

SEACURUS BULLETIN

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HUMAN RIGHTS AND MLC

CYBER ISSUES | MANAGING MASS MIGRATION | STOWAWAY WARNINGS



Inside this issue we look at the the issues and events currently affecting the maritime industry. We explore the impact of the Maritime Labour Convention as well as a report into seafarer happiness. Maritime security is back in the spotlight with threats from pirates and stowaways coming to the fore.

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IMAGE: TORM A-S



Welcome

Welcome once again to another collection of the monthly musings of Seacurus as we look over the events this past month which have had an impact on our clients and the maritime industry as a whole.

Sadly the migrant situation in the Mediterranean appears to be worsening and shipping has become embroiled in this evolving humanitarian disaster. We look at the effect of mass irregular maritime migration and the challenge which the industry has been expected to manage.

Large scale sea rescues place incredible strains on seafarers, vessels and shipping interests, and this has prompted the shipping to release new guidelines while also seeking support from elsewhere.

Maritime security has been in the spotlight too – as a rash of new attacks in SE Asia have highlighted the fact that for all the rhetoric ships are still under threat. Indeed piracy and hijacking are hitting all-time highs in Southeast Asia as oil demand and a thriving black market continue to drive maritime attacks in the region.

This has prompted both calls for action on-board ships and a dedicated security patrol in the region. We look at the steps that are being taken to try and police this volatile and dangerous area.

Pirates are not the only problem to be highlighted. Stowaways remain a Master and shipowner's worst

nightmare. P&I Clubs Gard and Steamship Mutual have issued an update on South Africa, and the pressing matter of stowaway risk exposure that ship owners are facing.

The South African Department of Home Affairs has implemented a stricter approach to the definition of a 'trespasser' as opposed to 'stowaway', resulting in increased repatriation costs and therefore increased risk exposure for shipowners and their P&I clubs.

Which is very worrying indeed. Still in the security field, but away from men with guns and masks – one of the biggest and most serious threats facing shipping is that of cyber-attacks. According to research cyber attacks are now the third biggest risk for UK businesses.

From the maritime perspective it has become increasingly obvious that the interconnectivity of onboard systems can pose a problem. Smart ships are, alas, vulnerable ships – from a cyber threat perspective.

Away from technology we look at the perennial and depressing problem facing the industry – that of seafarers no longer being able to enjoy the fruits of their labours with a little shoreleave. The latest Seafarer Happiness Index data from Crewtoo – paints an even more disheartening problem than perhaps had first been considered. It seems that not only is it difficult for seafarers to get ashore, but now they are even beginning to dread port calls.

The many demands such as audits, inspections, cargo work, and maintenance, allied with hours of rest requirements and the difficulty of physically getting off the ship, mean that seafarers would seemingly prefer just to be out at sea.

In this issue we also reflect on the two years since the entry into force of the Maritime Labour Convention (MLC). Time has flown, but we are only just beginning to slowly feel the impact, and even the potential for positive change.

The comprehensive convention which could hopefully deliver a level playing field for employers, mandatory employment standards and a regulatory enforcement process with real teeth has promised so much, but has it – or indeed can it – deliver?

We hope you find the Seacurus Monthly Bulletin of interest.



Managing Director
Capt. Thomas Brown

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– providers of MLC crew insurance solutions

www.seacurus.com
E: enquiries@seacurus.com
T: +44 191 4690859
F: +44 191 4067577

Registered Office: Suite 3, Level 3,
Baltic Place West, Baltic Place,
South Shore Road, Gateshead,
NE8 3BA, UK

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Managing Mass Migration

Over the past months in the glare of both the Mediterranean sun and global media, shipping has become embroiled in a worsening humanitarian disaster as mass irregular maritime migration has become an almost ever present challenge which the industry has been expected to manage.

The large scale sea rescues the migrants necessitate have placed strains on seafarers, vessels and shipping interests in affected areas. To the extent that shipping has had to take a stand and stress that a commercial industry cannot cope without answers and support from elsewhere.

The Mediterranean is seemingly awash with boats, and even ships, full of desperate people trying to move to a new life of perceived freedom, wealth and safety. Shipping has been left to juggle its moral, legal and traditional responsibilities, against the harsh reality that large scale migrant rescue is incredibly difficult for vessel masters, crews and owners to manage effectively

DREADFUL SUMMER

The summer weather has seen thousands of people continuing to brave the seas to reach the shores of Europe. Some make it, some are lost and sunk on the way, while others have to be rescued and then landed.

Such has been the concern over these migration issues that the International Chamber of Shipping (ICS) called on governments to act. ICS Secretary General, Peter Hinchcliffe, remarked; “The shipping industry fully accepts its humanitarian obligation to assist anyone at sea whose vessel is in distress. But the situation in the Mediterranean has been spiralling out of control, and may well get worse...”

