and a former Director General of NIMASA Mrs. Mfon Usoro.

Usoro described the Bill as incompetent on the grounds that the Bill did not have provisions for consequential amendments

Act, cost compendium, policy and technical grounds while Maritime Consultant, Mr. Chris Asoluka described the proposed agency as "one too many"

Mr. Ferdinand Agu, a former director-general of National Maritime Authority (NMA), now NIMASA, who aligned himself with the position of the Federal Ministry of Transport, in faulting the bill, noted that only the Justice Ministry knew about the Bill from the onset to the exclusion of all other stakeholders.

Former Chief of General Staff (CGS), Admiral Mike Akhigbe (rtd) also kicked against the Bill saying that the functions being canvassed for the proposed agency were traditional roles of the Navy all over the world.

Akhigbe, noted that the National Security Adviser (NSA) was only charged with the responsibility to advise the president on security matters, adding that keeping of security in the maritime industry was the responsibility of the military and not of the NSA.

Akhigbe, who once headed the Nigerian Navy, stressed that passage of the Bill would create more problems in the industry than solving them.

In his words: "There is no reason why the bill should surface here, it will only create more problems, the seeming gaps and perceived non-performance of existing maritime security agencies was largely due to poor funding. "

Other government agencies and stakeholders in the maritime industry who also presented position papers against the Maritime Security Bill include the Nigerian Ports Authority, NPA, Maritime Workers Union of Nigeria, MWUN, National Council For Managing Directors, Association of Master Mariners, and the Nigerian Chamber of Shipping amongst others.

In his opening remarks, the Speaker of the House of Representatives, Dimeji Bankole, represented by the Chief Whip, Mr. Emeka Ihedioha, commended the committee on Marine Transport for the public hearing and assured that the proper thing would be done.

The Chairman of the Committee, Mr. Ifeanyi Ugwuanyi assured Nigerians that the committee's actions as related to the Maritime Security Bill would be guided by the submissions at the public gearing.

Members of the committee who spoke at the hearing described the session as a demonstration of participatory democracy considering the fact that an executive Bill could be constructively criticized by government agencies.

## **ITF as clear and present danger to global shipping:**

This year was pompously declared by IMO as a "Year of Seafarers" meaning the main care of world shipping leaders is the welfare of seamen. As a proof of this all-embracing care, we have Maritime Labour Convention, coming into force in two years, with implementation of this Convention seafarers will be as safe and secure as ever. Hardly so. Let's look at ITF activities and try to foresee very near future. As far as I can understand, the main prophets and watchdogs of this Convention are ITF and affiliated nation unions. I don't know about other countries, but in Russia in Far Eastern ports port control already has a regulation, authorising them to demand from shipowners contract with ITF. Russian Seamen's Union demands from Russian Government more, namely - prohibition of any foreign-flag recruiting for companies and seamen alike, if companies, either crewing or owners or

managers, don't have agreement with union.

If one gathers all the news and information with regards to ITF activities and coming Convention, one has nothing else but wonder, what they are up to, ITF and affiliated unions. I published in my Maritime Bulletin materials on two cases involving wage delays, one connected with ITF, another one with Russian Seamen Union. In both cases some of the crew were manipulated by union activists to claim against shipowner. Both cases were just that - frame-ups. I know, that there are many more such cases, but nobody nowhere published any material, revealing some methods of ITF and nation unions, trying to analyze their activities, their methods, their morals and their aims. Ok then, if no one else, let me do some analyzing. We're up to, on the verge of, unbelievable situation, when global shipping will be laid at the mercy of unionists. Look where we're steering at full ahead - with implementation of MLC, portcontrols will be authorised, if not required to, check and demand union agreements. That in fact means, agreement with ITF. Membership in unions, affiliated with ITF, is already compulsory, as anybody knows. Not many seafarers may afford themselves a luxury of rejecting membership, when working in a company which has an agreement with ITF. Thanks God, there are many companies still not covered by these agreements, but when MLC comes into force, looks like there won't be many such companies left. Now, what will we get? Shipping roughly is a ship and a crew. One of those two components will be under total control of one organization, International Transport Federation. Isn't it frightening? I think it is. But there's much more to that.

Let's look into bright coming future and try to figure out how it will work and to what results. For example, let's say in one country there are two regional, local shipping companies, both working under agreement with ITF. Port control won't let the ships of any company arrive and departure without such agreement. Let's assume those two companies are rivals. One will have close ties with local unionists, or just find an approach to become close. All that company has to do to remove competitor or at least to damage him, is to ask local union to cancel agreement with company in question on the pretext of violating either agreement, or seamen's rights, or both, just to make sure. And a company in question will have one hell of a problem. Who will tell me it's impossible and inconceivable? I tell you who - leaders of global shipping, starting from IMO. All those who's in shipping, not above, will agree, that the scheme is a very possible one.

But I think this is the least risk we may expect, there are much bigger threats. Let's look at a wage level. And let's look at countries, main sources of maritime labour force. I don't know for sure about India or Philippines, but if we're talking Russia, for many men from small towns or villages union's "a must" wage level is a bit short of a fortune, they can't even dream about such salaries back home. Point is, those deciding to go to sea, those for whom such wages are more than satisfactory, more often than not, are not and won't be good reliable seamen, at least many of them. And why should they bother with their seamanship qualities if what they get is more than enough? They don't have stimulus to grow up, to get better qualifications, master a good English and go in for higher wages and career in some first-class shipping companies, they're more than satisfied with what they have. Such equality will endanger maritime shipping, especially local one.

