

Lubricating Bubbles May Help Branson War on Shipping Pollution

Looming United Nations measures to halve carbon emissions from commercial ships have Nippon Yusen K.K., owner of the world's second-largest fleet, designing a vessel that is propelled by sails and glides on lubricating bubbles. Their shipping lines are also aiming to cut greenhouse gases. China Cosco Holdings Co., the nation's largest container-ship operator, may reintroduce nuclear power for moving cargo. A.P. Moeller-Maersk A/S, the biggest container-shiping company, already cut sailing speeds by half. The shipping industry, the sixth-largest source of



warming gases, also is the first target of billionaire Richard Branson's Carbon War Room. Commercial vessels emitted 3 percent of the world's carbon in 2007, and that may increase to 18 percent by 2050 as global trade increases and fleets expand, said the UN's International Maritime Organization. "The marine industry is gearing up for the biggest revolution since World War II," said Lee Sokje, an analyst at Mirae Asset Securities Co. in Seoul. "You're either ahead of the game or you're out."

Emissions targets being negotiated by the IMO and industry may be adopted in 2012 with fines for violators, prompting shipping companies to research renewable-energy technologies while also slowing vessels.

Possible Penalties

Penalties could reach \$75 per ton of carbon emissions above a still-undetermined level, according to Det Norske Veritas, a Hovik, Norway-based ship assessor. The money would fund research and development of cleaner technologies.

"We're hoping that a target will be set for the airline industry, a target will be set for the shipping industry and, if the industries don't meet those targets, it

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will cost them money," Branson said April 21. "Hopefully, that money will then go to the rainforest and will be invested in technological innovations."

Cargo ships carry about 80 percent of global trade. The industry emitted 870 million tons of carbon dioxide in 2007, the IMO said. By comparison, Germany emitted 956 million tons of greenhouse gases that year.

IMO standards likely won't be adopted until at least 2012, said Ron Widdows, chairman of the 29-member World Shipping Council, which represents the liner industry, and chief executive officer of Neptune Orient Lines Ltd., owner of Southeast Asia's biggest container-shipping company.

Climate Talks

The IMO proposal follows international talks in Copenhagen in December to reduce discharges of greenhouse gases and keep the global rise in temperatures since industrialization in the 1800s to 2 degrees Celsius (36 degrees Fahrenheit). The next round of UN climate talks is scheduled for late this year in Cancun, Mexico.

Nippon Yusen is spending 70 billion yen (\$743 million) over five years on emissions control. Its NYK Super Eco Ship 2030 could emit 69 percent less carbon dioxide than existing carriers by using alternative energies and liquefied natural gas, the Tokyo-based line said on its Web site.

Its main power source would be LNG fuel cells, which emit 30 percent less carbon dioxide than diesel. Power also would be generated by at least eight sails and 31,000 square meters of solar panels, including on the sides.

Bubbles, Reactors

Air bubbles ejected under the bow to reduce friction could save 10 percent on power requirements, the company said.

"Not a joke. Not a toy. Not only a dream," Nippon Yusen's Web site says.

The company may order two fuel-efficient car carriers this year that would reduce consumption by 40 percent, President Yasumi Kudo said.

China Cosco may revive nuclear-powered cargo ships, first introduced in 1962 with the U.S.-flagged NS Savannah. The U.S. Maritime Administration vessel was decommissioned in 1972 because of high maintenance costs.

Japan and Germany also used and decommissioned nuclear-fueled vessels.

"We are not only looking into nuclear, but also wind energy and solar energy," said Zhang Liang, president of China Cosco. "We have to take up more social responsibility, particularly in energy saving and environment protection."

He could not say how much the company was spending.

'Prices Through Roof'

Yet Mirae's Lee said the costs of building and running alternative-energy ships make them more of a dream than a reality. The cost to build a nuclear-propelled vessel may be twice that of a standard vessel, DNV said.

The biggest crude oil carrier costs about \$98 million, according to Clarkson Plc. Also, the technology for putting reactors in commercial ships is "immature" and may not be viable for another 20 years, DNV said.

"Ship prices are going to go through the roof if any of these ships using renewable energy are built," Lee said. "That's why most of the ideas being studied now will remain just that: ideas."

The IMO previously took steps to reduce the sulfur content in fuels to 0.5 percent from the current 4.5 percent by Jan. 1, 2020. Hyundai Heavy Industries Co., the world's largest shipyard, last month delivered the first engine meeting IMO standards.

The quickest way to reduce carbon emissions is to slow down, according to the Transpacific Stabilization Agreement, which counts Maersk among its 15 members.

Reducing speed by 10 percent can pare fuel consumption by up to 30 percent, according to DNV. Slowing speeds by 25 percent can reduce carbon emissions by more than 350 tons a day, the TSA group said.

Clients of Singapore-based ship lessor Rickmers Maritime, including Maersk and Mitsui O.S.K. Lines Ltd., save up to \$40,000 a day by halving speeds to 12 knots, said Thomas Preben Hansen, chief executive officer.

"Greenhouse reduction comes from burning less stuff," Widdows said. "You can only do that if you go slower until other technologies come up."

Will Jones Act Help or Hurt Offshore Drilling Expansion

The Jones Act is integral to the health and viability of the US shipping industry and its ability to compete with a growing number of fleets from offshore countries. However, previous interpretations of the Jones Act could be a serious setback for the industry in light of the Obama administration's decision in March to expand offshore drilling.



In its simplest form, the Jones Act states that only vessels built, owned and manned by Americans may carry cargo between US destinations in a bid to protect the American shipping industry from offshore competition. However, according to the 4/23/10 issue of New Orleans City Business, foreign vessels have managed to get a foot in the door, thanks to an interpretation of the Jones Act by the US Customs and

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From the Editor's Desk



Man often becomes what he believes himself to be. If I keep on saying to myself that I cannot do a certain thing, it is possible that I may end by really becoming incapable of doing it. On the contrary, if I have the belief that I can do it, I shall surely acquire the capacity to do it, even, if I may not have it at the beginning.

MOHANDAS KARAMCHAND GANDHI

"Courage is the resistance to fear, which is the result of good mental and physical health". With some techniques in, 'Mastery of Martial arts' - the close combat fight, we therefore overcome "the thought of fear, which leads to absence of fear".....

SRI SAI R. VENKATAKRISHNAN

"Achievement of Success comes to only those who make up a goal and sincerely tries. No one can get anywhere unless one knows as to where one wants to go, wants to be or do."

Dr. CHANDRAN PEECHULLI

We are responsible for what we are, and whatever we wish ourselves to be, we have the power to make ourselves. You cannot believe in God until you believe in yourself.

SWAMI VIVEKANANDA

MARINE WAVES do not only aim to protect seafarer's interest, but to consistently view their welfare and ensure that they are not exploited by vested interests in the maritime industry, re-assuring them to voice their rights and privileges as a non-government organization sector. To further address, the economic concerns of our fisher-folks and port workers, with a constant re-view of optimizing our huge maritime resources towards national economic development. It is therefore imperative to streamline our "National Maritime Administration", with the requisite infra-structure, assigning most competent (with rich sea experience and updates, adding to relevant post qualification as experts). Duty-conscious mariners, willing to serve the government efficiently, in the office of the Directorate General Shipping with carefully drawn Policies and Procedures meeting to the times, to realistically prove superior or else there exists better qualified mariners sailing out at sea, as Captains and Chief Engineers, Superintendents etc. and as well as THOSE serving in Maritime Educational Training Institutions/Colleges. To ensure fair-play, enforcement of customer - employee friendly policy and procedures for ship registry and maritime administration, with seafarer-friendly welfare policies, viewing occupational hazards, piracy menace, living and working conditions out on the deep seas, away from near and dear ones. Do conduct sensible, comparative studies from time to time, with leading shipping registries and enactment of realistic policies for adoption and implementation. These endeavors need to be a continuous process, in competing and excelling towards better performance efficiency.

Fair treatment of seafarers: Seafarers are "Innocent Human-being", as they have no tall claims when compared to shore-based employees. They bring in valuable foreign-exchange to their country of origin. Even, during seafarer's limitations of period ashore, needs to attend for renewal of CDC, Passport, Driving License, Civil authorities, EB, Ration Card, mandatory refresher courses etc. as per the regulatory mechanisms in force without relaxations. Knowing the weakness of this maritime community who are expected to be with their near and dear ones, during their hard-earned leave period, from out at sea service, they are being harassed and humiliated by deliberate dragged delays to exploit and grab money as bribes. Seafarer's Safety, Security, Welfare and the human element as a whole, is in a neglected corner. Seafarers are in-secured. FOC vessels are the prime violators:-which is encouraged by the world body (IMO), owing to their pumping-in more funds, which is for compensating seafarer's exploitation. Message to Seafarer's booklet from ITF, misguides them (seamen), on the contrary, victimized when reported, as the ITF representative at port connives with the local shipping agents and the said Master of the vessel. Corruption is on the rampant. Those seamen who highlight such lacunae ought to have been compensated. We in the enlightened society, have a responsibility to ensure that people, plant and process can effectively interrelate, to ensure safe, sustainable and dependable maritime services. ILO Convention and other international instruments are inadequate to ensure true protection of Seafarer's Rights & Privileges. Lack of affective enforcement hampers "Seafarer's Rights". Please view as to what extent the improvement in National Laws and regulatory procedures help in protecting the rights of seafarers? How can National/International Trade Unions and other seafarer's welfare organization be better net-worked and strengthened to ensure protection of Seafarer's Rights?

Management of international shipping companies, have failed in not coming forward to form a consortium to combat "PIRACY" Why? While, as per natural law, it is employers basic responsibility to protect their employees. Also, Bulletin Alert! Considers these shared responsibilities and demonstrates convincingly that all these links in the chain of responsibility are important, and need to be considered. Safe, sustainable and dependable shipping depends upon all those interests, considering their own contribution to the end result. It is of not much use "operations department" doing their job, if they are being undermined by the financial rug being pulled from under them, or the owners' efforts being hazarded by ignorant or unscrupulous charterers. There is tough talking in the issue of Alert! from contributors like Lloyd's Register's Richard Sadler, who suggests that those at the top in our industry have an obligation to improve the social conditions of seafarers, and from Anglo-Eastern's Captain Pradeep Chawla, who argues cogently for a more realistic attitude to costs. Clay Maitland urges a 'climate of inclusion' for seafarers. There are contributions from all the 'links' in the chain of maritime responsibility. And the celebrated Alert! Center-fold summarises the responsibilities which those in the financial, underwriting, P&I, broking and chartering communities need to remember as they undertake their specialist work. We need to consider these shared responsibilities and recognise that CSR is a lot more than producing some nice words on a policy document.

The ILO's Maritime Labour Convention is aimed at improving the social conditions of our seafarers especially in this, "IMO's Year of the Seafarer", to prevent mistreatment - their living and working conditions and rewards. We have not improved enough and have allowed our seafarers' social status to be eroded. Crew shore leave restrictions prevent crews enjoying the much needed relaxation that they would otherwise enjoy. I don't see aircraft crews, having to stay on their planes for six months as they fly around the world. In fact I see them having preferential immigration channels and being treated as VIPs. Are seafarers such a security risk and so unwelcome that they cannot be offered the same courtesy? We know that operating a ship is not just about having knowledge of the equipment and systems, but also, we have to be able to execute this knowledge properly with respect to safety and long term benefit. We need to design the equipment and the working practices that surround them with the human interface in mind. 'You put a good person in a bad system and the bad system wins' - no contest! You cannot have a safe, sustainable or responsible business without sound technology that is suitably managed and operated by suitable people in a suitable culture and environment. That is why in Lloyd's Register we consider that the integration of our asset technology capability with our human element business and Quality Assurance activities contributes to a suitably holistic view on safety.

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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.

Border Protection Agency (CBPA) that allowed for foreign vessels to transport oilfield cargo to rigs in the Gulf of Mexico.

While there are far more US vessels out there-1,200 US flagged vessels versus 90 vessels flying foreign flags, according to estimates provided by the Offshore Marine Service Association (OMSA)-the foreign fleets are growing. Last year, there were just 50 foreign vessels operating in the Gulf of Mexico. That's an increase of 40 in one year.

Critics of the current interpretation of the Jones Act fear that the [administration's decision to expand offshore drilling-originally intended to support the US shipping industry and create jobs-will be rendered ineffective if foreign operators outbid US-based operators. US fleets must adhere to stringent US safety and quality regulations, adding significant costs that foreign operators can bypass.

Ken Wells, president of OMSA, is concerned that "a lot of the perceived advantages of this offshore expansion are going to bypass the very communities that are counting on it."

But the tide is beginning to turn. A previous customs ruling that allowed BP to transport a valve structure to a drilling rig in the Gulf of Mexico using a foreign vessel was reversed in 2008 following a groundswell of opposition from the US maritime industry. The CBPA also reversed some 20 prior rulings before placing the entire Jones Act under review in September of last year.