These prophetic words were spoken during winter, when the full flow of migrants was perhaps not yet realised. Now, we have had months of thousands of migrants

risking all for a perceived better life in Europe.

NEW GUIDELINES

In response to the seemingly worsening crisis the ICS has issued a set of revised Guidelines – building on its original recommendation from 2014. The new Guidelines now take account of the considerable recent experience gained by shipping companies and their crews. They are also applicable to other regions where ships may have to assist with rescue operations involving large numbers of migrants or refugees, including South East Asia and the Red Sea.

One of the most challenging issues for merchant vessels has been rescuing such large number of people. Commercial shipping is not wholly suited to the task, but has a duty to comply and render assistance, so there has been pressure to save lives. An important aspect of the revised Guidelines is the additional attention given to ensuring that rescued people are looked after safely once they have been embarked on board commercial ships.

Though the Guidelines continue to stress the fact that the safety, security and welfare of the seafarers undertaking such rescue operations, which often involve a significant degree of risk are considered and remain of paramount importance. It should be remembered that the United Nations Convention on the Law of the Sea (UNCLOS) and the International Convention on Salvage, which govern mandatory search and rescue operations at

sea, emphasise that the master has a duty to render assistance only, “in so far as he can do so without serious danger to the ship, the crew or the passengers”, as he must always have the safety of his vessel and crew as his main priority.

This is an important distinction, and one which may come more into focus as more and more migrant vessels, carrying increasing volumes of vulnerable people emerge in the waters of the Mediterranean.

SHIPPING CONCERNS

In developing such Guidelines there are concerns that shipping may have been forced to take on an ever growing role and burden, but this is not the case. The shipping organisations involved in the Guidelines are clear that they do not in any way suggest that shipping companies or their crews should be reconciled to the continuing failure of governments to provide adequate state-backed rescue resources, as required by international law.

The industry is set to continue its pressure on governments to do more to meet their obligations during this crisis and will make no apology for doing so. It has been stressed that until the root causes of this migration are addressed, then shipping will remain vulnerable.

Shipping is not in a position to solve the crisis and while recognising that governments face an enormous challenge, they believe that answers have to be found. Many believe that the coastal authorities in North Africa, for instance, can do much more to



IMAGE: TORM A-S

prevent the migrants’ craft from setting out to sea in the first place, especially where traffickers and people smugglers are involved.

UNITED NATIONS VIEW

Echoing these concerns, UNHCR has also warned of its concerns that too many nations are losing focus on saving lives. The UN body believes that this focus is slipping amid confusion among coastal nations and regional blocs over how to respond to the growing number of people making risky sea journeys in search of asylum or migration.

With the issue of mass irregular maritime migration figuring on the agendas within shipping boardrooms and in the media, it is clear that a business response is necessary to this intensifying challenge. It is increasingly clear that shipping stakeholders need to be able to assist and support the decision making process, and to provide the latest guidance and threat assessment.

WHATEVER IT TAKES

There is an expectation and demand on those involved to ‘do whatever it takes’ to provide an enduring solution – whether

from a humanitarian, social or corporate perspective. So for shipping companies that means that from the directors, through the management ashore and to the masters onboard, it is not enough to hope for the best.

Given that so many commercial vessels are called upon to rescue migrants, it is clear the shipping industry needs to find pragmatic solutions. It has been stressed that business cannot necessarily address the root causes, but companies do need to manage their response. Being able to provide the necessary assistance to those in danger, while protecting their own seafarers and vessels, and ensuring that commercial interests are secured.

It has been estimated that involvement in migrant rescue can cost up to US\$12,000 per hour. There is no easy solution to this issue and businesses may find themselves facing considerable financial, physical and reputational risk as a consequence of acting in a humanitarian manner.

GREATER UNDERSTANDING

According to researchers at the Global Institute of Cyber,

Intelligence and Security leading, the decision-making issues of migrant rescue at sea, must include some key elements.

Companies must ensure that they understand:

- **The Situation:** what does the problem look like, where may it occur globally and why is it challenging?
- **The Law:** what are the obligations and rights of the decision makers?
- **Insurance Implications:** what are the insurance implications for cargo and P&I?
- **Their Options:** what could, should and must be done?
- **The Risks:** what must be considered?
- **The Responsibilities of Parties:** who owns the problem? And;
- **The Consequences:** the impact of decisions made, or not made.

The ICS Guidelines are being distributed to shipping companies free of charge and can be downloaded at <http://goo.gl/SS6sg9>

They do not constitute any form of Best Management Practice, but can provide hugely important direction.

NEW AFRICAN STOWAWAY WARNINGS

Stowaways remain a Master and shipowner's worst nightmare. P&I Clubs Gard and Steamship Mutual have issued an update on South Africa, and the pressing matter of stowaway risk exposure that ship owners are facing.