Another aspect is local small and middle sized shipping companies. There is no secret in a plain fact, that they can't

afford wages required by ITF, simply can't. They make agreement with union and pay what they can, which is substantially less than required under agreement. Do you think union doesn't know that? Union knows, but its' ok with unionists as long as company pays her fee and seamen theirs. What is this, if not a profanity? And why nobody speaks about such practice, or writes, or at least mention? Whom do we fool, ourselves? Yes we do, and unions are more than happy with our idiocy, that suits them perfectly. If local owners, engaged in coastal shipping, would start paying required wages, many of them would bust, and that's a danger to coastal areas and population, take for example Russia, where the whole of Russian Far East depends solely on supplies delivered by sea.

Ok, one may say, but let's look at a bright side. At least seamen would be safe from such problems, as wage delays or abandonment. Hardly so. Let me again, give you some examples. Just to understand morals and methods of unionists. Last year there were some 100 Russian seamen in trouble, some abandoned in foreign ports by shipowners. Tens of thousands Russian citizen work at sea, in Merchant and Fishery fleets. They bring to Russia hundreds of millions dollars each year. Still, Russia as a state didn't allocate funds to repatriate her own citizen from abroad, if they're left with no means to return home. Russian embassies can't even support seamen with food. Well, Russian Seamen's Union once again raised the question of state help, but then came up with proposal to prohibit seamen employment on board of foreign-flag vessels, if owners don't have agreement with Union, and seamen aren't members of union. You see, unionists simply used the situation to their own benefit. Russia is not among most poor countries of the world. But Russia can't find money to help several dozen hardworking seamen, whose only misfortune is a wrong citizenship. To demand something from Russia, from her premier-minister and the Co., is not an easy business, it's even risky. But Russian authorities were happy, when Union came up with proposal of new restrictions. Russia is a well-known country for her corruption, and one more prohibitive law is just what Russian bureaucracy needs, it was a Christmas present to them. Everybody, at least in Russia, understands, that seamen will be working on foreign-flag vessels anyway, they'll find ways, mostly illegal of course. Still, unionists will get what they're after - more power. Now, whose interests defend unionists, if judge from the above?

And I'm absolutely sure, that when ITF and affiliated unions will come to full control via implementation of MLC, situation for seamen will only worsen, because unionists will decide, in what case to help crew, in what no, what make public and what to bury in oblivion. One more interesting fact about Russian Seamen Union new law proposal - there is one point in this law, demanding not just contract with trade union, but only with trade union affiliated with ITF, because "shipowners may create fake unions to avoid responsibility".

There's another example, on which we may figure out what's waiting us in near future. Russian Seamen's Union has an example for all Russian shipowners, example of a good responsible and in all ways perfect shipowner, biggest Russian shipping company Sovkomflot. State-owned and kind of notorious after acquisition of Novoship, her biggest rival. Acquisition was in no way market one, everything was decided in high places in Moscow. Now Sovkomflot is after another rival and competitor, the only one still alive, Primorsk Shipping Co. My old friend who works in Prisco, wrote me, that Prisco has to sell new aframax to Sovkomflot, crews offered to go with

ships to new owner. But Sovkomflot pays substantially less than Prisco. And besides, my friend worked in Prisco all his life. So what do you think, is Union neutral in such kind of "competition", or will back the strongest?

EuroCommission fights with monopolism, everybody fights for a free and fair competition, and people's right to have a choice. Here we have total monopoly with absolutely no choice, either you're a member of Union, or you're out. It's especially outrageous considering principles of trade unions: as far as I remember, union membership is voluntary, at least such was the idea, or now it's different and seamen must be members of the union, and not any union, but one and only one? What's looming ahead, is violation of any antimonopoly law or principle plus violation of basic human right, right to have a choice. And it looks like nobody cares. No criticism, no analysis, no Round Tables and conferences - nothing. Monopoly is a thing, which may kill any industry, any human activity. Most important component of global shipping, people, will be totally monopolized, and I have no doubts, monopolized for worse, not for better. ITF will have almost unlimited power to rule global shipping at their will. Well, I understand of course that there will be some limits, no one will let ITF seriously harm such sectors as shipment of crude, grain ore or container mainstreams, most victims of ITF will be small and middle sized local owners. But I have no doubt, ITF will be trying to get under control everything, till at last, shipping and states will lose patience and put ITF out. Before it happens, ITF will do a lot of harm, they already do, and the more we keep silence, the more harm we will get.

### **Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers:**

The Joint Working Group developed Guidelines relating to financial security to cover claims from seafarers in cases of abandonment, personal injury and death which were adopted by the IMO Assembly in November 2001:

A.930(22) Guidelines on Provision of Financial Security in Cases of Abandonment of Seafarers.

The resolution on provision of financial security in case of abandonment of seafarers states that abandonment of seafarers is a serious problem involving a human and social dimension and recognises that, given the global nature of the shipping industry, seafarers need special protection. In this context, the resolution notes that the adoption of guidelines is an appropriate interim measure to ensure provision of financial security in case of abandonment of seafarers. The resolution recommends measures to be implemented by shipowners to ensure the provision of an adequate financial security system for seafarers in case of abandonment and includes associated Guidelines which set out the main features and scope of coverage of the financial security system and also contain recommendations for certification of such systems.

A.931(22) Guidelines on Shipowners' Responsibilities in respect of Contractual Claims for Personal Injury to or Death of Seafarers.