However, the oil industry camp says that while their use of US vessels is a matter of record, foreign specialty vessels are integral to the industry. Robin Rorick, director of maritime and security issues at the American Petroleum Institute, fears that taking foreign vessels out of the mix altogether will significantly slow the expansion of offshore drilling, especially if the change happens too quickly.

Oil companies are concerned that work will be stalled while the industry waits for US specialty vessels to be built. "We're not talking about putting a hull and a bridge together and cutting it loose," Rorick said.

The president of a deepwater tug company has countered that such a position is akin to a tempest in a teapot. "To suggest that there aren't the same vessels here is just being dishonest," said Bill Kearney, who heads up Dolphin Marine International. "We're talking about the USA, a global superpower and a leader in oil and gas exploration."

Like many in the US shipping industry, Kearney is depending on the Jones Act and maritime law to limit the number of foreign vessels that "find a loophole and invade the marketplace," he said. "It would be next to impossible for American services to compete with foreign entities. It would be an almost certain death sentence."

Somalia Seeks Russian Explanation on Pirates:

NAIROBI, Kenya - Somalia's transitional government has called on Russia to explain why it had cut 10 Somali pirates adrift in the Gulf on Aden without navigation equipment or much hope of survival. Some Somali pirates, meanwhile, vowed revenge on Russian sailors. Russian forces stormed a hijacked oil tanker in a rescue operation that killed one pirate earlier this month. The Defense Ministry said 10 others arrested were later set loose aboard one of the small vessels they used in the attack. It said they were stripped of their weapons and navigation equipment. Russian media later

quoted a military source as saying the pirates were now likely dead. "We want an explanation from Russia on the death of our citizens," Abdirasak Aden, an official at Somalia's Information Ministry, said Friday. "They are gangs, and there is no dispute on that, but they have to get a fair trial. Dumping them in international waters was not the only choice," he said. The Defense Ministry said the pirates were set free.

Hong Kong Ship Management Company and two employees indicted for Environmental Crimes and Obstruction: Charges Also Include False Statements and Conspiracy

WASHINGTON: A federal grand jury in Corpus Christi, Texas, returned an indictment today charging Fleet Management Limited with obstruction of agency proceedings, making false statements and failing to keep accurate pollution control records, the Justice Department announced today.

Fleet Management Limited of Hong Kong is charged with one count of failing to maintain an accurate oil record book as required by the Act to Prevent Pollution from Ships (APPS), a U.S. law which implements the International Convention for the Prevention of Pollution from Ships, commonly known as "MARPOL;" one count of making false statements to the U.S. Coast Guard; and one count of obstruction. If convicted of all counts, the company may be punished with a fine of up to \$3 million.

The two individuals, Prem Kumar, a ship superintendent for Fleet Management Limited and Prasada Reddy Mareddy, the second engineer of the M/V Lowlands Sumida, have both been charged with conspiracy. Kumar was also charged with obstruction of a Coast Guard investigation. If convicted of the conspiracy charge, both face up to five years in prison and a fine of \$250,000. If convicted of obstruction of justice, Kumar faces up to 20 years in prison and a \$250,000 fine.

On Oct. 6, 2009, the Coast Guard was conducting a routine port state control inspection when an engine room crew member alleged that the vessel was illegally discharging oily wastewater and alerted them to the fact that a center fuel oil tank on the Lowlands Sumida was fitted with a "dummy" or false sounding tube and that oily waste water was being stored in the tank until it could be discharged overboard.. The "dummy" sounding tube would show the tank to be empty. The vessel also kept a tank sounding log that showed the tank as empty. When the Coast Guard removed the "dummy" sounding tube and sounded or measured the contents of the tank they determined the tank was almost half full with oily wastewater.

Large commercial ships, such as the Lowlands Sumida, are required by MARPOL and APPS to maintain a record known as the oil record book to document the movement, tank to tank, and the disposal of, all oil that has originated in the engineering spaces on the ship. Sludges on the ship which are generated by the purification of fuel oil and lubrication oil which are used by the main engine and generators on the ship, must be disposed of properly at a shore-side reception facility or burned in the ship's incinerator. Oily bilge wastewater, which accumulate in the lower-most part of the ship, can only be discharged overboard if the wastes are processed through a machine known as an "oil water separator" which ensures that the water discharged overboard contains no more than 15 parts per million of oil.

According to the indictment, both Kumar, a shore side manager, and Mareddy, conspired to use the "dummy" sounding tube to conceal the contents of the center fuel oil tank and to obstruct

the Coast Guard's investigation and administration of a matter within the agency's jurisdiction. In addition to concealing the contents of the tank, Kumar and ship engineers obstructed the Coast Guard investigation by using a false sounding log to conceal the contents of the center fuel oil tank.

An indictment is merely an accusation, and defendants are presumed innocent unless and until proven guilty in a court of law.

John Porunnolil Zacharias, the chief engineer of the Lowlands Sumida, pleaded guilty to an APPS violation for failing to maintain an oil record book and to an obstruction violation for providing inspectors with a false engine room sounding log, and for altering a center fuel oil tank by installing a "dummy" sounding tube to conceal the contents of the tank. Zacharias is scheduled to be sentenced on July 7, 2010.

The case was investigated by the Coast Guard Investigative Service, the Environmental Protection Agency Criminal Investigations Division in Region VI and the Texas Commission on Environmental Quality Environmental Crimes Unit. The case is being prosecuted by the Justice Department's Environmental Crimes Section and the U.S. Attorney's Office for the Southern District of Texas.

Norway: Europe's most diversified maritime nation: Norway is Europe's most diversified maritime nation and commands worldwide respect for its shipping expertise, equipment and ability to exploit new market niches. Norway's overall maritime economy - an expanding cluster of industries linked to shipping and the aquaculture industry - encompasses an increasingly wide variety of products and services.

Specialized Shipyards. Norway's shipbuilding industry comprises more than 50 internationally competitive, technically advanced small and medium-sized shipyards. The industry focuses largely on ship repair and the construction of specialized vessels

including ro-ros, chemical tankers, advanced fishing vessels, reefers, offshore supply ships, high-speed catamarans, cable-laying ships and seismic exploration vessels.

State-of-the-art Ship's & Fishing Gear: Norway's ship's gear industry has developed alongside the steady growth of the Norwegian fleet. Ship's gear manufacturers offer a vast range of state-of-the-art products - from deck winches and vessel lighting solutions to the most advanced electronic cargo handling and stability systems. Specialized equipment for coastal and deep-sea fishing vessels represents another important niche. Durable, modern fishing gear such as purse seine nets, gill nets, motors, winches, cranes and fish-handling gear, as well as advanced navigational, thruster and manoeuvring systems, make it possible for fishermen to locate, harvest and transport their catch as efficiently as possible.

Aquaculture Equipment: For the past three decades, the Norwegian aquaculture industry has been at the forefront of global developments. Norway's aquaculture outfitters have developed and are producing a wide array of fish farming equipment, including breeding, caging and feeding systems, monitoring equipment and fish processing technology.

False Signal

The Australian Maritime Safety Authority has recently responded to several false alarms activated by out-of-date emergency signal beacons that have been carelessly dumped. All distress signals are monitored by the AMSA Rescue Coordination Centre in Canberra which alert the local area rescue authorities to mount an expensive search generally involving helicopters and shipping traffic. Earlier this month the RACQ Central Queensland Rescue Helicopter crew responded to a distress signal which was tracked to the Proserpine Refuse facility. AMSA is urging the boating community to be more responsible and has requested all out-of-date beacons be left in collection bins in any of the Battery World stores around Australia and not sent to the tip.

World Info Desk

Indian cabinet approves Home Ministry's request to link missions. Plan costing Rs 10.11 billion will also include modernisation and upgradation of immigration services: NEW DELHI:

The Indian cabinet on Thursday approved a proposal by the Home Ministry to link 169 missions, 78 Immigration Check Posts (ICP), seven Foreigners Regional Registration Offices (FRRO) and Foreigners Registration Offices (FRO) in state and district headquarters to track down foreign travellers and strengthen security. The plan costing Rs 10.11 billion would also include the modernisation and upgradation of the immigration services and would implement a secure and integrated service delivery framework to facilitate legitimate travellers and also ensure security. A statement circulated by the Cabinet Committee on Economic Affairs (CCEA) said the government had selected the National Institute for Smart Government (NSIG) to generate a comprehensive e-governance solution for immigration, visa issuance and foreigners' registration and tracking functions and to prepare a detailed project report (DPR).

The DPR submitted to the government contained details on the scope of the solution design, manpower requirements, implementation phasing strategy and the cost estimates for the project. An elaborate list of services including nine core services

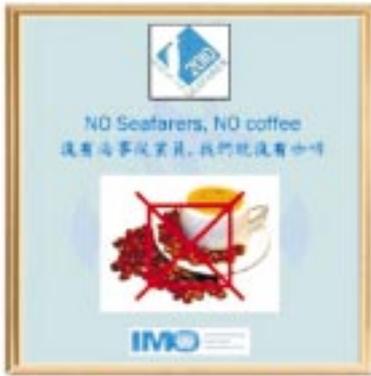
and 37 total services had been identified for streamlining the integrating visa, immigration, foreigner's registration and tracking process. "The services identified for inclusion are drawn with a focus on security, facilitation and enablement. Drawing from the global best practices and benchmarking, requisite service levels have also been indicated in the DPR," the note said.

The implementation of this project would be done in phases and be completed by September 2014.

Hong Kong Maritime Museum Marks "2010 The International Year Of The Seafarer": The International Maritime Organisation (IMO)

has designated 2010 as "The Year of the Seafarer" to recognise the contribution that the world's 1.5 million seafarers make to world trade.

An IMO Press release announced:As merchant sailors around the world face the perils of pirate-infested waters off Somalia, the risks of accidents at sea or abandonment in port, the United Nations agency entrusted with setting comprehensive regulations for shipping is dedicating next year to the 1.5 million seafarers who serving the daily needs of more than 6.5 billion citizens of Planet Earth.



"Our intention is to pay tribute to you, the world's 1.5 million seafarers - men and women from all over the globe - for the unique, and all too often over-looked, contribution you make to the wellbeing of all of us," UN International Maritime Organization (IMO) Secretary-General Efthimios E. Mitropoulos said in a message announcing the

decision.

"We will do so with deep appreciation, in recognition of the extraordinary service you render every day of your professional life, frequently under dangerous circumstances, in delivering, to the more than 6.5 billion people of the world, the wheat that makes our daily bread, the gas and oil that warms our homes or moves our vehicles and the gifts we will share and enjoy with our families and friends over this Festive Season."

He stressed the important role seafarers play in helping to achieve safe, secure and efficient shipping on clean oceans and reassured them "at the 'sharp end' of the industry, that we, who are responsible for the international regulatory regime and who serve shipping from ashore, do understand the extreme pressures that you face and that, as a result, we approach our own tasks with a genuine sympathy for the work that you carry out."

He underscored the efforts IMO makes to ensure that "you are fairly treated when ships on which you serve become involved in accidents; are looked after when you are abandoned in ports; are not refused shore leave for security purposes; are protected when your work takes you into piracy-infested areas; and are not left unaided when you are in distress at sea..."

1.5 million seafarers serving the daily needs of more than 6.5 billion citizens of the world! It is a fact that goes unnoticed or is taken for granted by most, but one that should be trumpeted loud and clear," he concluded.

"For seafarers the world over deserve our respect, recognition and gratitude and, during 2010, we at IMO are resolved to ensure that the world does take notice of your exceptional role and contribution and of the special debt that all of us owe to you."

The Hong Kong Maritime Museum is taking the message to heart and has created a number of signs, each about 20cm x 20cm or 20cm in diameter, which make the point of the dependence of everyday life on the work of the seafarer.

The signs (some of which are illustrated here) have been mounted randomly throughout the galleries and transit areas (entrances and exits to museum and shop, doors to the toilets, etc.) at, or close to eye level, so that every now and then a visitor has one of them in his or her sightline. "Maybe they'll read them, maybe they won't, but they'll probably bother with one or two and in that way we get the IMO's message across." said Museum Director Stephen Davies. The signs will be in place for the rest of 2010.

The HKMM has offered the artwork to any museum that wishes to use it for a similar display "This is an excellent message for maritime museums to be projecting", said Mr Davies.

An understanding of what makes human error less likely lies at the heart of loss prevention: Whenever there is an accident on board ship you can be sure of one thing: human error will be to blame. Understanding the full implications of this fundamental truth lies at the heart of loss prevention at all P&I Clubs, and how they ensure that lessons are absorbed so that mistakes are less likely in future.

Clubs in the International Group receive approximately 35,000 claims a year, providing a tremendous bank of data. Whilst of course it varies from club to club, the rough breakdown of number of claims goes like this:

- 50% cargo damage
- 30% personal injury
- 10% collision (including fixed and floating objects)
- 2% pollution
- 8% other (including wreck removal/fines)

The way Clubs use this data affects pretty much everything that they do: their loss prevention programmes, their advice to members and their underwriting decisions, to name but a few of the most important. It is vital, therefore, to have a true understanding of these statistics and the factors that influence them.