According to the Clubs, the South African Department of Home Affairs has implemented a stricter approach to the definition of a 'trespasser' as opposed to 'stowaway', resulting in increased repatriation costs and therefore increased risk exposure for shipowners and their P&I clubs.

SOUTH AFRICAN APPROACH

Until very recently when unauthorised persons were found on board a vessel in port, either during the course of cargo operations or as the result of a pre-departure stowaway search, such individuals were categorised as "trespassers". The significance of this categorisation was that the port would be responsible for dealing with those individuals once their presence was notified and they were handed over to port security.

However, a review of three recent incidents by P&I Associates indicates that the local immigration authorities are now taking a different approach. On being called to the vessel to deal with unauthorised persons found onboard, these individuals were declared to be stowaways rather than trespassers. The significance of this distinction is that responsibility for the costs of dealing with and repatriating the "stowaways" rests with the vessel.

There are today a large number of illegal immigrants in South Africa and many of these work in South African ports as casual labour. The policy generally applied by South African Port Authorities is to impose an obligation on the crew to check identities.

Interviews of the stowaways revealed that they boarded the vessels with stevedores and cleaners and clearly had the intention of stowing away on the ships concerned.

LOCAL AUTHORITIES

The local immigration authorities have advised that the obligation rests with the vessel to ensure that only authorised persons are allowed onboard, and that it is the duty of the gangway watch to check that each person coming onboard holds a valid "Transnet" permit.

If any individual boarding the vessel, and this includes stevedores, agents, ship chandlers, cleaners, immigration, ship repairers and contractors, should be found not to have such a permit then the person should be denied access, taken to the bottom of the gangway and port security called. The port authority, as the landlord will have the person detained and charged as a trespasser on their property.

Under the new approach being adopted by immigration, unauthorised persons found onboard will be regarded as stowaways with adverse financial implications for the ship, unless it can be proved that they boarded the vessel in the South African port and the vessel has evidence to support that allegation. This is proving to be less easy to establish than might be anticipated since the immigration authorities are giving no credence to any admissions by the stowaways themselves.

OWNERS NEED TO ACT

Consequently Members are strongly recommended to instruct the Masters of their ships calling at South African ports, and particularly Durban, to ensure that a diligent gangway watch is maintained to ensure that all personnel boarding the vessel are carrying a valid Transnet permit.

The latest data, analysis and statistics on stowaways from the International Maritime Organization (IMO) perhaps sets the scene for these new concerns. According to the IMO, during 2014 a total of 61 stowaways incidents reported involving 120 stowaways. Cape Town and Lagos were the most common ports of embarkation. Africa answers for 81% of the total a of cases and the most common type of known stowaway nationalities were Nigerian, Ghana and Tanzanian.

According to the Swedish P&I Club, the average cost for a stowaway case is USD 38,500 although the costs for one case can escalate to several hundreds of thousands of dollars depending on the legal and practical difficulties to repatriate the stowaway.

SECURITY CONCERNS GROWING

Piracy and hijacking are hitting all-time highs in Southeast Asia as oil demand and a thriving black market continue to drive maritime attacks in the region. In an incredible display of capability and tenacity, pirates hit six vessels in the Malacca and Singapore Straits in less than 30 hours over one weekend last month. They even managed to successfully board five.

According to ReCAAP all the incidents took place in the eastbound lane of the traffic separation scheme (TSS) with pirates hitting three vessels in the early hours of 21st August – the first at 2:30am, one late in the evening, and a further two in the early hours of 22nd August.

The sixth incident taking place at 5:35am. The vessels involved were the tankers "Advantage Summer", "Navig8 Stealth" and "Elbtank Denmark"; the containerships "Maersk Lebu" and "Atout"; and the bulk carrier "Peace Bright".

OIL CRIME SYNDICATE

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) believes an oil smuggling syndicate is behind the hijacking of vessels carrying bunkers and oil cargoes in the area. ReCAAP said in its latest update that vessels were hijacked when it was dark and taken to siphon off the fuel cargo.

Following the six attacks there have been calls for shipping companies to strengthen their approach to maritime security in South East Asia. Gerry Northwood OBE, COO of maritime security company MAST, said: "Shipping companies need to look at Best Management Practices (BMP) 4 applied in the Indian Ocean and now adapt it to counter the threat posed by local criminals in SE Asia." BMP4 has been effective in providing a framework for passive security measures, such as watch-keeping and enhanced vigilance, and the hardening of vessels transiting through the Indian Ocean".

There were also demands for a permanent security presence in the Singapore Straits. The six attacks obviously focused attention on the area, but they were not the only ones. The latest attacks brought the total number of similar reported incidents in the Singapore Strait to 75 this year, according to Dryad Maritime. According to maritime

security company PGI Risk Portal, 11% of the world's maritime hijacking took place in Malaysian and Indonesian waters. Though the majority of these robberies were small scale, it illustrates the growing trend in Asia.