The resolution on claims for personal injury to or death of seafarers notes a need to recommend minimum international standards for the responsibilities of shipowners in respect of contractual claims in such cases. It expresses the concern that, if shipowners do not have effective insurance cover, or other

form of financial security, seafarers are unlikely to obtain full and prompt compensation. It states that putting in place effective arrangements for the payment of compensation is part of the shipowners' responsibilities to provide safe and decent working conditions. The resolution includes associated Guidelines recommending measures to be implemented including certification and a model receipt and release form for claims.

### **The Joint Working Group continues to meet regularly and to report to the Legal Committee:**

The database on reported incidents of abandonment of seafarers contains a regularly updated list of vessels that have been reported to the ILO as abandoned in various ports of the world by appropriate organizations. It specifically includes information on seafarers who have been abandoned and their current status.

**Guidelines on fair treatment of seafarers in the event of a maritime accident:** Guidelines on fair treatment of seafarers in the event of a maritime accident have been adopted by the IMO's Legal Committee, which met for its 91st session from 24 to 28 April 2006.

The Guidelines, developed by a Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident, were also adopted by the ILO Governing Body, which met in June 2006.

The Guidelines recommend that they be observed in all instances where seafarers may be detained by public authorities in the event of a maritime accident.

Seafarers are recognized as a special category of worker, the guidelines state. Given the global nature of the shipping industry and the different jurisdictions with which they may be brought into contact, they need special protection, especially in relation to contact with public authorities. The objective of the Guidelines is to ensure that seafarers are treated fairly following a maritime accident and during any investigation and detention by public authorities and that detention is for no longer than necessary.

The Guidelines give advice on steps to be taken by all those who may be involved following an incident: the port or coastal State, flag State, the seafarer's State, the shipowner and seafarers themselves. The emphasis is on co-operation and communication between those involved and in ensuring that no discriminatory or retaliatory measures are taken against seafarers because of their participation in investigations. The Guidelines say that all necessary measures should be taken to ensure the fair treatment of seafarers.

The Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident was established in 2005 to work on the development of appropriate guidelines for endorsement by IMO and ILO. A resolution prepared by the Group and subsequently adopted jointly by the IMO Assembly and the ILO Governing Body last December (A.987(24)) states that both ILO and IMO are seriously concerned about the need to ensure the fair treatment of seafarers in view of the growing use of criminal proceedings against seafarers after a maritime accident. The resolution recognises the urgency of adopting Guidelines as a matter of priority and, to this end, requested the Group to finalise its work expeditiously. The Group completed this task in March 2006.

Member Governments are invited, in the resolution, to implement the Guidelines as from 1 July 2006.

# DIRECTORATE GENERAL OF SHIPPING

## Engineering Circular No. 116/2009

NO:ENG/ISM/59(4)/97

Dated 15.12.2009

**Subject:-** Procedure to be followed for audit request and issuance of certificates under ISM Code.

### 1.0 Background:

It has come to the notice of the ISM cell of the Directorate that many of the companies (DOC holders) are not following the procedures laid down in MS Notices 28/2003 and 8/2004 on the ISM Code certification. The observations are as under:

- 1 Closure of the non-conformities (NC): Non-conformities raised during the audits are not closed within the prescribed time period;
- 2 Required one month notice period for DOC Audit are not being followed;
- 3 Request for audit is not always being made on opening of the window period and also required audit request form (ISM-03) is not submitted along with the application;
- 4 Validity of ISM Certificates is not being maintained.

The above non-compliance leads to delay in the ISM Code certification process.

As a result it becomes increasingly difficult not only to organize/undertake the audits but also to follow the laid down certification procedure.

In view of above, all companies (DOC holders), responsible for implementation of ISM Code onboard and ashore, must follow the procedures given below to avoid delay in ISM certification process:

### 2.0 Procedure for ISM Code Certification:

- 1 The application for DOC Audit should be made with appropriate audit fee at least one month in advance.
- 2 The Company must take corrective and preventive actions to close NC(s) raised during the DOC/SMC audits within the stipulated time frame.
- 3 For Annual DOC audits, request for audit date should be made at the earliest without waiting till the closure of window period. (Example, DOC Valid date is until 09.05.2014, the window for the annual audit opens on 9th February of each year).
- 4 For Renewal DOC audits, request for audit date should be made at the earliest and the company shall ensure that the audit is completed satisfactorily at least two months before the expiry of the DOC to facilitate the Directorate to issue full-term DOC with effect from the date of expiry (ISM Code Clause No. 13.10)
- 5 The DOC audit request application must enclose the details of audit fees paid, duly filled ISM-03 form (to be downloaded from engineering circular No. 105 of 2009 dated 24.03.2009) and duly filled attached format i.e. Annex-A. Annex-A can also be sent by e-mail to [ismcell@dgshipping.com](mailto:ismcell@dgshipping.com); [sbarik@dgshipping.com](mailto:sbarik@dgshipping.com); [mehrotrata@dgshipping.com](mailto:mehrotrata@dgshipping.com); [cs@dgshipping.com](mailto:cs@dgshipping.com).
- 6 On satisfactory completion of SMC audit and closure of NCs within the prescribed time period and payment of required certification fee of Rs.1,000/- in favour of D.G. Shipping, Mumbai, the SMC for the recommended period will be prepared by the Directorate and dispatched immediately.
- 7 On satisfactory completion of DOC audit and payment of required certification fee of Rs.1,000/- in favour of D.G. Shipping, Mumbai, the certificate for the recommended period will be prepared by the Directorate and dispatched immediately.
- 8 Failure in closing the non-conformities within the prescribed period (maximum of three months), will be treated as major non-conformity on Company and their DOC or SMC, as the case may be, is liable to be rescinded.