When analysing a claim (or accident) the root cause is invariably human, whichever way you may wish to look at it. Even claims where there has been mechanical failure, more often than not it is down to a human error, omission or possibly a design failure.

Human failings include poor management and supervision, planning, training, motivation and leadership, communication or a combination of these. They can all lead to making mistakes or wrong decisions, taking risks or not complying with procedures. It is a complex assessment; for example an incident apparently caused by tiredness could be as a result of management not supplying adequate resources or poor planning or leadership.

How you record this data is of critical importance. To produce the consistency and accuracy required, the 'in-putters' of the data need the skills to accurately assess the 'human element' aspects of the claims. Most P&I claims executives, due to the nature of the positions, are trained legally and therefore are not ship safety and operational experts. This is why Clubs ensure that they also have staff skilled in identifying what actually happened in practice whenever there has been an accident: who did what, why and with what consequences.

Loss prevention managers are usually seafarers who have a good knowledge of ship management and operations, so can identify the different ways in which humans might cause accidents. They also need the skills to develop loss prevention programmes for individual shipowners, for the members of their respective clubs and also, in a general sense, for the shipping industry as a whole. Finally, we should not forget near-misses, which can also be an important tool in accident prevention. Unfortunately, just as mistakes are human so is the desire to conceal them. Near-misses are too often under-recorded and little analysed, especially outside the oil and gas sectors. This is a cause for regret, because the more that shipowners understand the human aspects of their operations the safer they will become.

Weighted Averages: THE insurance team at Moore Stephens has published the latest in its 'devil's dictionary' of classic and alternative definitions of insurance and accountancy terms. In the latest issue of its Insured Interest newsletter, it explains that 'W' is for weighted average, a calculation in which different data are given different 'weights'. Moore Stephens' alternative definition, however, is more singular and explains, "A weighted average is similar to an arithmetic mean, but completely different. Don Bradman's first-class career batting average of 99.94, meanwhile, is a mean average. Bradman was never out for less than 400 in his life and used to practise his slip catches by pulling swallows out of the air while standing with one leg on top of the Sydney Harbour Bridge and the other on top of the Sydney Opera House which hadn't yet been built.

"If Bradman's average is combined with that of Monty Panesar and then divided by two to produce a weighted average, Panesar is the leading run-scorer in world cricket and Bradman is a rabbit, although not a weight rabbit. This illustrates the big flaw in the whole business of weighted averages, but they nevertheless remain terrifically popular.

"It is easy to calculate a weighted average. First, multiply each value by its weight (see 'weight'), then add up the value of value multiplied by weight to get the total, then add the weights themselves together to get the total weight and divide the total value by the total weight, then take away the number you first thought of. Simple. But be careful if you live in England, where weighted averages have been banned as fattist, along with Billy Bunter and all those above a twelve-inch hip size.

Lack of transparency: CHINESE walls is the faintly derogatory term for the internal divisions within an organisation, commonly a financial institution, that exist to prevent conflicts of interest occurring between different, and often competing, departments. The Oxford English Dictionary defines it as "an insurmountable barrier, especially to the passage of information", and it is commonly thought that the term originated in the aftermath of the 1929 Wall St Crash as there US government sought to separate investment and brokerage arms, without actually barring one firm from engaging in both practices.

What is troubling for US importers, lines and now, with the grounding of the Shen Neng 1 last weekend, large sections of the maritime wider industry, is that the concept of Chinese Walls seems to have no traction in China itself. The distinct lack of transparency apparent from outside the country is superseded only by an even greater lack of visibility inside the country. The Shen Neng 1 is a classic example of Chinese opacity. The degree of confusion surrounding ownership of the vessel is no surprise. It took days to establish - through the full gamut of independent

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sources - that the vessel is owned by stock-market listed, government-owned Shenzhen Energy Group; an artfully constructed oxymoron in itself.

While the state, be it central, provincial or municipal authorities, retains so much of an active hand in business that much of commerce is an almost political activity, with business goals sometimes pursued for strategic purposes, sometimes for personal gain; there is little chance for either transparency or security of confidential information ever being completely assured.

Shipsat: Affordable Maritime Internet Via Satellite. World-Link Communications' Hybrid Broadband Solution Makes the Internet at Sea a Reality:

ShipSat is the only complete managed maritime broadband solution that provides: Hardware. Trac Phone V7, FB 150, ShipSat Gateway Airtime. Unlimited Ku-band mini VSAT, 50Mb FleetBroadband Value-added Products. ShipMail, World-Link's email application and ShipForms, World-Link's award winning electronic port of entry forms and the impeccable 24/7 managed communications services. This is the all-in-one maritime broadband solution from only one satellite service provider: World-Link Communications. The Company, a veteran of the maritime industry, is able to offer the all solution at an affordable fixed monthly rate of \$1,850. After the required three year contract, the customer owns the hardware.

The ShipSat gateway is the core component of this Ku, L-band broadband solution that acts as a least cost router and firewall, determining least cost routing between Ku-Band and L-Band. With the gateway following the Ethernet standard for vessel networking, it's possible to set up virtual networks onboard, separating traffic between seafarers and the main office. ShipSat also serves as a firewall, separating crew-based web traffic from office web traffic, to strictly control the type of Internet traffic that is accessible by the network. The onboard firewall blocks all unwanted traffic from the ship's computers to the Internet. Part of ShipSat software is the Internet café, where crew members can use World-Link's prepaid web browsing card, CrewMail. In this way, crew based web traffic is effectively separated from office web traffic.

"We are sure that our ShipSat managed broadband solution is an incentive for ship owners and managers to adopt broadband quickly investing in this new technology. And, finally seafarers can use the Internet to stay connected as if they are ashore" said Asad Salameh, World -Link Communications, President.

LEGAL:

Reasonable Suspicion Not Required

In a recent decision, the Eleventh Circuit Court of Appeals considered the issue of whether the cabins of the crew members of a foreign cargo vessel, calling at a US port, may be searched for contraband without reasonable suspicion. In *United States v. Alfaro-Moncada*, No. 08-16442 (11th Cir. 2010), the Court found such searches to be proper under the Fourth Amendment to the US Constitution, and affirmed the conviction of the Defendant-Appellee crew member. A copy of the Court's decision is attached hereto.

In *Alfaro-Moncada*, the MV RIO MIAMI, a foreign cargo ship traveling from the Dominican Republic, entered the United States and docked at the Antillean Marine facility inside Miami, Florida.

At that time, officials with United States Customs and Border Protection, a branch of the Department of Homeland Security, boarded the ship to conduct an agricultural re-boarding to inspect the vessel for prohibited agricultural materials. The officials, called the Agricultural Enforcement Team, inspected the ship from bow to stern, including the crew members' cabins. During the search of the Defendant-Appellee's cabin, the officials discovered two (2) DVD covers, displaying images that appeared to be young girls engaging in sexual acts. After watching portions of both DVDs, the officials confirmed that they contained child pornography, and Alfaro-Moncada was taken into custody. A grand jury indicted Alfaro-Moncada, charging him with possession of child pornography, and he moved to suppress the DVDs and his statements about them, contending that the search of his cabin violated his Fourth Amendment rights. The suppression motion was denied; Alfaro-Moncada was found guilty following a one (1) day trial; and the district court sentenced him to eighty-seven (87) months in prison. On appeal, Alfaro-Moncada argued, inter alia, that his motion to suppress should have been granted because the search of his cabin violated his Fourth Amendment rights.

In determining whether Alfaro-Moncada's Fourth Amendment rights had been violated, the Fifth Circuit first concluded that the Agricultural Enforcement Team was authorized to search the cabin by 19 U.S.C. § 1581(a), a statute allowing an "officer of the customs" to search a vessel and "every part thereof" at "any place in the United States". The Court then determined that because the vessel (including the Defendant-Appellee's cabin) was docked at the functional equivalent of the US border, the case was a border search case. Accordingly, the Court next considered the reasonableness of the search by weighing its intrusion on Alfaro-Moncada's Fourth Amendment rights against its promotion of legitimate governmental interests.

After carefully examining the purposes of permitting warrantless border searches without any requirement of reasonable suspicion or probable cause, as well as the reasonableness of searches conducted in analogous situations, the Court held, inter alia, that the suspicionless search of the crew member's cabin on board a foreign cargo ship while docked at the Antillean Marine was not a violation of the Fourth Amendment. The Court first highlighted the lesser expectation of privacy that an individual has at the border, as opposed to the government's strong interest in searching at the border for purposes of national self-protection. The Court was mindful of the fact that a cabin is a crew member's "home" and that a home "receives that greatest Fourth Amendment protection." However, the "critical distinction" noted by the Court was that the "home" in this instance was at the border and capable of posing a threat to national security: "Given the dangers we face, the paramount national interest in conducting border searches to protect this nation and its people makes it unreasonable to require any level of suspicion to search any part of a foreign cargo vessel coming into this country. Crew members' cabins are no exception"

Through Transport Liability

The current issue of the Forwarderlaw e-zine, edited by Gavin Magrath, contains two notes on hardy perennial subjects of interest to students of the waterfront. In the first note Attorney Steve Block of the firm of Foster Pepper discusses the Ryan Doctrine, which creates extensive liability for personal injury to the maritime employees of subcontractors.

In the other, the operation of the Himalaya Clause in a case where expensive drilling equipment was dropped from the tines

of a subcontracting forklift arises yet again.

Block writes his case notes in a rather informal, slangy style which may make the subjects more accessible to non-lawyers, but some might feel there a few colloquialisms too far. The composition of an accurate but readable case note remains a challenge for us all. In the end there is a narrative or story which has to be told in prose which rewards the careful reader.

Skills gap hits maritime industries: A shortage of skilled workers threatens Australia's ports:

A SKILLS shortage is forcing ports to recruit overseas and artificially inflating wages, threatening to reduce the productivity of Australia's waterfront, a key adviser to the Rudd government says. There has been a "drastic depletion" of crucial skills, leading to a shortage of workers to fill key roles at the ports, according to preliminary research findings by the government-funded Industry Skills Council. In a submission to Infrastructure Australia, the Transport and Logistics Industry Skills Council warns that adequate labour is crucial to the international competitiveness of the ports, particularly as shipping volumes are expected to increase. "Several factors will limit the port sector's ability to increase its labour pool, including an ageing existing workforce, long lead times on training requirements for many occupations, and an expansion of local and global career options," the report said. Infrastructure Australia is working on a ports strategy that will be placed before the next Council of Australian Governments meeting. Prime Minister Kevin Rudd asked for the strategy. Australia's exports are set to surge, driven by demand from Asia. The mining industry is demanding that governments fast-track major infrastructure projects to meet the growing demand. Interim research by the council finds that the skills shortage has led to increased employee poaching, to the detriment of small and far-flung regional ports, which invest in training workers but then lose them. The booming oil and gas industry, particularly in Queensland and Western Australia, is luring away workers with higher wages, and there is competition for staff from the construction sector. Ports were increasingly hiring staff "at the lower end of the competence spectrum" as demand grew, the research has found. Meanwhile, the seafarer workforce is ageing, which is a problem because staff such as harbour masters and marine pilots are typically drawn from sea-going personnel. According to research by the Department of Education, Employment and Workplace Relations, almost half of seafarers are aged 45 or older, compared with 38 or older for the broader workforce. The research will be finalised by November. Ports Australia chief executive David Anderson said the staff shortage was growing as the economy recovered, even despite fears about the impact of the government's controversial proposed resource super-profits tax on the mining sector. Port authorities hoped the Rudd government's response to a major report on coastal shipping would include measures to develop an adequate skilled maritime workforce. Federal Labor vowed to review the country's coastal shipping industry during the last election campaign. A bipartisan parliamentary committee handed down a report in October 2008 finding there was a skills "crisis" in the maritime industry in Australia and worldwide, and estimating that the shortfall of skilled seafarers would reach 2000 by this year. Mr Anderson said skills shortages were often compounded by a lack of social infrastructure around some remote ports, such as those in Western Australia's Pilbara iron ore regions, which made it harder to attract staff. "We are concerned about it and are looking at strategies to recruit and retain skilled people. "There are other ways of retaining people apart from just saying we'll bump your remuneration up, there's non-salary benefits, such as lifestyle,

offering them health checks and things of that nature," Mr Anderson said.

A shortage of able employees is affecting harbours, including Port Botany, south of Sydney BLOOMBERG

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Associated Ship Arrest--Piercing the Corporate Veil?

Mateus Andrade Dias of the firm Andrade Dias & Associados in Lisbon writes:-

A recent order of the Lisbon Admiralty Court may have paved the way for the arrest of associated ships and piercing the corporate veil in arrest cases.