MORE INCIDENTS

In the last 10 weeks there had been 27 incidents within a 15nm radius of Pulau Nipah. "Although local VTIS have broadcast reports of incidents, there has been very little involvement from regional security forces. The response of deploying a patrol boat to the area after the event can be seen as too little, too late," Dryad commented.

Much of the debate on piracy comes down to reporting and data. This is unfortunately something of a thorny subject – recently academics became hot under the collar as they argued over which data sets are better... International Maritime Bureau (IMB) or ReCAAP.

Leading Australian based academic Sam Bateman questioned recent IMB data which indicates a rise in piracy and incidents at sea in Southeast Asia. He strongly favoured the data from ReCAAP. While the Lowy Institute has been backing the IMB.

However, both IMB and ReCAAP figures show year-on-year increases of incidents during the January to June period in SE Asia – which strongly suggests that action is needed.

NEW SECURITY PRESENCE

Perhaps prompted by criticism, or by the growing concern that action was urgently needed Malaysia and Indonesia acted swiftly to form a joint rapid deployment team. The Indonesian Navy is based on Batam Island and intends to deploy two armed helicopters in an effort to secure the Malacca Strait. The Malaysian side is based in Johor and will support the piracy efforts with one helicopter.



GETTING TO GRIPS WITH CYBER ISSUES

Potential cyber-attacks have risen to become the third biggest risk for UK businesses, according to new insurance industry research. While fear of cyber-attack is rising many firms are still underestimating the different impacts of cyber risks, according to the 'Insurer'.

From the maritime perspective it has become increasingly obvious that the interconnectivity of onboard systems can pose a problem. Smart ships are, alas, vulnerable ships – from a cyber threat perspective.

LOOKING BEYOND THE SHIP

However, it is not just the onboard issues which the shipping industry has to be aware of. There is a growing interdependency across many industries and processes, and shipping is not immune. It means that businesses are now exposed to an increasing number of disruptive scenarios. Negative effects can quickly multiply. One risk can lead to several others. Natural catastrophes or cyber-attacks can cause business interruption not only for one company, but to whole sectors or critical infrastructure.

Then there is the more traditional notions of crime to consider – but now we see old fashioned crimes, such as theft, actually being facilitated by cyber techniques. A Cyprus-based shipping company reported last month that it had become victim to a theft which saw it lose almost \$600,000. That is a heavy hit to take – especially when it probably took just one key press to complete.

The scale and scope of cyber crimes and threats, and the speed with which they are growing and can be perpetrated are truly terrifying. To illustrate the scale of the implications, according to a recent industry report, the average insurance claim connected to cyber issues is \$1.36 million (£896,000).

INSURER CONCERNS

With merchant vessels continuously becoming more reliant on electronic systems the International Union of Marine Insurance (IUMI) has also expressed grave concerns that the growing reliance on IT – within shipping companies, ports & logistics and offshore hugely increases the exposure to cyber risk. The subject is set to be aired repeatedly at shipping industry events in the coming months. From BIMCO to IMCA, from London to Hamburg, shipping executives will be looking to learn a lot more of the threats which their companies face.

CLASS ADVICE

The issues of IT, information, software and cyber security are really coming to the fore across the industry. It is not just insurers who are concerned; the Classification Societies too are beginning to appreciate the fact that transparency of information is changing the world around us. Tor Svensen, CEO of DNV GL's maritime business recently stated that as more and more systems become interconnected internally and externally, new challenges and threats to safety and security are emerging.

However, according to Svensen, in theory, all programmable components may be exposed to cyber threats, be it machinery, navigation or communication systems. "This is a weak spot for shipping", he says.

DNV GL claims that no longer can we pretend that cyber threats and actual attacks, (e.g. the manipulation of AIS, ECDIS and GPS data) are theoretical – they are happening and are real. Just last year, more than 50 cyber security incidents were detected in the Norwegian energy and oil and gas sector.

Svenson recommended that asset owners and operators should consider cybersecurity self-assessments, third-party assessments, audits, testing and verification, and suggested that such requirements could also be implemented into future regulations.

HEALTH CHECKS

The Classification Society believes that Cybersecurity audits or "health checks" are starting points. With a combination of so-called Hardware In-the-Loop (HIL) and cybersecurity testing.

The more complex the vessel it seems the more heightened the risk, and this is why the International Marine Contractors Association (IMCA) is so keen to tackle the issue and raise awareness. With their members owning and operating some of the most advanced vessels in the world the risks posed by failure could be catastrophic.

MAJOR PROBLEM

The risks posed by cyber threats to shipping are probably the widest problem ever tackled by the industry. There has never really been a threat before which can hit the office ashore and onboard at the same time – or can flow from one to the other with devastating consequences.

Historically the shore offices have been isolated from the actual "bad event" – being there to pick up the pieces and manage the effects of whatever can go wrong in the marine adventure. From sinkings, fire, accidents and piracy – the office has always been a protected safe haven from which good decisions can hopefully be taken which assist and support those at sea.