- 9 For new application for Interim DOC, following are required to be submitted by the Company:
- Applicable fees in favour of D.G. Shipping for Interim DOC audit.
  - Background of the Company
  - Organization structure giving the qualification and experience of personnel.
  - Types of ships for which DOC is being applied.
  - SMS document (Apex) in compliance with ISM Code for the required ship type.
  - Company Identification No.
  - Copy of Registered document for office premise.
- 3.0 On receipt and scrutiny of Company's application for Interim DOC Audit, the Directorate may assign an auditor to carry out preliminary scrutiny of the Company's SMS document. After receiving the letter of nomination for scrutiny of SMS manual, the Company needs to submit the SMS manual with the concerned auditor. The auditor after satisfactory completion of preliminary scrutiny shall endorse and return the manual to the company and forward recommendation to the ISM Cell of the Directorate within the prescribed period. The ISM Cell of the Directorate, on receiving the recommendation, may nominate an audit team to the Company's premise to carry out the audit towards interim verification for the identified ship type(s). On receiving audit report from the auditor; the Company shall first address the non-conformities, if any, and then submit application with certificate fee of Rs.1,000/- for issuance of Interim DOC DOC.
- 4.0 Issued with the approval of the Chief Surveyor with the Govt. of India.

Sd/-  
**(D. Mehrotra)**  
Dy. Chief Surveyor cum Sr. DDG(Tech)

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**No.47th NMDC/2010** 15th January, 2010

To  
**All Recruitment & Placement Services Agencies**

**Sub: 47th National Maritime Day Celebrations - 2010**

Sir,  
As you are aware, the National Maritime Day Celebrations are organized on 5th April every year, at all major and non major ports of India. This year also, the 47th National Maritime Day will be celebrated on Monday, the 5th April, 2010. The theme adopted for the 47th National Maritime Day Celebrations to be held on 05.04.2010 is "Seafaring - A Career of Opportunities". The Merchant Navy Week will be observed from Monday, the 29th March, 2010 to Monday, the 5th April, 2010.

The Indian shipowners have been contributing every year towards these celebrations, while the Foreign Shipowners have also responded spontaneously to our appeal and made liberal contributions towards these celebrations from year to year. On behalf of the Central Committee, may I take this opportunity to appeal to your good offices to kindly send us your contribution of Rs. 5,000/- for this year's celebrations.

The amount may please be remitted by Cheque/Demand Draft, drawn in favour of 'NATIONAL MARITIME DAY CELEBRATIONS (CENTRAL) COMMITTEE ' and mailed directly to the Member Secretary, National Maritime Day Celebrations (Central) Committee.

With compliments of the season, best wishes and regards,

Yours faithfully,

**(Ashima Gupta)**  
Dy. Director General of Shipping &  
Member Secretary, NMDC(C)



# Engineering Circular 118

NO.: ENG/ISM/59(4)/97 1st February,2010

**Sub:** A. Guidelines regarding Safety Management System Apex document for the identified ship type(s),in compliance with ISM Code.

B. Details of amendments to ISM Code which will come into force on 1st July 2010.

**Purpose:** To provide guidance to all concerned on the development of Apex Safety Management Manual and to provide the information with regard to the amendments made by the International Maritime Organization's Maritime Safety Committee through Resolution MSC.273 (85) which will enter into force on 1st July 2010.

All concerned are hereby advised to implement the requirements of this circular and accordingly take necessary steps to maintain a safety management system in compliance with the International Safety Management Code,as amended.

Inspections and audits conducted by the Directorate on or after 1st July 2010 will include verification with the requirements of this circular.

## Requirements:

- A. Guidelines regarding Safety Management System Apex document for the identified ship type(s),in compliance with ISM Code.
1. The Apex Manual of the company is to be referred to as Safety Management Manual and required to be in compliance with various elements of ISM Code, as amended.
  2. The manual must contain following as a minimum:
    - i. Policies, objectives, organization structure, responsibilities & authorities of relevant personnel, communication level and identification, risk assessment and control of processes of the company and on board the ship with respect to ISM Code.
    - ii. In the event of any other operational manuals, instructions, checklists, forms etc. constituting a part of the Safety Management System, the apex manual shall contain cross references to all those documents.
    - iii. The Apex Safety Management Manual shall be so prepared that frequent amendment to the manual is avoided.
    - iv. The detailed procedures, instructions, checklists, forms, etc., which may require amendments from time to time to deal with non-conformities, near-misses, incidents additional requirements, resulting out of management review, changes to statutory requirements, audit out come etc., may be documented separately.
    - v. All above mentioned instruction/operational manuals shall be linked with the 'Apex Safety Management Manual' having cross reference in the apex manual. The apex Safety Management Manual can have provision to indicate reference to other relevant manuals / documents viz. Environmental / Health / Quality Manual / Functional Guidelines etc. but not the other way round.
- B. Details of amendments to ISM Code which will enter into force on 1st July 2010. The summary of amendments is as under (This summary is for general guidance only. Full details of the amendments are to be obtained from the attached IMO Resolution MSC.273 (85) and reference should be made to that document for comprehensive detail of the amendments.)
1. Changing the definition of "major non-conformity" - this gives a less restrictive definition of a major non-conformity.
  2. Adding "assess all identified risk to its ships" in the objective.
  3. Adding a periodical review of the SMS as a master's responsibility (previously masters were only required to review the SMS with no periodic requirement given).
  4. Adding "measures intended to prevent recurrence" in the procedure for the implementation of corrective action reflecting the need to put in place both corrective and preventative actions.
  5. Requiring companies to identify equipment and technical systems for which sudden operational failure

may result in a hazardous situation (previously, companies were only required to establish a procedure for this).