Facts: A yard signed an agreement with several companies in a shipping group to build four product tankers, referred to as vessels 2, 3, 6 and 7. The yard completed vessels 2 and 3 and delivered them to the owners. However, vessels 6 and 7 were never delivered to, or accepted by, the owners. As a result, the yard was forced to sell them for less than the price agreed with the intended owners. As a result, an outstanding sum of around \$12 million remained to be paid to the yard in respect of the agreed price of vessels 6 and 7. The yard applied in Portugal for the arrest of vessels 2 and 3, which at the time of the arrest application and order had been named and flagged and time chartered to a Portuguese company. The court found that the vessels were owned by a company which was part of the same group as the owners of vessels 2 and 3 (ie, the company that had originally contracted with the yard for the four tankers). The natural person in control of the shipping group was also named in the arrest proceedings as a respondent.

Among other things, the arrest was based on the statement in the order that:"it has... been summarily proven by the documentation attached and the oral statements produced that the respondents' companies are part of the shipping group...being Mr/Mrs... - the armador(1) and the person responsible for entering into the shipbuilding contract for the four vessels, and for the non-payment of instalments related to [vessels] 6 and 7." [Note: under Portuguese law, the term 'armador' means "the person or entity that executes all the material and legal acts necessary for the ship to be in a position to start its voyage". The owner, the second registered owner (in a double registration situation) and the demise charterer are assumed to be the ship's armador]

The ships were released pursuant to an out-of-court settlement agreement.

Comment

The contractual framework underlying the dispute was complex and involved several entities. It is debatable whether the judge would have been able to grant an arrest order for claims relating to the four vessels as being part of the same contractual relationship or linked relationships, regardless of the vessels' subsequent ownership.

However, the judge did not attempt to take this approach. He appears to have accepted that the contracts for the four vessels were entered into by companies of the same group that were controlled by the same natural person. The arrested vessels had been renamed and were owned by companies that were not party to the shipbuilding contract, but were part of the same

shipping group and were ultimately controlled by the same person. Their arrest suggests that the judge pierced the corporate veil, disregarding a formal separation in corporate structure and instead considering the links between the companies' shareholders, sister companies and controlling interest.

In any event, the judge ordered the arrest of associated ships, owned by an entity within a group, in connection with a claim relating exclusively to other group companies and to ships that the latter companies owned (or would have owned under the terms of the contract in dispute). Although the approach is comparable to that applied in South Africa, the decision breaks new ground in terms of ship arrest in Portugal and may increase the possibility of arrest in the Portuguese jurisdiction. However, the order was not tested on appeal—similar orders in future cases may be further examined by a higher court.

Hybrid opportunities with new tug designs

The engine size for a ship is determined by the maximum power required but the amount of time spent at full power varies from most of the time to almost never. Probably the most extreme example of powerful engines hardly ever being used is in the world of tugs. In Wärtsilä's latest Technical Journal, two new tug designs are shown together with a comprehensive insight into the operational usage profile of these vessels. Only four per cent of the time the engines are producing more than sixty per cent full power of which maximum power is around one per cent. In an example, an alternative to the twin 8L26 engine driven thrusters, is a hybrid solution where twin 9L20 engines are mechanically coupled to thrusters but also fitted with electric motors.

The engine size for a ship is determined by the maximum power required but except for liner services and some inland waterway applications the amount of time spent at full power varies from most of the time to almost never. Probably the most extreme example of powerful engines hardly ever being used is in the world of tugs. However even if the maximum power is seldom used it must be instantly on hand should the necessity arise - as it does from time to time.

In Wärtsilä's latest Technical Journal, two new tug designs are shown together with a comprehensive insight into the operational usage profile of these vessels. Ninety-six per cent of the time the engines are operating at twenty-five per cent of maximum power, of which twenty-five per cent of the time is at idle for loitering or standby duties. Only four per cent of the time the engines are producing more than sixty per cent full power of which maximum power is around one per cent. That is a lot of capital tied up for such low usage but is unavoidable as it must be there on demand.

When it comes to running costs, there are however alternatives. As the Journal points out, even at idle there are savings to be made by selecting an engine that has twenty per cent less fuel consumption at idle than others.

Taking this a step further, using a 29.5 m W TUG60 as an example, an alternative to the twin 8L26 engine driven thrusters, is a hybrid solution. In the hybrid configuration twin 9L20 engines are mechanically coupled to thrusters but also fitted with electric motors. A single 6L20 gen set and 250kW harbor gen set are able to produce enough power for electric drive of the thrusters.

Except when giving assistance, the main engines don't need to run. A further refinement is to install a bank of batteries so that

for some of the time even the gen set(s) can remain silent, and depending on location can be recharged from a shore supply. A net gain for the environment with several emission reduction opportunities combined into one vessel.

Registration of BBCD vessel under Indian flag opposed

INSA insists that vessels acquired under bare boat cum charter demise should not be accorded benefits until their full ownership passes on to the ship owner.

With foreign shipping companies like American Eagle Tankers, dredging giants, and others getting set to flag in their vessels, Indian ship owners have raised their pitch against the move by the government to allow registration of ships acquired through the bare boat cum charter demise (BBCD) route. Accordingly, they have opposed the proposed amendment of the Merchant Shipping Act (1958) for enabling registration of BBCD vessels not fully owned by Indian entities.

BBCD is a form of lease financing where vessels are under the command of ship owners (charterer) without ownership rights. In other words it is a facilitative method of acquiring ships whenever the financing cost is either very high or when external commercial borrowings (ECBs) are difficult. Only at the end of the contract, does the vessel ownership pass to the ship owner against a certain balloon payment. So far in India vessels under BBCD do not fly the Indian flag, but come under the Indian flag at the end of the contract.

The reason for opposing the move as presented by S. Hajara, President of Indian National Shipowners' Association (INSA) to the government is that by registering BBCD vessels the government would effectively be providing them cargo support at par with Indian flag vessels even though the ship continues to be owned by those outside India. It would also confer upon them the same status as that of an Indian owned Indian flag vessel which would give them the right in terms of Right of First Refusal (ROFR). Not owning a maritime asset also has the consequent effect that the tonnage is not controlled by the Indian government.

By allowing flagging in of BBCD ships, the government would in fact be granting incentives that would flow outward instead of being owned in India. This is contrary to the direct ownership route, where substantial portion of freight earnings are retained in India contributing significantly to the Indian economy by way of multiplier effect whereas no such benefit would accrue to the nation if BBCD ships are given such benefits.

Another issue that has been raised with the government is that the ownership of BBCD vessels remains with the foreign owner until the charterer meets with the final commitment - usually the payment of the final installment including interest as per the BBCD contract / document. Even a single default enables the owner to repossess the vessel without even enforcing a mortgage or similar process. This facilitates misuse since an operator would fully utilize the incentives and willingly create a default thereby ensuring that the vessel is repossessed.

Such eventuality exists as India allows 100% FDI. Thus a foreign company could create an Indian set up and bring in vessels on BBCD basis from its own ownership abroad. Such an entity will exploit the benefits of cargo support on BBCD vessels and after doing so, create a default and allow the foreign ownership to repossess the vessel thus creating no value addition to the Indian economy though the benefits of Indian cargo would have got exploited fully.

Maritime security

Maritime security is under grave threat from Pirates. In 2008, Somali pirates alone conducted 134 armed piracy attacks, up from 60 the previous year according to the Bureau of Transportation Statistics of the Government of the United States. The Washington Post of April 16, 2010 reports that they accounted for half of the reported piracy incidents around the world in 2009 and received more than US \$60 Million in Ransom. Currently, they are holding hostage 13 vessels. East Africa is but one of the many piracy prone areas on the seas; the others zones West Africa, South America, South China Sea, Straits of Malacca, Indian Ocean and the Mediterranean Sea where some attempts were made.

The two constraints that need to be overcome in defending ships are:

- The reluctance of ship owners to arm shipboard personnel: Arming personnel with small arms may seem like the easiest option however, ship owners and captains are not comfortable with the idea as disagreements between personnel could end in the use of weapons. Besides, using small arms requires training and practice. Ships recruit personnel to carry out shipboard duties. Arms training and practice would distract personnel and lead to dereliction of duties, which ships can ill afford even in the best of circumstances. Another crucial point to note is that ships carrying cargoes of chemicals or inflammable do not permit firearms on board. Moreover, most countries do not permit weapons through their customs.

Research has shown that large weapons such as Bofors guns could be effective in protecting the ship from pirates however, such weapons need trained personnel to man and maintain them, increasing the number of persons on board. Using contract security guards on ships is another option that is not generally acceptable given that the cost of employing such guards is about GBP 10,000 per month.

- The use of arms by Shipboard personnel or private security groups escorting commercial ships is constrained by international rules of engagement and armed conflict. Many countries forbid the use of private militias or security groups in their territorial waters.

This has given several companies around the world reasons to develop non-lethal technologies to defend ships against piracy. Many of them have been deployed in other crises zones such as crowd control or fire-fighting. Here are some interesting ones:

Long Range Acoustic Device (LRAD): This is normally a crowd control and hailing device. But in 2005, the luxury cruise ship, Seaborne Spirit, used LRAD to send out focussed painfully loud noises towards pirates armed with RPGs and was successful in scaring them off. On the other hand, a similar technique failed in 2008 when the BV Biscaglia tried it. Pirates ignored LRAD and shot at it with AK 47s, leading to a shoot-out and seizing of the ship by pirates. Though the usefulness of the device as a weapon is in question, it is nevertheless useful to notify patrolling ships in the vicinity.

Mobility Denial Systems: Mobility denial material or anti-traction material such as slippery foam or polymer based gels could be squirted on the decks and on surfaces that pirates would handle to board the ship. The material would ensure that pirates are not able to board the ship using traditional

technologies, nor are they able to station themselves stably when on board. This could make it easier for the crew or rescue crew to overcome the pirates quickly.

Electro-magnetic rays: Focussing electromagnetic radiation on pirates is a good option to stall or delay the attack. Such weapon systems are being developed by the US Air Force. Focussed LASERS would temporarily impair the vision of pirates affording time for rescue or to raise the alarm. Moreover, LASERS could prevent pirates from discovering where gunfire or other weapons are being launched from. Another form of electromagnetic rays would cause painful vibrations on the skin to deter the attack.

Water cannons: Water/foam cannons enabled with remote control and automatic swivel capability, such as the one manufactured by Unifire are now being considered anti-pirate weapons. Water or foam jets of great force can make it impossible for the pirates to board the ship as it would render the surfaces slippery while also impeding vision.

In May 2009, the US Navy filed a patent for an underwater cannon defence system which includes an underwater vehicle and a cannon coupled to the vehicle. The underwater cannon would no doubt be of use in fighting piracy as it would have the added advantage of stealth in approaching the merchant ship in trouble.

High tech detection systems: BAE Systems have developed a suite of technology that enables a crew to detect a ship and identify suspicious activity at distances of up to 25km, long before pirate vessels become a threat. The early warning system gives the crew the vital time needed to take evasive action or alert navies to the danger.

The system draws on a range of current capabilities developed by BAE Systems and includes:

- High Frequency Surface Wave Radar to detect small boats well beyond the horizon at up to 25km
- Panoramic Area Surveillance System 360° video camera and display system to provide visual identification. It includes movement detection and threat level alarms, with plans to incorporate infra-red
- Passive Radar Identification System (PRISM) to provide early warning of an unidentified radar carrying vessel
- Improved lighting to increase the likelihood of detecting intruders within the immediate vicinity of the ship at night and act as a deterrent

High tech ship tracking systems: The International Maritime Bureau of the International Chamber of Commerce endorses an automatic and undetectable signalling and tracking system called shiploc. The system is not only inexpensive, it is also the most efficient system for signalling the ship owners and the competent authorities. It is housed in its own waterproof container which is also equipped with its own battery pack and antenna.

Non-lethal electrified fence: The Maritime Bureau also recommends a non-lethal electrified fence surrounding the ship which will generate a 9000 volt pulse induced non-lethal shock on contact deterring boarding. The attempt will also switch on floodlights, loud sirens and warn patrolling ships. The fence can

however not be used when the ship is carrying inflammable cargo.

Temporary incapacitation weapons: Crowd control technologies that produce flashes of light, sound, temperature, and pressure conditions to disorient and/or temporarily incapacitate individuals could be used against pirates. Thermobaric nonlethal weapon technology and pulsed-energy projectile (PEP) technology are in development to create a temporarily disorienting atmosphere to discourage boarding intent.

Creative engagement by crew: A well-prepared crew is the first line of defence. However improbable it may sound, the crew's ingenuity could save the ship. In December 2008, a Chinese ship carrying refrigerated cargo fought off pirates by first engaging in evasive action and delaying boarding by creating a large destabilising wake. They used the time afforded by the tactic to create Molotov cocktails using beer bottles, which they then threw on the attackers, supported by water cannons, till the pirates requested a ceasefire. Ropes and nets can also be used by crew members to snag the propellers of attacking boats.

The politics of piracy: Currently, pirates earn between US \$ 5 and 8 Million as ransom for container ships. The crew is assured safety so long as the ransom is forthcoming. The ship owners generally choose not to risk crew and cargo and pay the demanded ransom. Some of the ransom is paid directly as when cash was dropped on the deck of a Greek ship last year. In other cases, intermediaries receive a commission to deliver the ransom to the pirates. On the whole, the economy surrounding piracy actually encourages the activity as after the

ransom is paid, pirates are rarely sought for punishment.