With cyber crime we can now have chaos breaking out without borders, hinterland or foreshore – and that is a worry for corporate officers as it is for those on the ship.

SAD TIMES FOR SEAFARING

It was always thought that time ashore, grabbing a little “Rest and Recreation” was a mainstay of what made a seafarer’s life at sea tolerable. Yes it may be demanding and boring at sea, but getting to see the world and enjoying time ashore was always supposed to be something which made up for it.

Sadly, yet again, it seems the times they are a changing.

Seafarer social media site Crewtoo, part of KVH Industries, Inc., has published the results of its second Quarter Crewtoo Seafarers Happiness Index report detailing job satisfaction at sea.



DREADING PORT CALLS

One surprising issue detailed in the second report is that seafarers sometimes dread port calls because of the increase in workload caused by the many audits and inspections when a ship is in dock.

This increase in workload at port also caused a drop in satisfaction levels towards shore leave, as the amount of work often eats into the time available for relaxation. One respondent stated, “I am happy at sea but when our vessel enters port, it is a very hard time.” In addition, a number of seafarers noted that getting ashore costs them at least \$100, which presents a major barrier to taking shore leave.

Given the challenge of staying within hours of rest, the cost of getting ashore and the fact that there is probably only a bit of shopping to be done, then it is perhaps understandable that crews are staying onboard. Especially in ports where they may be able to get free or cheap Wi-Fi on the ship – then the concept of shoreleave is beginning to look a little old fashioned.

SAD DEVELOPMENT

It is a sad indictment of the shipping industry that such increased stress during port visits and either reduced or non-existent shore leave gives seafarers very few opportunities to relax and unwind away from their vessels.

It is clear from the research that shoreleave, or the lack therein is a perennial problem area for the modern seafarer.

Commercial pressures and the level of shipboard inspections are taking their toll on seafarers. Seafarers are under pressure when they arrive in port, and as a result are not taking shoreleave, and are unhappy. For seafarers dealing with multiple inspections, cargo

work, security demands, and port stress and workload in port are ramping up to almost unsustainable levels. Long gone are the days when seeing port hove into sight meant something to look forward to – today, it is more likely to signal a procession of inspections, and more work to be done.

The chance to break free from the norm, to dress differently and have a change of environment was seen as being hugely beneficial. So too was the ability of seafarers to “see the world”. Being denied this or it being so difficult to get ashore was repeatedly negatively viewed.

COMING IN FOR CRITICISM

Some countries came in for criticism, and seafarers felt that the United States, Australia and Saudi Arabia, made it extremely difficult to head ashore. There were also criticisms that all too often port agents simply do not want the extra work which is associated with completing the paper work for shoreleave.

While fingers are pointed at those ashore, perhaps surprisingly there were also reports from some respondents that officers going ashore was “frowned upon”, as it was felt to impact the required number of rest hours. Some stated that Captains were forbidding seafarers from going ashore.

Negative responses and experiences were recorded, and for some seafarers it was felt that work pressures meant they did not find the atmosphere onboard conducive to asking for permission for shoreleave.

Perhaps the most repeated words in this question were “relax” and “relaxation”. Seafarers claimed that the benefits of being able to unwind and escape the pressures of shipboard life, even for a short period, were hugely important.



IMAGE: CREWTOO/KVH MEDIA

HARSH REALITIES

The harsh reality of vessels working to tight schedules and seafarers having to keep pace was cited. This was considered especially true for vessels trading in compact areas such as European waters, and particularly the North Sea. The sheer number of port calls would perhaps suggest access to shore, but the work needed meant that seafarers were seldom given the chance for “stretching legs up the road”.

Seafarers are aware of the importance of using shoreleave as a way of “refreshing our minds and soul” and of a break from the strenuous or mundane work at sea. It was also seen as a way of relieving homesickness and loneliness felt at sea. To hear of repeated responses in which access to shoreleave was either denied or made difficult was disappointing.

Why would seafarers be bothered if they know they are going to be tired, charged too much, possibly run the risk of being moaned at by senior officers and not even have much fun when they do get ashore?

In the United States they are overhauling rules to facilitate shoreleave – but if crew are too busy, tired and the reasons for going ashore are no longer applicable – then all the rules in the world won’t make much difference.

HAPPINESS BENCHMARK

Designed to monitor and benchmark seafarer satisfaction levels via 10 key questions, the report shows a seafarer satisfaction level of 6.44 on a scale of 1 to 10, up 0.02 from the inaugural survey published in May this year.

This second report of the Crewtoo Seafarers Happiness Index shows several areas where satisfaction improved versus the first report. For example, there was an improvement in crew satisfaction with salary levels and an improvement in their feelings about the standard of food available onboard. The availability of exercising onboard was also viewed more positively, as was the satisfaction derived from crew interaction and team building, which increased from 6.96 to 7.16 and became the highest score in the survey.