6. Setting a mandatory internal audit frequency of one year (previously the requirement had been for internal audits and periodic assessment of the efficiency of the SMS).
7. Introducing a need for the company to assess the effectiveness of the SMS, rather than its efficiency.
8. Introducing possible 3 months extension of certificate, if a ship is not in a port (including change in the certificate form).

This issue, with the approval of the Chief Surveyor with the Govt. of India.

Sd/-

(Mehrotra)

Dy. Chief Surveyor cum Sr. DDG (Tech)

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## Shipping Development Circular No.2 of 2010

**NO: SD-13/POL(3)/97      Dated 04.02. 2010**

**Sub :** The fees / charges for various services rendered by Directorate General of Shipping in respect of Technical Clearance, various licences and Charter Permissions in respect of Indian and Foreign flag vessels.

I am directed to invite a reference to this office letters Nos. SD-13/POL/3/97 dated 17.07.1998, SD-13/POL(3)/97 dated 06.12.1999, SD-13/POL(3)/97 dated 06.06.2001, SD-13/POL(3)/97 dated 01.01.2005 and SD-13/POL(3)/97 dated 3.7.2008 regarding revision of fees to be charged for various services, pertaining to technical clearance, various licences and charter permission etc., rendered by the Directorate General of Shipping and to state that it has been decided to charge the following fees, with effect from 08-02-2010, under various heads, commencing the period of licence / charter / lay-can w.e.f. 08-02-2010.

<b>Sl. No.</b>	<b>Various Services rendered by D.G. Shipping</b>	<b>Fees</b>
1	Slabs of GT for Technical Clearance: (a) Ships up to 2000 GT (b) Ships from 2001 GT to 10,000 GT (c) Ships from 10001 GT to 20,000 GT (d) Ships of 20,001 GT and above	Rs 30,000/- Rs 30,000 + Rs.5.00 for each GT above 2000 Rs. 70,000 + Rs. 3.00 for each GT above 10,000 Rs. 1,00,000 + Rs.2.00 for each GT above 20,000.
2.	Fee for Licence application form in respect of General Trading Licence (GTL), Specified Period Licence (SPL), Specified Voyage Licence (SVL) etc.	Rs. 200
3	Processing fee for GTL per ship per year, in respect of Indian registered foreign going vessels (worldwide including coastal)	Rs. 20,000
4	Processing fee for GTL, per ship per year, in respect of Indian registered coastal vessels including offshore supply vessel	Rs. 10,000
5	Processing fee for SPL, per ship per month, or part thereof, for foreign flag vessels for coastal operation. (Vessel having a charter permission)	Rs. 20,000
6	Processing fee for SPL per ship per month, or part thereof, in respect of foreign flag vessel for operating on Coastal/ Off-shore/Contract/ Projects Operations etc. (Vessel not having a charter permission)	Rs. 40,000

7	Processing fee for SPL per ship per month, or part thereof, in respect of chartering in of foreign flag vessel for operating on cross trade/overseas trade	Rs 30,000
8	Processing fee for SVL per voyage, or for a consecutive voyage, for foreign flag vessels, not exceeding one month	Rs 20,000
9	Processing fee for charter permission of foreign flag vessels, on voyage basis, per voyage, or for a consecutive voyage, not exceeding one month, for export or import or coastal operations	Rs 40,000
10	Processing fee for charter permission of foreign flag vessels, on time charter basis, for a period not exceeding 30days(Fees for extension would be calculated at the rate of Rs.1000/- per day)	Rs 40,000
11	Processing fee for Bare Boat Chartering in of foreign flag vessel up to one year per vessel. (Fees for extension in excess of one year would be calculated on a pro-rata monthly basis)	Rs 70,000
12	Processing fee for amendment of GTL,SPL,SVL, or charter proposals viz. change of lay-can, change of vessel, change of owner, change of Trading Limit etc	Rs 10,000
13	For Indian Flag vessels <500 GT or any flag vessel carrying cargo <5000 MTs per charter for exports (Castor Oil)	Rs 15,000
14	Issue of duplicate copy of licence	Rs 10,000
15	late submission of application for SPL/SVCP/TC (in addition to required fees)	Rs 50,000
16(i)	late submission of application for GTL (in addition to required fees)	Rs 10000
16(ii)	Renewal of application for GTL (in addition to required fees)	Rs 10000 per day from the date of expiry limited to Rs. 50000/- for a delay upto one month and additional 50000 for each succeeding month thereof

It may please also be noted that the levy of above prescribed fees will be effective commencing the date of licence / charter / lay-can etc. w.e.f. 08-02-2010 irrespective of the date of submitting of application and approval thereof, till further revision. The payment is required to be made by way of Demand Draft favoring Director General of Shipping, Mumbai / through Electronic Mode, mentioning NEFT / RTGS number and date alongwith each application and no application will be considered by the Directorate unless accompanied by the requisite fees.

Sd/-  
( **V. Rajendran** )  
Dy. Director General of Shipping

# NT Wing/Exam Circular No.1 of 2010

Authorized by

Examination, Assessment & Certification  
(EAC Br.)

IS / ISO Clause  
No. 7.5.1

**Subject:** Assessment of Sea service performed on Non-trading vessel/s in Foreign/coastal Waters towards 2nd Mate (FG) certification.