On the other hand, at least in Somalia, pirates justify their action as legitimate protection of Somali interest. Consider this: until just before the upswing in piracy, nearly US \$300 Million worth of fishing was carried out in Somali waters by foreign ships. Local fishing industry was floundering as they could not compete against the factory trawlers that foreign fishing companies used. Today, the local fishing economy is flourishing, given that factory trawlers do not fish in Somali waters. Another justification provided by some pirates is that Somali waters were used as dumping grounds for nuclear and toxic waste by European and American governments and companies. Today such activity is not possible as the waters are 'guarded' by the pirates.

It is important, while fighting piracy, also to take on the political and economic causes for piracy. Ultimately, the security of seafarers can be ensured only when piratical activity ceases.

About the author: Swapna Sundar has a BA (Political Science) degree from Madras Christian College, a law degree from Dr. Ambedkar Government Law College, Chennai and an LLM in International Trade Law from the University of Kent at Canterbury, UK, where she also taught Constitutional Law. She also holds a post-graduate diploma in Patent Law from NALSAR Law University, and has done an advanced course in 'IP Strategy' conducted under the auspices of WIPO (World Intellectual Property Organisation). She is the CEO of IP Dome, IP Strategy Advisors. Their website is www.ipdome.in. You can contact the author at swapna@ipdome.in

DIRECTORATE GENERAL OF SHIPPING

Training Circular No. 04 of 2010

No:3-TR(15)/2003-Pt Dated: May 14, 2010

Subject : New approval to GP Rating Course and Certificate Course in Maritime Catering

Attention is invited to this Directorate's M.S. Notice No. 11 of 2003 dated 12.05.2003, Training Circular No. 13 of 2005 dated 10.05.2005, Training Circular No. 3 of 2007 dated 25.05.2007, Training Circular No. 6 of 2008 dated 06.05.2008 and Training Circular 4 of 2009 dated 11.05.2009 imposing restriction on new approval to G.P. Rating Course and Certificate Course in Maritime Catering for the period upto 11.05.2010.

2. As on date 37 institutes are conducting G.P. Rating Course and Certificate Course in Maritime Catering. The issue of demand and supply of ratings has been reviewed and it is seen that there is over supply of ratings in the market as against the jobs available internationally.

3. In view of the above, it has been decided to continue with the restriction for a further period of 1 year w.e.f. 11th May 2010. No proposal for any new training institute and no proposal for augmentation in intake capacity from the existing institutes shall be entertained.

4. However, the proposals received from States and Union Territories not having any DGS approved institute for training of Ratings, can be considered on merits and industry's requirement.

5. The above instruction comes into force with effect from 11th May 2010 and shall be valid for a further period of 1 year.

6. This issues with the approval of Director General of Shipping and Ex officio Additional Secretary to the Govt. of India.

Sd/-

(Samuel Darse)

Dy. Director General of Shipping

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- 4 - Year B. Tech. (Naval architecture & Ocean Engineering) Degree Course at National Ship Design & Research Centre, Visakhapatnam, Visakhapatnam Campus.

For the session commencing in August 2010 will be made through the Joint Entrance Examination, 2010 conducted by IITs on 11 April, 2010.

There will be no separate Entrance Examination for admission to the above institutes and only those candidates who have qualified in IIT JEE 2010 Examination will be called for counselling in the month of July / August 2010.

All Indian Nationals seeking admission to the above mentioned institutes have to fill up a separate application form issued by Indian Maritime University, Mumbai Campus.

Seats : There are 185 seats available in T. S. Chanakya, Navi Mumbai, Mumbai Campus; 246 in MERI - Kolkata, Kolkata Campus; 46 in MERI - Mumbai, Mumbai Campus; 80 in NMA - Chennai, Chennai Campus and 40 seats in IMU, Visakhapatnam Campus. Out of these, 10 seats are reserved for foreign nationals.

Reservation of Seats : 15% are reserved for SC candidates, 7.5% for ST candidates & 27% are reserved for OBC candidates belonging to non - creamy layer.

Academic Qualification & Age Limits : Candidates must have passed (10 + 2) examination with Physics, Chemistry, Mathematics and English. The candidates must have been born on or after 01.10.1985. For SC / ST, candidates must have been born on or after 01.10.1980.

Application form along with information brochure giving the details of the Training Program of the above Institutes, Medical standards etc. can be obtained from the following designated branches of Syndicate Bank all over India on payment of Rs. 800/- (General / OBC category) and Rs. 450/- (in case of SC / ST category).

Syndicate Bank Branches : 1. West Zone : Ahmedabad (Ashram Road Branch), Bhilai, Bhopal, Fort, Mumbai, Gwalior, Indore (Main Rajwada Chowk Branch), Jaipur (M.I. Rd. Br.) Nagpur (Gandhi Bagh Main Branch), Pune (Laxmi Road Branch), Thane (Naupada Branch), Udaipur. 2. North Zone : Amritsar, Allahabad (Cantonment), Bareilly (Civil Lines Branch), Chandigarh, Dehradun, Gurgaon (Cantonment), Jammu, Kanpur, Lucknow Main (Aminabad), Meerut (Main), New Delhi (Nehru Place Branch), Patiala (Main), Varanasi (Main). 3. East Zone : Bokaro Steel City, Bhubaneswar (Main), Kolkata (N.S. Road), Dhanbad, Jamshedpur, Muzaffarpur, Port Blair, Patna, Ranchi, Rourkela. 4. South Zone : Anantapur, Bangalore (Gandhinagar), Chennai (Mount Road), Kochi (Kochi - Kotinukulam Road Main Branch), Hyderabad (N.S.Road), Trivandrum (Tiruvananthapuram State Junction, Visakhapatnam (Main Suryabagh).

The application form along with information Brochure can also be obtained by post from the Indian Maritime University, Mumbai Campus, Karave, Nerul, Navi Mumbai - 400 706 by sending a self addressed stamped envelope 12? x 10? size with stamp worth Rs. 85/- alongwith a DD of Rs. 800/- (General / OBC Category) and Rs. 450/- (in the case of SC

/ ST category) drawn in favour of Indian Maritime University, Mumbai Campus and payable at Mumbai.

Special Information : The sale of application form commences at the above centres from 21 April, 2010 and the application form duly filled in should be submitted to the Indian Maritime University, Mumbai Campus, Karave, Nerul, Navi Mumbai - 400 706 on or before 04 June, 2010.

The counselling will be conducted in the month of July / August 2010 on the basis of the merit of the candidate in IIT JEE 2010 Examination. The courses will commence in mid August, 2010.

For candidates joining B. Tech. (Naval Architecture & Ocean Engineering) degree course, the physical standards are as required by regular engineering students. The total fee for female and male candidates opting for B. Tech. (Naval Architecture & Ocean Engineering), will be the same.

For other candidates, details of the medical standards specified are available in the information brochure. However, the candidates should note that, for joining B. Sc. (Nautical Science) degree course & B. Sc. (Maritime Science) degree course, normal vision of 6/6 is essential for each eye separately and those wearing glasses will not be eligible for admission.

Whereas in the case of joining B. Tech. (Marine Engineering) degree course, glasses will be allowed up to plus or minus 2.5. Un-aided vision should be 6/12 in both eyes minimum or 6/9 in the good eye and 6/12 in the other eye at least. Defective colour vision is a disqualification for B. Sc. (Nautical Science) degree course, B. Sc. (Maritime Science) degree course & B.Tech. (Marine Engineering) degree course.

Candidates should be mentally & physically fit for sea life. On successful completion of the courses, the cadets will be eligible for entry to the Merchant Navy both in India and abroad, with attractive salaries and exciting career prospects. There are total 10 seats available for direct admission of foreign nationals to these institutes. They need not appear for IIT JEE 2010 Examination. The application form for direct admission of foreign nationals may be obtained from the following address :

Indian Maritime University, Mumbai Campus, Karave, Nerul, Navi Mumbai - 400 706.

On payment of US\$ 100 by bank draft drawn in favour of Indian Maritime University, Mumbai Campus payable at Mumbai.

General Information : IMU, Visakhapatnam Campus, prepares students for Design and Construction of Marine Crafts & Structures. The graduate students will find employment in Shipping, Shipbuilding, Ocean Engineering Industries, Indian Navy, DRDO, and Classification Societies etc.

T. S. Chanakya prepares cadets to become Navigating Officers, MERI - Kolkata and NMA - Chennai Marine Engineers and MERI - Mumbai Polyvalent Officers. The highest position that a navigating officer can expect to attain on board a merchant ship is that of the Master of the Ship (Captain), Marine Engineer to that of the Chief Engineer of the ship and in case of Polyvalent Officer to that of Master / Chief Engineer.

Note : 100 % fee waiver to girl cadets except for expenditure on Uniform, Books, Messing charges etc. joining B. Sc. (Nautical Science) / B. Sc. (Maritime Science) / B. Tech (Marine Engineering).

Important Dates : Commencement of sale of application forms by Indian Maritime University, Mumbai Campus and Syndicate Bank **21 April, 2010**. Last date of receipt of completed application forms by Indian Maritime University, Mumbai Campus **04 June, 2010**. Issue of counselling call letters to the qualified candidates **July 2010**. **Counselling / Interview : July / August 2010**.

For any enquiry / information, you may contact :

Indian Maritime University, Mumbai Campus, Karave, Nerul, Navi Mumbai 400 706,

E - mail : admncell.mumbaicampus@imu.co.in, Phone No. : (022) 27706804,

Fax No. : (022) 27716805, Website : www.imu.tn.nic.in.

READERS' KIND ATTENTION

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Training Circular No. 3 of 2010

No.3-TR(10)/2008 3rd May, 2010

Sub: Processing fee for conducting Pre-sea Training for Personnel to man Dredger vessels, Tugs, Offshore Support Vessels, etc. on Near Coastal Voyages [NCV]

The processing fee for the 'Pre-sea Training for Personnel to man Dredger vessels, Tugs, Offshore Support Vessels, etc. on Near Coastal Voyages [NCV]', as introduced vide M.S. Notice No.4 of 2010 dated 22.04.2010, has been fixed as Rs.25,000/- [Rupees twenty five thousand only].

2. This issues with the approval of the Director General of Shipping & Ex-Officio Additional Secretary to the Govt. of India.

(ASHIMA GUPTA)

Dy. Director General of Shipping

DIRECTORATE GENERAL OF SHIPPING

Jahaz Bhavan, W.H. Marg, Mumbai - 4000 038

VACANCY NOTICE

It is proposed to fill up 4 posts of Ship Surveyors in Directorate General of Shipping/Mercantile Marine Departments in the pay scale of PB-3 Rs. 15600-39100+Grade Pay Rs. 7600/- T.E. at the minimum of pay Rs. 50,379/- p.m. in A-1 Class city on ad-hoc basis possessing the educational qualification and the experience as under:

Essential

- i) Degree in Naval Architecture from a recognized University or equivalent.
- ii) 8 years practical experience in design construction, survey and repair of ships carried out in ship building or ship repairing yards or any designed organization after the period of degree course.

Age: Not exceeding 45 years. Relaxation/Reservation is applicable to the candidates belonging to Scheduled Caste/Scheduled Tribe/OBC as per Rules.

The application from the eligible candidate should reach the undersigned within twenty one days (21) days from the date of advertisement.

For full details such as eligibility, terms and conditions please see the following web site: www.dgshipping.com

Sd/-

(Deepak Verma)

Dy. Director General of Shipping

Tele No. 22612381. Fax - 22612358

E-Mail-deepakverma@dgshipping.com.

Eligibility, Terms and conditions for the posts of Ship Surveyors in the pay scale of Rs.15600 - 39100 + GP 7600/- in the Office of Directorate General of Shipping/ Mercantile Marine Department on ad-hoc basis:

Sl.No	Ship Surveyor
1.	Place of Work Anywhere in India at Mumbai,Kolkata, Chennai, Kochi & Kandla.
2.	Duties 1) Survey of Hull and equipment of all vessels for certificate of Survey and other Statutory Certificate. 2) To advise in the design and construction of passenger/cargo vessels. 3) To undertake the measurement of tonnage of new vessels and re-measurement of existing vessels, design approval and survey during construction of liferafts & buoyant apparatus and general inspections. 4) To carry out Survey for the assignment of G.O.I. Load Lines and preparation of Load Line papers and the survey of foreign flag ship applying for Safety Certificate and any other duties arising under the M.S. Act 1958.

3. Educational Qualification & Experience Essential
 - i) Degree in Naval Architecture from a recognized University or equivalent.
 - ii) 8 years practical experience in design construction, survey and repair of ships carried out in ship building or ship repairing yards or any designed organization after the period of degree course.
4. Age Limit Not exceeding 45 years as on the closing date for receipt of application from candidates.
5. Period of Appointment Initially for a period of one year or regular incumbent from UPSC joins the post whichever is earlier.