The intent of the Crewtoo Seafarers Happiness Index is to give seafarers a collective voice, and thereby enable the maritime industry to review and address the issues that are raised.

“The Happiness Index is an important barometer of seafarer satisfaction with life at sea,” said Anneley Pickles, head of Crewtoo business development. “Happy people are loyal, motivated, and embrace challenges. If the industry really acts on the responses to these regularly updated surveys, it will not only reap the rewards with a more motivated, loyal, and hardworking workforce, but it will attract new talent to the industry, something which is sadly lacking at the moment.”

For further information and a copy of the Seafarers Happiness Index Report see: <http://survey.crewtoo.com/happiness>

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 The Home of Seafarers Online

HUMAN RIGHTS AND MLC

It is now two years since the entry into force of the Maritime Labour Convention (MLC). Time has flown, and it perhaps feels that MLC has been around longer – yet even now we are only just beginning to slowly feel the impact, and even the potential for positive change.

Writing in Lloyd's List, Dr Phil Belcher of Intertanko recently stressed how hard the build up to, and development of MLC was. Remembering the long meetings and late night negotiations which finally led to the comprehensive convention which could hopefully deliver a level playing field for employers, mandatory employment standards and a regulatory enforcement process with real teeth.

MLC IMPROVEMENT

Quite whether we have got what was promised is still up for debate – but MLC has definitely been an improvement on the old landscape. So with two years for the systems to have bedded down what does the post-MLC maritime world look like?

With crewing departments now gaining a fuller understanding of what the convention means, and with flag, port State and ITF inspectors all wiser to the good, bad and very ugly – are we protecting rights, making life better and creating a life at sea worthy of the professionals we would wish to see manning our vessels?

Dr Belcher thinks the answer is a resounding yes. He feels, from his perspective that the industry does now have a proper level playing field – as we now have an “acceptable” foundation on which all companies have to build.

There have, of course, been detentions relating to MLC issues, but the Intertanko view is that these primarily relate to cross-over areas such as SOLAS and MARPOL issues. Something which has been suggested is strength of the system – that it can often shine a spotlight on wider problems or concerns.

80% OF WORLD FLEET

With 66 countries ratifying the MLC and it covering 80% of the world's fleet, MLC has and is gaining traction. It is being implemented, audited and inspected – even nations such as China are in the process of enshrining MLC in their legal system.

Not that it really matters, as through the “no more favourable” clause, a ship of a non-ratifying state cannot

escape inspection and enforcement. The noose of compliance wraps around even the blackest of black list flags – while those cunning owners who hope to Flag-hop their way to avoiding their responsibilities are out of luck. No-one can avoid the MLC weight of expectation – which is hugely important and significant.

It is perhaps depressing in the 21st Century to suggest that seafarers, just 2 years ago did not have the right to a safe and secure workplace, fair terms of employment and decent living conditions. But that is the fact – now, thankfully, what should have been done a long time ago has come to pass.

MLC even throws in addition positives, such as health protection, medical care, welfare measures and social rights.

LOWEST COMMON DENOMINATOR

Even though this is a big step and deal for shipping, it is actually a rather low entry point and standard, one that has seemingly been justified by the fact that seafarers are from developing countries and don't have all the rights one would expect at home, so why should they have them at sea.

This is a bit of a below the belt hit – and given that there are only around 1.5 million seafarers in the world – akin to a city the size of Sheffield or Milwaukee, then you would perhaps think we can raise the bar on their treatment, rather than being tied to ugly realities back at home.

There is still much to be done to improve the lives of seafarers, but MLC is a definite stride in the right direction. Especially as it has highlighted the gaps, and with insurance coverage for wages through CrewSEACURE – then at least where there are potential problems, then insurance coverage and commercial responses have stepped in to fill the void.

So, two years after it came into force it is a time to acknowledge the successes and recognising how it has improved the lives of those serving at sea, but it is also a time to strive for more – and to also recognise the gaps, issues and weaknesses which still exist today.



IGNORING HUMAN RIGHTS

Perhaps one of the biggest issues is the fact that MLC throws too many issues together – the perceived strength that it can see vessels brought to bear for SOLAS or MARPOL, or STCW problems – but a weakness is that the system has been built to ignore or play down other issues.

The fact is that human rights are explicitly ignored or overlooked by MLC. Something which is a major and serious issue. It is fair to say that they are implied in various facets of the Code, indeed following them may well be necessary. But in shying away from straight talking, in questioning any social or labour rights issues as human rights questions, then there seems to be a missed point.

MLC breaches can be kind of trivial, from someone's medical through to the accommodation being marginally too noisy. Or the abuses can be some of the most serious exploitations possible.