**N. T. Branch / Exam circular No. 01 of 2010**

**Chief Examiner of Master & Mates:** File No. 7-NT(2)/2009-Pt. 05.02.2010

## Background:

This Directorate has been receiving queries from various assessment centers (MMDs) with regard assessment of sea time, if such sea service has been performed on non-trading ships of special purpose such as, cable laying vessels, dredgers, anchor handling tugs and similar other vessels (inter-alia, special purpose code vessels, offshore supply vessels, diving support vessels & other such vessels) plying in foreign as well as in Indian coastal waters and where competency tables A-II/1 or A-II/2 of STCW 78/95 code for all the functions are not completely covered.

## 2. Decisions taken:

It has been decided that assessment of sea service for the purpose of appearing for examination for 2nd Mate (foreign going) shall be as follows:-

- 2.1 At least half of total sea service requirement [eg. 18 months if requirement is 36 months or 9 months if the requirement is 18 months in case of Structured Ship board Training Programme (SSTP) cadets] shall be performed on foreign going trading vessels or coastal trading vessels of 3000 GT and above engaged on voyages of 500 miles or more.
- 2.2 Six months of supervised navigational watch keeping shall be performed on foreign going trading vessels or coastal trading vessels of 3000 GT and above engaged on voyages of 500 miles or more.
- 2.3 Assessment of sea time for service performed on non-trading vessels of 3000 GT and above in foreign waters:
  - a) Maximum of six month's sea service as in Para 1 above at full rate for actual Sea Service performed on such non-trading vessel may be assessed.
  - b) Balance sea time [service in excess of actual sea service in sub Para a) above] may be awarded at 2/3rd rate.
- 2.4 Assessment of sea time for service performed on non trading vessels of less than 3000 GT and 500GT or more in foreign waters:
  - a) Maximum of six month's sea service as in Para 1 above at 2/3rd rate for actual sea service performed on such non-trading vessel may be assessed.
  - b) Balance sea time [service in excess of actual sea service in sub Para (a) above] may be awarded at half rate.
- 2.5 Assessment of sea time for service performed on non-trading vessels of 3000 GT and above in Indian coastal waters:
  - a) Maximum of four month's sea time may be considered for service as in Para 1 above at 2/3rd rate for actual sea service of six months performed on such non-trading vessel may be assessed. Sea service beyond six months on these vessels will not be counted for this certification.
- 2.6 Assessment of sea time for service performed on non trading vessels of less than 3000 GT and 500GT or more in Indian coastal waters.
  - a) Maximum of four months sea time may be considered for service as in Para 1 above at half rate for actual sea service of eight months performed on such non-trading vessels may be assessed. Sea service beyond eight months on these vessels will not be counted for this certification.
- 2.7 Sea service performed on vessels of less than 500 GT will not be assessed towards Second Mate (FG) certification.

For Sea time calculation attached table (Annexure-I) may be used as reference.

3. A candidate desirous of continuing service on a non-trading vessel may apply for assessment of sea service and same will be counted in full for the purpose of assessment of sea going service, however, the CoC so issued shall carry limitation/s with regard to type of vessel and/or area of operation.
4. To remove / modify limitations imposed on a CoC, the candidate (as stated in Para 3. above) will be required to perform a minimum of 6 months of service on a dedicated foreign going trading vessel, then put up his service record for assessment centre and pass the oral examination (normally, scope of such oral examination shall be restricted to areas of competencies so far not covered in earlier oral examinations). Such applications will normally be entertained by assessment centers towards 5 yearly revalidations process.
5. This issues with the approval of the Chief Examiner of Master and Mates.

Sd/-

**(Capt. A. K. Azad)**

Nautical Surveyor-cum-DDG (Tech.)

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## **D.G. Shipping Circular No. 1 of 2009**

**No. SS/CAS/POLICY/2005**

**Dated: 31.12.2009**

**Sub:** Policy regarding implementation of amended Regulation 13G and new Regulation 13H, Annex I of Marpol 73/78.

WHEREAS by a Circular No. 3 of 2005 (SS/CAS/POLICY/2005 dated 24th March 2005), this administration decided to grant permission to Indian single hull tankers to operate beyond their phase-out dates, under the provisions of paragraphs 5 and 7 of Regulation 13G (new regulation 20) and paragraphs 5, 6, 7A of Regulation 13H (new regulation 21), Annex 1 of Marpol 73/78, as amended, based on their structural condition, age and operational areas, on a case to case basis;

AND WHEREAS the Indian National Shipowners' Association (INSA) have made representations to this administration and the Ministry of Shipping that foreign single hull tankers, which are in the wake of their imminent phase-out, may be attempted to be registered as Indian flag ships, to be able to enjoy certain advantages and privileges afforded to them under the existing DGS guidelines for operation of Indian flag vessels along the Indian coast, making India a dumping ground for single hull tankers;

AND WHEREAS pursuant to the receipt of the aforesaid representations, the matter has been under examination in consultation with the Ministry of Shipping;

NOW THEREFORE the DGS notifies that the special exemptions granted to Indian single hull tankers, as per DGS circular No. 3 of 2005 dated 24th March 2005 shall apply only to those single-hull tankers, which have been registered before the date of publication of this circular. However, applications for registration of single hull tankers pending on the date of this circular will be processed and will be governed as per the existing guidelines/circulars.