DGS Order No. 2 of 2010

No:7- NT(27)/2009 29th April, 2010

Sub: Commencement of Nautical Grade Examinations (Written and Orals) at Mercantile Marine Department, Kochi

1. The 1.1. The Directorate General of Shipping has been receiving requests for quite sometime from candidates as well as merchant navy officers association, Kochi and training institutes to commence written and oral examinations of Nautical Grades at Mercantile Marine Department, Kochi. It is a matter of fact that large number of candidates from southern states, in particular from Kerala are appearing in Nautical Grade written/oral examinations at various other MMDs due to non-availability of nautical grade assessment and examination at Kochi. This increases unnecessary burden on the candidates in terms of monetary requirements and time for commuting to these centers and staying thereon till examination is over.

2. The Directorate's mission /vision statement provides for customers' satisfaction and as a step towards this, it is imperative to start Nautical grade examination facility at MMD Kochi to obviate the problems of perspective candidates to save their valuable time and expenses.

3. Above issue has been discussed in the Directorate and it has been decided that

3.1 With effect from July 2010, as a first step towards the nautical grade examination at Kochi, written and oral examinations at operational level i.e. Second Mate (FG) grade shall be conducted at Mercantile Marine Department, Kochi. Written examination will be held as per the schedule notified by the Examination center of the Directorate.

3.2 Assessment and booking of second mate (FG) grade written and oral examination will commence at MMD Kochi from the month of June 2010. Schedule for assessment and booking will be released by MMD Kochi during the last week of May 2010. Capacity - 40 candidates.

3.3 All those candidates especially from the Southern parts of India who are otherwise eligible and desirous of appearing for second mate (FG) examination at MMD Kochi from July 2010 onwards may transfer their application (Form-15) to MMD Kochi as per norms of MMDs.

3.4 Other higher grades of examination like First Mate (FG) and Master (FG) will be commenced subsequently.

In case of any difficulty being faced by the candidates, the same should be brought to the notice of the Chief Examiner of Master and Mates. Further orders, if any, shall be issued after reviewing the position by Dec 2010.

Sd/-

(Lakshmi Venkatachalam)

*Director General of Shipping &
ex. officio Additional Secretary to Govt. of India*

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Ship Management Firm Violated Pollution

Law, Sentenced: Cooperative Success Maritime S.A., the operator of the M/T Chem Faros, a 21,145 gross-ton ocean-going cargo ship that regularly transported cargo between foreign ports and the United States, pleaded guilty and was sentenced today in federal court for violating the Act to Prevent Pollution from Ships (APPS), and to making material false statements, the Justice Department announced.

U.S. District Court Judge James C. Dever III for the Eastern District of North Carolina sentenced the company to pay a \$850,000 penalty of which \$150,000 will be paid to the congressionally-created National Fish and Wildlife Fund as a community service payment. The judge also sentenced the company to serve five years of probation, during which time they will implement an environmental compliance plan.

Federal and international law requires that all ships comply with pollution regulations requiring the proper disposal of oily waste water and sludge by passing the oily waste through an oil-water separator (OWS) aboard the vessel or burning the sludge in the ship's incinerator. Federal law also requires the ship's crew to record accurately in an oil record book (ORB) each transfer or disposal of oily waste water and sludge. These laws are designed to prevent pollution of ocean waters.

During a regular inspection of the ship on March 29, 2010, in Morehead City, N.C., an oiler with the engine crew passed a note to a U.S. Coast Guard inspector. The handwritten note stated: "GOOD MORNING SIR, I WOULD LIKE TO LET YOU KNOW THIS SHIP DISCHARGING BILGE ILEGALLY USING BY MAGIC PIPE, IF YOU WANT TO KNOW ILLEGAL PIPE THERE IN WORKSHOP FIVE METERS LONG WITH RUBBER. SIR, I HOPE IF YOU DON'T MIND. WE HAVE A SECURITY FOR OUR SAFETY." (spelling and grammar errors in original).

The oiler informed a member of Coast Guard boarding team that the "magic pipe" was located in the workshop in the engine department. The subsequent investigation revealed that from September 2009, through March 2010, engine department crew members pumped oil-contaminated waste directly overboard by using the pipe that by-passed the OWS on several occasions, up to 10 times according to some crew members.

On March 18, 2010, the chief engineer, Vaja Sikharulidze, ordered the engine department crew members, through the second engineer, to by-pass the OWS and discharge oil-contaminated bilge waste directly overboard. This resulted in approximately 13,200 gallons of oil-contaminated waste to be discharged into the ocean.

Sikharulidze has acknowledged making false entries in the oil record book to hide the true amount of oil-contaminated bilge waste that was stored in a certain tank aboard the ship. The chief engineer stated that in order to hide the by-pass of over 70 cubic meters, he had to enter incorrect information in the ORB preceding the discharge.

Sikharulidze further admitted that transfer entries in the ORB from on or about March 6, 2010, through March 17, 2010, were false. He indicated he was continuing the practice of false entries made by the prior chief engineer for that particular tank. He explained that the prior chief engineer indicated in the ORB that a particular bilge tank contained 24 cubic meters of waste when, in fact, it contained 60 to 65 cubic meter of waste. In order to avoid bringing attention to the false entries, the chief engineer continued the practice of making false entries. Last month, Sikharulidze, 59, pleaded guilty to violating the APPS.

"Owners and operators of sea-going vessels who intentionally violate the law by polluting and falsifying records will be prosecuted by the Department of Justice," said Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "The Federal government will continue to investigate and prosecute these types of violations to stop illegal discharges and protect the environment."

"Pollution prevention acts were put in place to protect our natural resources. It is disheartening when we see companies and individuals knowingly and purposely dumping oil-contaminated waste into those resources. We will take violations of these acts very seriously, in order to protect our natural resources for future generations," stated George E. B. Holding, U.S. Attorney for the Eastern District of North Carolina.

"As a steward of the environment, the Coast Guard enforces compliance with applicable laws," said Rear Adm. Wayne Justice, commander of the Coast Guard's 5th District. "The criminal prosecution of violating companies is a significant deterrent for offending ships entering our ports. Cooperative efforts between state and federal agencies help preserve our natural resources, and protect those who rely on the marine environment for their livelihood."

"The oceans must be protected from being used as dump sites for waste oil or other hazardous substances," said Maureen O'Mara, Special Agent-in-Charge of EPA's criminal enforcement program in Atlanta. "This prosecution sends a clear message that companies that refuse to operate their vessels safely and lawfully and pollute our waters will be vigorously prosecuted."

Investigation of this case was conducted by the U.S. Coast Guard and the Environmental Protection Agency with assistance from the FBI's Computer Forensic Team. The case was jointly prosecuted by the Justice Department's Environmental Crimes Section and the U.S. Attorney's Office for the Eastern District of North Carolina.

Obama to Reopen Oil Drilling: According to a report from The Wall Street Journal, the Obama administration, facing rising anger on the Gulf Coast over the loss of jobs and income from a drilling moratorium, said on June 7 that it would move quickly to release new safety requirements that would allow the reopening of offshore oil and gas exploration in shallow waters. Gulf Coast residents, political leaders and industry officials said delays in releasing the new rules, along with the administration's six-month halt on deepwater drilling—both issued amid public pressure—threatened thousands of jobs.

North Sea Tanker Sent to Gulf Spill:

According to a June 11 report from The Age, BP is sending a giant oil tanker from its North Sea operations off the Shetland Islands to help with the clean-up operation in the Gulf of Mexico as thousands of barrels of oil collected from its leaking well on the ocean floor threaten to overwhelm the capacity of its US vessels. The move came as the company revealed it had spent about \$1.43b on efforts to contain the oil spill and related costs.

BP to Burn Off Some Collected Oil:

According to a June 10 report from Reuters, BP will begin burning up to 10,000 barrels a day of oil from its Gulf of Mexico leak possibly as early as Monday, June 14, a company executive said. The British energy giant is collecting oil spewing from its blown-out seabed well through a containment cap and plans to test a second system to capture more oil over the weekend, Kent

Wells, BP's senior vice president of exploration and production, said in a telephone briefing. BP said the cap system atop the well collected 15,800 barrels (660,000 gallons/2.5 million liters) of oil on Wednesday, June 9, a small increase over the 15,010 barrels captured the day before.

Not Enough Lifeboats: Forty-nine days of "top kill," "junk shot," controlled burns, dispersants and hi-tech domes and the Gulf of Mexico oil spill is still a calamity of immeasurable proportions, which is still continuing to devastate the environment and economies of the Gulf States. For the White House the spill has been yet another test of competence and leadership, and the glaring truth is there are not enough lifeboats for everyone.

There was so much excitement in the offshore industry after the 27-year congressional moratorium on offshore drilling ended on September 29, 2008. While the pro-oil Bush administration did nothing after the end of the moratorium, it would take the anti-drilling Obama to lift the ban on March 31, 2010. The offshore industry embraced the potential renaissance. But, the OCS stimulus potential simply exploded and melted into the bottom of the ocean on April 20th.

This "Energy Pearl Harbor" has shaken every American and many throughout the world. In the last few days, LSU's Pelican subsea vessel witnessed at least a 400-foot underwater plume of thick oil sitting on the ocean floor that goes on forever and NOAA has sent its research vessel, THOMAS JEFFERSON, to hopefully provide us the truth about the impact of the spill undersea. But, what is clear to everyone is that neither BP nor the oil industry had anything even closely resembling an emergency response plan for drilling at 5,000 feet. For years the oil industry has touted the deepwater technologies, which had evidently outstripped government regulators' ability to understand and deal with the realities of a possible catastrophic oil spill event.

Then, of course, there are rumors about the purported cowboy tensions between Transocean workers and BP superintendents about the pace of drilling, which could have led to many mistakes. These tensions were so evident to all the workers that Transocean Tool Pusher, Jason Anderson, one of the eleven men that died in the explosion, spent his last trip home getting his affairs in order. He told his wife Shelly he was so concerned about the safety practices of BP that he drew up a Will and began offering advice to his wife about how to raise their kids. While Transocean filed a petition to limit its liability to \$27 million, BP, who spent a record \$15 million last year for Lobbyists in Washington, will feel the full impact of the event, because nobody wants to see BP limit its liability.

As the oil spreads 100 miles across the Gulf coastline devastating businesses and wildlife, Americans are appalled by the unneeded suffering. However, this brings me to another point; Louisiana's governor, Bobby Jindal, who last year said there should be as little federal government interference as possible because the American people can handle anything is now begging for federal interference for money, supplies, and assistance to create barrier islands to protect the state's wetland. And, what about all the folks that screamed and shouted about the socialistic president that federalized the financial institutions, car companies and health care, these are now the same people screaming for him to do something in the Gulf of Mexico crisis. It's a catch 22 Mr. Obama, damned if you do and damned if you don't, it's just the same American political climate that has grinded congress to a halt of ever

getting anything done up there.

For all the devastation being inflicted on wildlife and businesses in the Gulf, for all the uncalculated billions (?) that BP and its associates may be on the hook for, for all the offshore operators and shipbuilders whose futures may hang in the balance, for the workers cleaning and skimming crude in the ocean and on the beaches whose future health may become another casualty, and for Obama who may or may not be competent enough to fix the problem because he entered the fray way too late, there are simply not be enough lifeboats.

But, like Coast Guard Admiral Thad Allen, who is the designated incident command leader, said, "Replace BP with what?"

The Gulf Coast spill is far from over, and there is so much more pain and suffering yet to come. While the Russians may be snickering in their vodka at us, they have suggested putting a nuke 16,000 feet into the well to cauterize the hole. Something, they did in the 60s and 70's five times with an 80 percent success rate.

Well, we need to do something, because we just had lunch at the OceanEnergy Conference in Fort Lauderdale, where Matthew Simmons, the renowned energy investment guru and author of "Twilight in the Desert", spoke and said, if we let it bleed out it may take 25 years because there is more oil in the hole than even BP expected. He also said, what this country needs is a good education on alternative wind energy, and as far as the offshore industry is concerned there are 3,442 active rigs in the Gulf and many are over 30 years old. The federal government will require inspections and upgrades, which will be another boom for the energy support industry.

Déjà Vu All Over Again

While this is day 49 for the Deepwater Horizon debacle, its day 34 in Akwa Ibom along the Niger Delta, where another offshore spill is still adding millions of more gallons of crude to the ocean environment. In an already devastated estuary, an oil rig operated by a subsidiary of ExxonMobile is polluting the seas and tidal marshes in a country that admits there have been at least 2,000 major oil spills. Nigeria has tough sounding "paper tiger" environmental laws, but their enforcement is by a government totally corrupted by big-oil. And, let's not forget about the "ABAN PEARL" natural gas exploration rig that sank 23 days after the Gulf of Mexico event. On May 13th, the rig sank for no apparent reason, but Chavez said on his Tweeter account that all the gas connections had been disconnected and all 95 workers were taken off safely.