The ITF in Australia recently flagged up the case of a foreign crew which was denied basic human rights such as access to food and has been forced to work without pay. One crew member on board the Korean bulk carrier, the “C. Summit”, was found to have malnutrition and a further four have since left the ship claiming they feared for their lives.

The accusations have been substantiated by the International Transport Workers' Federation (ITF), following an inspection of the vessel, and the Australian Maritime Safety Authority (AMSA) has also joined the ITF in inspecting the vessel.

So what happens now? Yes the vessel will likely be detained, and sanctions will be placed on the company – but will the MLC actually be a vehicle which will allow the owners will be properly punished? No is the probable answer, and that is where the real problem lies.

REAL SANCTIONS NEEDED

The Codes, Conventions and laws usually only see business sanctions, there are fines, there can be denial of use of the asset, but what about the human rights of the seafarers concerned? Liberia and Panama, the biggest flag States are signatory to numerous human rights conventions and treaties. But is there enough cross over and parallel to the way in which ships are operated?

Perhaps it is time we started categorising issues as they are – and not skirting the issue. Not feeding people, paying them or upholding their rights is a crime – and the companies who transgress these should be brought to task. Not in a quiet way, but with a real message being sent out to anyone else who may be tempted. Equally, we should celebrate the good. MLC is a foundation, a lowest common denominator of care.

There are many owners who significantly improve on the minimum standards and those owners who are able to create a true “one company environment” where there is no distinction made between the office and ship staff should be celebrated and recognised. So in 2 years MLC has done much to get the stone rolling down hill – it is for the good of the industry that it now begins to gather some moss.

NEWS ROUNDUP

THESE ARE THE OTHER HEADLINES AND STORIES WHICH CAUGHT OUR EYE LAST MONTH

Somali Skiffs Return: The latest security analysis from PGI shows that two blue skiffs approached a merchant vessel approximately 3 nm west-southwest of Perim Island in the Southern Red Sea. Ladders were sighted on board both skiffs. One skiff moved closer to the merchant vessel and eight people and three weapons were sighted on board. The second skiff contained four people. The armed security team on board the merchant vessel displayed their weapons and the skiffs moved away. This is the first incident reported off of Perim Island in 2015 and the first confirmed sighting of weapons and ladders in the Southern Red Sea since January.

<http://goo.gl/9MJ9xv>

Canal Crack Concerns: A crack has formed in the concrete of the new locks of the expanded Panama Canal, which could potentially threaten the delivery of the project as scheduled. The crack formed in the sill of the new Cocoli Locks on the Panama Canal's Pacific side. A new video has emerged which shows water seeping through the concrete. The project has been beset with disputes between the Canal Authority and contractors - these new problems are likely to strain that relationship further, and could potentially lead to legal disputes or additional delays.

<http://goo.gl/TeZ7WV>

Named and Shamed: The Norwegian Maritime Authority (NMD) has named the first vessel it says broke this year's updated Emissions Control Area (ECA) rules, with two infractions coming within the first few weeks of the tightened regulations coming into force on January 1, 2015. The freighter Sardijs, and which is owned by Dutch company De Bock Maritiem B.V. (De Bock), was said to have been inspected after it docked at Florø on February 5, 2015 and was found to have used illegal fuel earlier that day, as well as on January 8, 2015. De Bock, which is said to have a fleet of three ships that frequent Norwegian coast, has reportedly been ordered to pay \$100,000.

<http://goo.gl/SkrE99>

Seafarer Runs Amok: Portuguese maritime police stormed a Liberian flagged general cargo ship yesterday after a sailor of Turkish origin ran amok, brandishing knives and an axe and threatening to set fire to the vessel. The 4,757 dwt Celine (built 2011) was passing through international waters off Sesimbra in Portugal when local authorities received messages from the ship's bridge of the carnage ensuing. The ship, owned by Turkey's Vento Deniz Isletmeleri, was headed to the North African port of Ceuta carrying wood pulp. Special Forces were deployed from four Portuguese ports to intercept the ship. The attacker was soon detected and surrendered.

<http://goo.gl/SvVMLg>

MLC Medical Demands: MLC requires that all vessels carrying 15 or more crew and engaged in a voyage of more than three days must provide a dedicated medical space on board. Furthermore it outlines "the competent authority [on these ships] shall ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention." Superyachts are particularly struggling to meet this requirements, and flag States are set to act. According to a survey Superyachts carry an average of 29 crew, and medical requirements have to be in place.

<http://goo.gl/3X1x5g>

Maritime Matters Overlooked: Patented Pirate Catcher: The US Navy is a veritable patent machine — with 364 filed last year alone. One recent filing: Patent #US8838515, a "Method for predicting pirate attack risk." The Navy wants to use artificial intelligence to predict what a team of engineers and scientists behind the patent call "emergent pirate behaviour." The project notes, "pirates tend to operate in small vessels, they are particularly vulnerable to adverse winds and seas." By mapping the environment, you can map the likelihood of attack, the software creates models combining the best known conditions and intelligence.