This issues pursuant to the Ministry of Shipping letter no. SS-16024/ 6/2009-SL dated 30th December, 2009 and with the approval of the Director-General of Shipping & ex-officio Addnl. Secretary with the GOI.

Sd/-

**(Suresh Kumar)**

Dy. Chief Ship Surveyor-cum-  
Senior Dy. DG (Tech.)

## **Captain Jess Pascual conducts an antipiracy session in Manila:**

Capt Wilfredo Iligan, 57, has spent all of his adult life at sea but over the past few years he has become nervous when navigating certain routes, especially the Gulf of Aden and the waters off the coast of Somalia.

"When you are out there, you become a sitting duck for pirates," the Filipino said as he attended his first day of mandatory antipiracy training in Manila. The Philippines, which supplies almost a third of the world's merchant seamen, has made it compulsory for all seamen - from officers to deckhands - to do the training before they are allowed to go back to sea. Courses began on January 15.

Last year, 322,843 Filipino seamen manned the world's cargo vessels, from bulk carriers to oil tankers, an increase of 23.4 per cent over the previous year. But life for these seafarers is increasingly coming under threat, especially in the waters off the east coast of Africa.

This week the crew of a Greek-flagged tanker, the Maran Centaurus, which included 16 Filipino seamen, was released by Somali pirates after the ship's owners paid a ransom of between US\$5 million and \$7m (Dh18.4m-26m).

"With so many of our seamen being held captive in recent years by pirates, the government had come under a lot of pressure from the manning sector, civil society and seafarer groups to do something," said Hans Caccdac, the deputy administrator of the Philippine Overseas Employment Administration, which oversees the welfare of seamen.

"We had to look at how best we could protect our seamen considering we are neither party to any of the negotiations to free them when held hostage, nor do we patrol any of the sea lanes. The best solution was to teach our seamen how to cope with a pirate attack or in a hostage situation," he said.

Mr Caccdac said that after the release of the crewmen this week, some 57 Filipino seamen were still being held hostage around the world, most of them taken by pirates off the east coast of Africa.

"Piracy, especially in the Gulf of Aden and off Somalia, is still a major problem despite the international effort to protect commercial shipping," he said.

According to data compiled by the International Maritime Bureau, there were 406 attacks on merchant ships last year compared with 293 in 2008, 263 in 2007 and 239 in 2006. The bureau in its annual report said 153 vessels were boarded, 49 vessels hijacked and 1,052 crewmen taken hostage, with 60 injured and eight killed.

Of the 406 attacks, 217 were carried out by Somali pirates in waters including the Indian Ocean, the Gulf of Aden, southern Red Sea, the Bab El Mandeb straits and the Arabian Sea, according to the maritime bureau.

Mr Antonio Gálvez, the CEO of Marlow Navigation Philippines, one of the country's leading agencies for the placement of seamen, said his company began antipiracy training in July last year. "The aim is to try and better prepare our people in case they are attacked by pirates - how to prepare their vessels and how to act if held hostage. The safety of the crew is paramount."

The company runs a four-hour training programme for officers and a two-hour session for other sailors.

One of the instructors, Capt Jess Pascual, said: "The pirates operating off Somalia are very sophisticated and have very good

intelligence. They once operated 200 nautical miles [370km] out to sea but can now operate up to 600 [nautical miles]. They have sophisticated weapons and can operate from mother ships - usually fishing trawlers - well out to sea.

"Our programme is based on information exchanged from other maritime agencies, recruitment centres and shipping companies. We examine ways to best protect vessels and their crews before leaving port and when transiting high-risk areas.

"If hijacked by pirates, the best thing for the crew to do is not to resist and do nothing that will intimidate them."

Methods being used by shipping companies to protect their vessels range from using dummies dressed in fatigues and carrying wooden guns to give the impression the vessel has armed guards, to surrounding open areas of the ship with razor wire. Another effective method is the use of "crazy fenders" - logs hung over the side of the vessel by ropes, which flap about and make it impossible for pirates to get close enough to board.

One tactic now being taught in various training sessions is the "citadel" room. This was used by the crew of the Maersk Alabama, which was hijacked off the coast of Somalia in April last year. The crew locked themselves in the engine room and rendered the ship useless by turning off all power. The captain was held captive for five days and freed when the US navy intervened.

Capt Iligan, however, believes that the tactics used by the Israelis and Russians are the best: "They use armed guards on their vessels and to date none of them have been hijacked." Capt Iligan has fended off five hijack attempts.

"The last one was in September last year. We were well off the coast of East Africa running cargo from India to Mombasa, when we noticed what looked like an old fishing trawler following us. I guess we were probably 600 nautical miles off the coast. As we sped up, so did the trawler. I ordered we change course 90 degrees and the trawler changed course. We outran it, but it was close.

"I don't even get close to commercial vessels anymore because there is no way to know whether it was hijacked or not and is being used by the pirates.

"After you leave the 500-kilometre international corridor and are out in the Indian Ocean, you are on your own."

## **GLOBAL - New Offshore and Maritime Seafarer ID Standards under ILO 185**

Since September 2001, heightened border protection measures have resulted in the need for more secure travel documentation, such as biometric passports and secure national identification cards. The majority of all global trade is conducted by sea, and the granting of shore leave is vitally important to a merchant seaman's (crewmember's) welfare. Providing secure identification for crewmembers which will facilitate the granting of shore leaves is beneficial for both the ship's crew and for migration authorities at all ports of call.