The Forgotten Rule D: The Forgotten Rule D – In Rem Arrest to Recover Possession of Cargo or Other Maritime Property (Or "How to Get Your Stuff Back")

Introduction: The global recession has forced shipping related companies to consider their options and enforce their contractual rights, especially since so many entities have been squeezed by shrinking markets and a new financial environment. The options include court intervention through well known maritime procedures.

How well do you know your ABC's regarding U.S. Supplemental Admiralty Rules? Or rather your BC&D's?

Much has been said and done over the years in the name of Supplemental Admiralty Rule B attachments and Rule C arrests by shipowners, cargo owners and container lessors. However, Rule D arrests have largely been ignored, possibly because

maritime practitioners are not as familiar with its purpose or have not considered its benefits (this is borne out by a dearth of reported Rule D cases in U.S. federal courts over the past 30-years).

Maritime practitioners are quite inventive in locating vessels with cargoes and containers on board, and determining their arrival and departure dates at ports around the world. The usual suspects include certain databases, live-time vessel tracking websites, marine exchanges, and related information sources e.g. ships agents and vessel custodians. On the other hand, the target entities can be equally (or more) adept at hiding property, which often results in a game of cat and mouse.

Supplemental Admiralty Rule D provides another option for companies or individuals to recover possession of their cargo or other maritime property e.g. containers; but of course, you have to know where the assets are located before you can arrest them!

Scope of Rule D & Required Admiralty Jurisdiction

Rule D involves the filing of a complaint in a U.S. federal court and a request for in rem arrest, as in Rule C, for the following three types of actions :

1. Possession – for a vessel, cargo or maritime property (e.g. bill of lading or container) that was “wrongfully taken”
2. Petitory – to resolve “legal” title (not equitable title) to maritime property e.g. yacht or vessel
3. Partition – for judicial sale of a vessel & distribution of proceeds among the owners

Rule D provides a legal basis to adjudicate disputes over these actions, provided there is admiralty jurisdiction: in other words, there must still be a maritime claim or contract that relates to the use of a vessel, commerce or navigation on navigable waters, transportation by sea, or maritime employment.

Courts have determined that actions for possession of a vessel require “recovery” of such vessel, not original possession i.e. the plaintiff must have had “prior possession” and thereafter move to get it back. The prior possession requirement can be met by an owner’s title interest, or by a bare boat charterer as owner pro hac vice, and constructive possession may be sufficient to include actual possession.

Further, admiralty jurisdiction is not automatic just because a vessel is involved, e.g. breach of a contract to build or sell a vessel would not be sufficient for a Rule D action.

Process & Security

This Rule can be utilized by any person that claims a superior right to possession of a vessel, cargo or maritime property. For example, a Rule D action can be filed by a shipowner or charterer who wishes to recover possession of a vessel of which it has been wrongfully deprived under a charter party; by a cargo owner for a bill of lading where the shipper or consignee has refused to hand it over; or by a container leasing company for its containers where the lessee has wrongfully withheld or refused to return them.

The deprived party can file a complaint in U.S. federal court and obtain maritime process for a warrant of arrest, and then send out the U.S. Marshal to seize the property. Notice must be given to adverse parties under Rule B(2).

Similar to other maritime actions, the property may be released

upon the giving of appropriate security, although in certain cases – e.g. where the party wants a specific vessel or item – this could be contested. Rule D security is not the same as Rule B security, in that it is governed by Rule E(5)(d), not Rule E(5)(a). Essentially, this means the court has broad discretion (but no guidelines as in Rules B & C) to order the release of the vessel by order of court, or “on such terms and conditions and the giving of such security as the court may require.”

Examples

1. Possession of Cargo

Thypin Steel Company v. Asoma Corporation, 215 F.3d 273 (2nd Cir. 2000)

The plaintiff filed an in rem action claiming ownership of a bill of lading for steel cargo en route from Ukraine to Houston, TX after a dispute arose over ownership (the bill was issued by the master of the vessel). The District Court issued a warrant of arrest for the bill of lading and, at a post-arrest Rule E(4)(f) hearing, received additional evidence from the parties. The Court held there was admiralty jurisdiction based on the bill of lading, a maritime contract, which constituted evidence as to a change of title; it noted jurisdiction depended on the nature of the contract, limited to “contracts, claims and services purely maritime, and touching rights and duties appertaining to commerce and navigation.”

After security was put up, the bill of lading was released and the vessel arrived in Houston and discharged the cargo.

On appeal, the defendant challenged plaintiffs’ arrest of the bill of lading and argued Rule C(8) provided the appropriate procedure. Further, it contended this was a non-maritime dispute between two New York merchants over title to cargo, based on a purchase agreement which did not involve the operation, navigation or management of a ship. However, the 2nd Circuit disagreed and noted that a bill of lading for ocean carriage was a “classic” maritime contract. Further, the bill of lading at the center of the dispute was not merely a purchase agreement between merchants, but a maritime contract that involved transportation of goods over navigable waters. Therefore, it was a maritime contract (not the cargo) that was the *res* which conferred admiralty jurisdiction on the court.

The procedural posture of the case was unusual: a more traditional course of action would have been for the plaintiff to have arrested the cargo in Houston.

2. Title to Vessel

Coutsodontis v M/V Athena, 2008 WL 4330236 (5th Cir. 2008)

The plaintiff filed suit in District Court for the Eastern District of Louisiana and attached and arrested the vessel *Athena* under Rules B & D. He demanded \$15 million for release of the vessel for claims that arose from a shareholder dispute being litigated in New York, Spain and Greece. He alleged that he owned shares in the defendant corporation that held legal title to the vessel and was therefore entitled to share in the vessel's profits. And he alleged his shareholder status equated to “part-ownership” of the vessel, for which he filed for possession and partition under Rule D.

The defendant then filed a motion to vacate the arrest and attachment, arguing the District Court did not have admiralty subject-matter jurisdiction and therefore the attachment and arrest of the vessel were wrongful as a matter of law. The court agreed and ordered the vessel released.

Plaintiff appealed, but the 5th Circuit affirmed the trial court's holding that there was no admiralty jurisdiction as the claims were not maritime in nature i.e. they did not relate to the "ship in its use as such, or to commerce or navigation on navigable waters, or to transportation by sea or to maritime employment." It noted admiralty jurisdiction was not automatic simply because a vessel was involved and ruled that the supplemental admiralty rules did not create admiralty jurisdiction in this case.

The end result is that while Rule D may be used to have a court decide an issue based on actual ownership of the vessel itself, it cannot be used in the case of indirect ownership through shares of stock in a corporation that owns the vessel. Where ownership derives from shares in the owning corporation, issues stemming from such ownership likely will require an accounting among owners or shareholders – which is not an admiralty issue to support such jurisdiction.

3. Recovery of Containers

There do not appear to be any reported cases in the U.S. involving claims for recovery, possession or title to containers, although it is known that such Rule D complaints have been filed in various federal courts. The basis for a claim might be that a third party lessee or shipowner/charterer has refused to return specific containers, despite demand (i.e. alleged wrongful withholding) and that the owner/lessor has legal title (i.e. not equitable title) to them.

There are various issues for consideration by a plaintiff lessor: For example, what if the containers are filled with cargo at the time of the filed action? The plaintiff lessor should anticipate that if it arrests its containers under Rule D, it will likely receive complaints from the cargo owners or consignees under the bills of lading, with a request for release of their cargo. Further, what if the containers are required to clear U.S. Customs upon discharge? No doubt there will be discussions with Customs officials (and costs) before the cargoes can be cleared.

Conclusion: A Rule D option may be available from time to time, and could be used as an alternative ground to a Rule B attachment or a Rule C arrest. Bear it in mind next time you intend to file suit in a U.S. court on an admiralty matter when your stuff has been wrongfully taken from you or if you need to prove legal title to that lovely new yacht you had built for your next trip to the Bahamas.

Size of Oil Spill was Underestimated

The totals for the amount of oil spilled are calculated from the initial explosion at 10 p.m. on April 20.

The Government Estimate: 12,000 to 19,000 barrels per day, an estimate announced May 27. The estimates were produced by a panel of experts from universities, government laboratories and government agencies

The MacDonald Estimate: Based on an analysis by Ian R. MacDonald, an oceanographer at Florida State University that was published by SkyTruth on May 1. By studying the amount of the oil visible in aerial imagery, Dr. MacDonald calculated the flow rate to be at least 26,500 barrels (1.1 million gallons) per day. He called this a "minimum estimate" since his calculations could only account for oil that was visible on the surface and did not include oil that had evaporated, mixed in with sea water, sunk to the bottom or been collected by response crews.

The Wereley Estimate: Based on estimates by Steve Wereley, a professor of mechanical engineering at Purdue University and

an expert in optical flow measurement. He presented his findings to Congress on May 19. He analyzed video of the oil and gas leaking at the bottom of the gulf and estimated the flow rate to be about 72,000 barrels (or 3.0 million gallons) a day coming from the riser pipe and an additional 25,000 barrels coming from the blow out preventer.

BP's Worst Case Scenario Estimate: The "BP worst case" estimate is based on a figure given by a senior BP executive to members of Congress in a closed-door briefing on May 4. In the worst case, if the leak accelerated, the flow rate could be 60,000 barrels (or 2.5 million gallons) a day.

Latest effort gets snagged: The diamond tipped saw that was being used to cut through the well pipe became stuck, and took BP 12 hours to free it. Now BP engineers will try giant shears to slice off the leaking pipe.

By the Numbers to Date:

- \$170 million has been given to Louisiana, Alabama, Mississippi, and Florida to help with response costs by BP.
- BP has paid \$42 million so far, in compensation to people and businesses affected by the spill
- 17,500 National Guard Troops are participating in response
- 20,000+ personnel are responding to protect the shoreline and wildlife cleanup
- 1,900 vessels are responding (tugs, barges, skimmers)-also dozens of aircraft, ROV's and offshore drilling units are being utilized
- 2 million feet of containment boom and 2.1 million feet of sorbent boom have been deployed
- ~13.8 million gallons of oil/water mix have been recovered
- 993,000 gallons of dispersant have been deployed
- 125 controlled burns have been conducted-removing 3.2 million gallons of oil
- 17 staging areas in place to protect shorelines

Hurricanes and the Oil Spill:

What will happen to a hurricane that runs through this oil slick?

- Most hurricanes span an enormous area of the ocean (200-300 miles) — far wider than the current size of
- If the slick remains small in comparison to a typical hurricane's general environment and size, the anticipated impact on the hurricane would be minimal.
- The oil is not expected to appreciably affect either the intensity or the track of a fully developed tropical storm or hurricane.
- The oil slick would have little effect on the storm surge or near-shore wave heights.

What will the hurricane do to the oil slick in the Gulf?

- The high winds and seas will mix and "weather" the oil which can help accelerate the biodegradation process.
- The high winds may distribute oil over a wider area, but it is difficult to model exactly where the oil may be transported.
- Movement of oil would depend greatly on the track of the hurricane.

- Storms' surges may carry oil into the coastline and inland as far as the surge reaches. Debris resulting from the hurricane may be contaminated by oil from the Deepwater Horizon incident, but also from other oil releases that may occur during the storm.

- A hurricane's winds rotate counter-clockwise. Thus, in VERY GENERAL TERMS:

- * A hurricane passing to the west of the oil slick could drive oil to the coast.

- * A hurricane passing to the east of the slick could drive the oil away from the coast.

Will the oil slick help or hurt a storm from developing in the Gulf?

- Evaporation from the sea surface fuels tropical storms and hurricanes. Over relatively calm water (such as for a developing tropical depression or disturbance), in theory, an oil slick could suppress evaporation if the layer is thick enough, by not allowing contact of the water to the air.

- With less evaporation one might assume there would be less moisture available to fuel the hurricane and thus reduce its strength.

- However, except for immediately near the source, the slick is very patchy. At moderate wind speeds, such as those found in approaching tropical storms and hurricanes, a thin layer of oil such as is the case with the current slick (except in very limited areas near the well) would likely break into pools on the surface or mix as drops in the upper layers of the ocean. (The heaviest surface slicks, however, could re-coalesce at the surface after the storm passes.)

- This would allow much of the water to remain in touch with the overlying air and greatly reduce any effect the oil may have on evaporation.

- Therefore, the oil slick is not likely to have a significant impact on the hurricane.

Will the hurricane pull up the oil that is below the surface of the Gulf?

- All of the sampling to date shows that except near the leaking well, the subsurface dispersed oil is in parts per million levels or less. The hurricane will mix the waters of the Gulf and disperse the oil even further.

Have we had experience in the past with hurricanes and oil spills?

- Yes, but our experience has been primarily with oil spills that occurred because of the storm, not from an existing oil slick and an ongoing release of oil from the seafloor.

- The experience from hurricanes Katrina and Rita (2005) was that oil released during the storms became very widely dispersed.

- Dozens of significant spills and hundreds of smaller spills occurred from offshore facilities, shoreside facilities, vessel sinkings, etc.

Will there be oil in the rain related to a hurricane?

- No. Hurricanes draw water vapor from a large area, much larger than the area covered by oil, and rain is produced in clouds circulating the hurricane.