The United Nations' International Maritime Organization ("IMO") is responsible for the regulatory framework of maritime shipping. The International Labor Organization ("ILO") is also a United Nations agency and brings together representatives of governments, employers and workers to shape policies and programs. ILO members are from 183 countries (i.e., "ILO Member States"). The ILO's Conventions are responsible for creating and overseeing international labor standards, including those for merchant seamen.

The provisions in the ILO's 1958 Convention No. 108 (ILO C108 or "ILO 108") created an internationally-recognized identity document for crew traveling aboard seafaring vessels that are entering another country's designated seaport(s). The ILO and the maritime industry refer to this document as a Seafarer's Identity Document ("SID"), also commonly referred to as a "Seaman's Book." The SID does not replace a crewmember's passport, and it cannot be used to enter another country if the crewmember is arriving by airline or via overland routes.

Another important feature of the SID is that the SID replaces the requirement for a crewmember to present an entry, work or transit visa for countries that have ratified the ILO 108, provided that the crewmember (1) evidences his/her employment on the ship that is arriving at an ILO Member State destination, and (2) arrives at a Member State's designated international seaport.

Under the current ILO 108 provisions, most ILO Member States will grant shore leaves of up to 30 consecutive days in a single stay to qualified crewmen without requiring national entry or work visas. The period of admission is determined by each Member State's national immigration laws and is granted on a case-by-case basis for each crewmember. If a vessel is transiting through the national waters of an ILO Member State, the need for crewmembers to obtain transit visas from the country of transit may be waived for crewmembers holding valid SIDs recognized by the country of transit.

In June 2003, in response to post-9/11 requirements for international travel documents, new SID regulations were adopted with the passage of ILO C 185 (ILO 185) to conform to current universal secure identification requirements. The new ILO 185 standards for SIDs are in the process of being ratified by ILO Member States.

The major requirements under the new ILO 185 regulations are as follows: SIDs may only be issued by the crewmember's country of nationality or country of legal permanent residence. (Currently, under ILO 108, SIDs may be issued by the crewmember's country of nationality, the country of the flag vessel, or the country of the crewmember's employer.);

SIDs must be machine readable cards that contain the required biometric information of the crewmember, similar to that in a new biometric passport. (Currently, under ILO 108, most crewmembers hold SID "Seaman's Books," containing only records of the holders' career certifications and experience);

Each Member State must implement minimum ILO requirements and recommended procedures for issuance of SIDs and must ensure that crewmembers comply with both ILO requirements and the host country's laws and regulations;

The SID does not replace a crewmember's passport, but it may be used as the crewmember's primary international identification document, provided the crewmember remains on board the vessel during the entire time the ship remains in the host country's national waters.

Prior to when certain crewmembers enter a particular destination country's national waters, the country may require entry, work or transit visas for the following:

- crewmembers who require visas to enter the transiting country and/or host destination country;
- crewmembers who do not carry SIDs issued by the seafarer's country of nationality or legal permanent residence; or,

- crewmembers possessing SIDs issued by a country not recognized by the destination country.

Under the new ILO 185 regulations, the maritime authorities in each country will be responsible for issuing new SID cards. Once a Member State ratifies the new ILO 185 standards, all SIDs issued in accordance with the ILO 108 will become invalid; and new SID cards are to be issued by the seaman's country of nationality or legal permanent residence. The cards are expected to replace the ILO 108 versions and are intended to reduce destination country entry visa requirements

Since many ILO Member States are finding it expensive to produce biometric identity documents and install new machine-readable equipment at multiple ports of entry, thus far only 14 out of the 183 Member States have ratified the new ILO 185 regulations. In addition, some ILO Member States that have entry restrictions for certain nationalities are unable to ratify the new ILO 185 standards without first changing their national immigration laws to meet the requirements stated in Article 6<sup>o</sup> of the ILO 185. Due to the lack of comprehensive ratification by all ILO Member States, the ILO 185 is not considered the controlling authority governing SIDs for international merchant marine.

Presently, the ILO 108 is the controlling authority for the international merchant marine. However, not all ILO Member States are party to the ILO 108 since ILO 108 has only been ratified by 61 Member States, representing approximately 60.7 % of the world fleet). See <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C108>.

Crewmembers who do not carry valid SIDs issued by ratifying Member States may be subject to the visa/entry requirements of the destination country (e.g., a U.S. national seaman entering a Brazilian port without a qualified Seaman's Book will be required to obtain a Brazilian work visa in his or her passport prior to entering Brazilian national waters.)

**High time for action:** THERE was a time when messing with a Red Ensign vessel was a high risk activity. History records that in 1739, Britain fought a nine-year war with Spain, after that country's coastguard boarded a British ship and lopped off the captain's ear.

Public opinion was outraged and a reluctant government forced to act. A number of Spanish ports were captured, while Cuba was duly invaded in response. Incidentally, Lloyd's List had already been publishing for five years at this juncture, and presumably reported the whole shooting match with its customary flair, accuracy and aplomb.

Compare and contrast with the sorry situation now. These days, Somali pirates kidnap for ransom the ships of all nations with virtual impunity. If they should happen to get caught, they often face no sanction greater than being told not to be naughty boys, after which they are immediately released.

We are painfully aware that Britannia no longer rules the waves, and know full well all the reasons why military intervention in luckless Somalia would be counterproductive at best. Nevertheless, in view of the scale of the problem, the time has surely come to stop forcing to world's navies to act like nervous trainee social workers and to allow them to mount a meaningful law enforcement effort. That means arrests, trials, and prison sentences for the guilty, please. It is high time.

Questions have been asked of government. The DfT must now produce a clear and unequivocal explanation.

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