Nuclear Option on Gulf Oil Spill? The idea began circulating weeks ago, as bloggers brainstormed every possibility to stop the leaking oil well in the gulf.

Now after many failed attempts to seal the well, there's greater talk of inserting a nuclear bomb in to the well to seal it shut. The Soviet Union reportedly used nuclear explosions to seal off gas wells by inserting the bombs deep underground and allowing the intense heat melt the surrounding rock to shut off the flow.

In theory, the nuclear option seems attractive because the extreme heat might create a tough seal. An exploding atom bomb generates temperatures hotter than the surface of the sun and, detonated underground, can turn acres of porous rock into a glassy plug.

The idea is risky and one that would that could open the doors to even greater environmental disasters. Others have suggested more conventional explosives that are sometimes used on land to seal oil heads, but officials say this may damage the well making the leak worse and not allowing for it to ever be sealed from the top.

The enthusiasm for the nuclear approach is the success the Soviet Union had in sealing off gas heads. They used a series of 5 blasts of which the first 4 were successful.

Federal officials say the nuclear option is not and has never been on the table. Using nuclear weapons would abandon the current administrations international agenda to create a nuclear free world. Using a nuclear blast to seal the well isn't expected.

Piracy Summit: The Institute for Defense and Government Advancement (IDGA) is pleased to announce the International Piracy Summit, scheduled for July 7-9, 2010, in Naples, Italy:

IDGA's International Piracy Summit brings the global maritime shipping community together to discuss the safety and security of the world's oceans. This timely and mission-critical event features world leaders with first-hand experiences of pirate attacks and knowledge of counter-piracy initiatives.

The summit's unique agenda features a special Keynote session by Admiral Mark Fitzgerald, Commander of JFC Naples, followed by a site tour of the NATO Maritime Component Command Naples (COM MC Naples). As advocates of maritime domain awareness, COM MC Naples is dedicated to supporting the full range of military operations anywhere in the world in an effort to deter aggression, contribute to effective crisis management, and promote peace, security, and stability.

Attendees will see how all of this is done by joining the delegation on a site tour to discover technologies and operational strategies used by the Command in order to deter pirate attacks.

The summit's remarkable speaking faculty includes victims of pirate attacks, John Burnett, Head of Maritime Security, Maritime & Underwater Security Consultants (MUSC) and James Christodoulou, CEO, Industrial Shipping Enterprises Corporation.

Joining them are Captain James Staples, Master Mariner, U.S. Merchant Marine and Mohamed Jama Ali, Director, Ministry of Foreign Affairs, Mogadishu, Somalia in an interactive debate on preventing and managing pirate attacks.

Nigerian militants resume attacks on shipping:

The recent kidnap of two Russian seafarers from a vessel anchored in Cameroon appears to indicate a return of Nigerian militants' threat to seafarers.

The Movement for the Emancipation of the Niger Delta (MEND) is said to be demanding a ransom of US\$1.5 million for the release of the captain and chief engineer the Greek-owned, St Vincent and Grenadines-flagged cargo ship North Spirit, abducted while the ship was anchored in Douala, Cameroon on 16 May.

MEND has been responsible for a series of attacks on shipping and personnel in Nigeria and neighbouring countries over the past few years, as part of a campaign against the oil companies operating in the Niger Delta. A wave of attacks in 2009 ceased following the release of a MEND leader from a Nigerian jail at the end of the year. However, MEND warned the government earlier this year that it would be resuming hostilities.

The return of MEND activity raises concern as incidents in this region often involve more violence than those of the Somali pirates. In an incident off Lagos, Nigeria on 25 March 2010, the chief officer of a Turkish tanker was hospitalised after he was knifed by armed pirates.

In other recent incidents reported to the International Maritime Bureau's worldwide Piracy Reporting Centre:

Pirates boarded a tanker off Pulau Subi Kecil in the South China Sea on 10 June and took three crew hostage. They stole cash and personal belongings and then escaped. About an hour later, a duty officer on a ship in the same area spotted that it was being trailed by a speed boat, took anti-piracy measures, and warned all ships in the area. The pirates abandoned this attack.

Armed Somali pirates fired on a chemical tanker in the Red Sea on 7 June and attempted to board it. The tanker took evasive action and managed to evade the hijacking.

Six Somali pirates approached a cargo ship in the Southern Red Sea/Gulf of Aden on 4 June, but abandoned their attack after the captain took evasive action, raised the alarm and the crew mustered and activated fire hoses.

Robbers boarded a cargo ship off Thailand on 4 June and two were detained by crew after the alarm was raised, fire hoses activated and the rope to their speed boat was cut. The robbers were later allowed to leave the ship.

Armed pirates approached a bulk carrier in the Gulf of Aden on 3 June and attempted to board it twice in three hours. The ship made evasive manoeuvres, and the pirates eventually aborted the attack.

Four armed pirates approached a chemical tanker in the Gulf of Aden on 2 June, but abandoned their attempted attack after the security team on board the tanker fired warning shots in the air.

UK report calls for parity of seafarers' pay:

British unions have welcomed a report recommending the outlawing of nationality-based pay differentials for seafarers on UK ships. The report was commissioned by the government in power before the recent general election.

The independent report says that a move to pay parity for all seafarers on UK ships would be unlikely to have a significant economic effect in the short-term, while helping to protect the

pay and conditions and security of employment of British maritime professionals.

The new shipping minister told Parliament on 9 May that the government would seek further comments on the report before deciding how to proceed. If agreed, the report's recommendations would mean that foreign seafarers recruited to work on UK ships would be paid the same as their British workmates.

The report was welcomed by the Nautilus and RMT unions, and the British Trades Union Congress (TUC), although it was criticised by the British Chamber of Shipping, who will oppose pay parity.

TUC General Secretary Brendan Barber said: "It's high time that the disgraceful practice of allowing the shipping industry to pay poverty rates to workers who don't live in the UK was stopped."

Somali piracy – deaths as hijacked vessels freed:

Recent incidents to free hijacked vessels have led to the death of one captured seafarer as well as Somali pirate captors.

There are reports that Somali pirates killed the Pakistani captain of a hijacked ship after coastguards from the country's semi-autonomous Puntland region stormed the vessel and took control.

In a separate incident on 2 June, the crew of the hijacked Libyan-owned, North Korea-flagged Rim killed five Somali pirates while they slept to recapture the vessel. Another group of pirates attempted to block a naval warship sent to provide assistance, but fled when approached by the warship's helicopter. The Rim had been hijacked in February outside the secure transit corridor in the Gulf of Aden. The crew included one Romanian and nine Syrian seafarers.

Somali pirates continue to attack shipping in the Gulf of Aden and off Somalia, despite the international naval presence.

Pirates armed with a rocket-propelled grenade seized the Panama-flagged QSM Dubai within the secure transit corridor of the Gulf of Aden on 2 June. The 24 crew include Ghanaian, Egyptian, Pakistani and Bangladeshi nationals.

However, the bulk carrier Avenue Beauty took evasive action to avoid capture by pirates armed with machine guns in the Gulf of Aden on 30 May, and an Australian naval vessel intercepted a skiff carrying suspected pirates in the Gulf of Aden on 25 May.

In other recent incidents reported to the International Maritime Bureau's worldwide Piracy Reporting Centre:

Somali pirates armed with machine guns chased a container ship in Omani waters off Somali on 2 June. The ship increased speed, enforced anti-piracy measures and escaped.

Robbers boarded a container ship anchored in Dar es Salaam, Tanzania on 31 May, threatened the duty watch keeper with a knife and tied him up. The alarm was raised and a security guard was sent on board and found that the containers had been broken into.

Six robbers armed with knives attempted to board a container ship anchored at Port au Prince, Haiti on 29 May, but abandoned the attempt after crew raised the alarm.

Shipping shows signs of economic

upturn: The global shipping industry is beginning to show some signs of an upturn after almost two years of worldwide economic recession.

The major Asia-Europe trade routes are now recovering the levels they were at in early 2008, before the start of the global downturn, and major individual companies are reporting increased movements.

The Singapore container line Neptune Orient Lines (NOL) is now moving idle ships back into service in response to increasing trade demand. Many NOL ships had been idle during the downturn, adding to pictures of scores of ships at anchor in the Straits of Singapore.

The Chinese-owned COSCO (China Ocean Shipping (Group) Company), the world's second-largest shipping company, has also pointed to signs of an upturn. Its group president and chief executive, Wei Jiafu, told Lloyd's List that the container market had returned to profit this year, and that the Far East to Europe trade route was back at pre-crisis levels.

The recession has also affected the shipbuilding industry in South Korea and elsewhere, as carriers could no longer afford to pay for ships ordered or cancelled new builds. This might create a shortage of new vessels when demand increases.

Cruise ship detained in UK over fatigue

concerns: The UK Maritime and Coastguard Agency (MCA) detained a cruise ship because of concerns over overloading and potential fatigue for officers.

The Monaco-managed, Bahamas-flagged Prince Albert II was held in Portsmouth, England following an MCA inspection on 10 May because of concerns about overloading and the recording of rest hours for senior officers. The ship, which carries 130 passengers, was allowed to sail after the MCA was satisfied that rest hours and staffing levels met the criteria.

Welcoming the MCA's action, the Anglo-Dutch maritime officers' union Nautilus said it was pleased to see the Agency acting on its policy commitment to tackle fatigue.

IMB confirms spread in piracy and Somali

risk: The latest quarterly report from the International Maritime Bureau (IMB) confirms the reports that Somali pirates have been expanding the range of their operations, as piracy and other crimes at sea continue worldwide. The IMB's survey, issued on 21 April, is based on cases reported to its Piracy Reporting Centre (PRC).

But while the Somali pirates have been spreading their operations far and wide into the Indian Ocean, the number of their successful attacks has fallen since the same period in 2009. They were responsible for 35 of the 67 incidents reported worldwide between January and March 2010, compared with 102 attacks in 2009.

The fall in Somali piracy is largely as a result of the deterrent presence of the international naval coalition that has been patrolling the most dangerous waters of the Gulf of Aden. But many ships have also successfully evaded capture through the deployment of anti-piracy measures.

In the first quarter of 2010, Somali pirates boarded 26 vessels, fired on 18 and hijacked 11 – taking 194 crew members hostage,

of whom 12 were injured.

The number of hijacks off the east and south coast of Somalia rose from four in the first quarter of 2009 to five for the same period in 2010. Hijacks in the Gulf of Aden fell from five to four between the same periods.

The IMB's report warned that: "Somali pirates are dangerous and are prepared to fire their automatic weapons and rocket-propelled grenades at vessels in order to stop them."

It noted that the range of Somali pirate activity had spread out to off the coasts of Kenya, Tanzania, the Seychelles, and even Madagascar in the Indian Ocean – some as far as 1,000 nautical miles off Somalia – as well as Oman in the Arabian Sea.

Pirate attacks in other areas included two incidents in Nigeria, with two crew members in one attack requiring hospital treatment, and a rise from one to eight incidents in Indonesia – although these were low-level compared with armed robbery and other serious attacks, which have declined in Indonesia.

The Somali pirates' readiness to take drastic action was seen in their recent threat to blow up a supertanker, the South-Korean-owned, Marshalls Island-flagged Samho Dream, if they were not paid a US\$20 million ransom. The vessel, with 24 crew – 19 Filipinos and five South Koreans – was captured 690 nautical miles off the Somali coast on 4 April.

Somali pirates were also successful in capturing the Greek-owned, Panama-flagged VOC Daisy with 21 Filipino crew on 21 April, just as it was due to enter the naval patrol waters of the Gulf of Aden. It was 170 nautical miles off Oman when it was boarded by four pirates armed with Kalashnikovs and rocket-propelled grenades.

A fishing vessel and 26 crew were also hijacked by armed pirates 230 nautical miles north west of Minicoy Island in the Indian Ocean on 18 April.

However, other Somali pirates have been stopped in their tracks. Crew from a French warship caught six pirates who mistakenly fired on the warship 400 nautical miles off Somalia on 20 April. The Turkish navy also captured 13 suspected pirates off the Seychelles on 18 April. An armed pirate attack and attempted hijacking of a tanker 260 nautical miles west of Minicoy Island on 18 April was abandoned after the ship activated anti-piracy measures. It had a team of four security personnel on board.

Tanker crew freed after shoot out:

The crew of a Russian tanker who locked themselves in a secure area when the ship was boarded by pirates have escaped unharmed.

The Moscow University was seized on Wednesday 350 miles east of the Yemeni island of Socotra, and the 23 strong crew took refuge in what was described as the engine or rudder room. On Thursday morning troops from the Russian destroyer Marshal Shaposhnikov recaptured the ship, reportedly killing one pirate and capturing the others.

A similar rescue was mounted on 5th April when pirates boarded the boxship Taipan. The crew disabled the vessel and locked themselves in a secure room, making it possible for troops of the Dutch Navy to free them and arrest several pirates.

Two months before that rescue the Danish Navy stormed the Ariella, whose crew had also retreated to a secure area.

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