<http://goo.gl/w85CMn>

Pirates of the Adriatic: Refugees, fleeing chaos and bloodshed in their homes, who stream into Europe in search for asylum, are being attacked, beaten, robbed and shot at by unidentified masked men in the Aegean Sea, recent reports reveal. In the international waters between Turkey and Greece, speedboats bearing no markings come out of nowhere with masked men pointing their guns at terrified people onboard migrant vessels. Attackers are dressed in black, some of them blue-eyed, they speak only English, sometimes they shoot into the migrant boats and very often beat passengers with long whips to force them turn their boats around or otherwise.

<http://goo.gl/07ChdF>

Safety Cultures Needs to Get Real: Safety culture shipboard is a big issue for owners and managers given the risks involved, but it is less than clear that all take this quite as seriously as others once things are far out of sight on the ocean waves. Photos posted on social media are highlighting the fact that for all the safety management systems and inspections, when some crews are left to their own devices, when they think no one is watching, they can do the most incredibly stupid and dangerous things. Seatrade Global has been highlighting the fact that many practices that would never pass muster on land are still going at sea...still.

<http://goo.gl/s0rAbP>

Solid Bulk Risks Highlighted: "Carrying solid bulk cargoes involves serious risks, which must be managed carefully to safeguard the crew and the ship. These risks include reduced ship stability (and even capsizing) due to cargo liquefaction; fire or explosion due to chemical hazards; and damage to ship structures due to poor loading procedures." — The opening paragraph of the introduction of Carrying Solid Bulk Cargoes Safely guide, published in 2013 by UK classification society Lloyd's Register, in association with the UK P&I Club and Intercargo, the trade association for dry bulk shipowners and operators.

<http://goo.gl/4Inhb3>

Class Report on Port State: Classification society ClassNK has released its annual report on Port State Control. The ClassNK report also provides detailed analyses on PSC detentions by flag state, port state, ship type, ship size, and ship's age as well as a summary of major amendments made to international conventions such as the SOLAS Convention. These amendments have further widened the scope of PSC inspections, a trend that will undoubtedly continue as the rules applied to ships increase and diversify.

<http://goo.gl/5fliaK>

Enclosed Space Entry Campaign: The Paris and the Tokyo Memoranda of Understanding (MoU) on Port State Control have announced that they will launch a joint Concentrated Inspection Campaign (CIC) to be held for three months, commencing from 1 September 2015 and ending on 30 November 2015, with the purpose of ensuring that effective procedures and measures are in place to safeguard seafarers on-board ships when entering and working in enclosed spaces, and to check compliance with the applicable requirements of the SOLAS Convention. It is anticipated that the Paris and Tokyo MoUs will carry out around 10,000 inspections during the CIC.

<http://goo.gl/uVdF8c>

Class Societies Criticised: Classification societies are not as reliable today as they were 10 years ago, a survey has found. 60% of the Maritime CEO respondents so far think class is not as reliable as a decade ago. "Class societies have expanded too fast without consolidating their systems and methods," one reader wrote, adding: "There is too much attention to the profit motive and very less attention on client servicing or serving their interests. They have many other business areas and maritime business is milked to make other businesses survive. Their expectations from maritime business are 3-4 times that from other business areas".

<http://goo.gl/yxhfnu>

Time to Move Wrecks: Major salvage operations the world over have tended to encourage the belief that there is practically no casualty, barring those in the deep ocean, which cannot be removed under the terms of a wreck removal contract. The idea that a wreck might be left on a coast or in shallow water for the sea to break up will now be firmly rejected by the general public. The Nairobi Convention on the removal of wrecks entered force this spring, reinforces the rights of states to require the removal of wrecks. And while this might be a worrying burden for marine insurers, operators will also have noted that the considerable costs of this wreck removal burden.

<http://goo.gl/SfrtpT>

MORE NEWS...

Pressing on Autonomously: Rolls-Royce Holdings plc has announced that it will lead a new 6.6 million (\$7.23 million) project working toward autonomous ships, known as the Advanced Autonomous Waterborne Applications Initiative. The project is funded by Finnish Funding Agency for Technology and Innovation (Tekes) and is intended to “produce the specification and preliminary designs for the next generation of advanced ship solutions.” “By combining new technologies with new approaches to ship design and system integration, the team aims to reduce operational costs, minimise emissions, and enhance the earning capability of vessels,” stated Rolls-Royce.

<http://goo.gl/xk8Fii>

Detained for Non Payment of Wages: A cargo ship with Bulgarian sailors onboard has been detained at the Algeciras Port in Spain. The seafarers are on the board of the ironically named vessel, “Prosperity”, sailing under Moldovan flag with Greek operator. They were commissioned by a ship agency based in the Bulgarian coastal city of Varna with a final destination the Apennines. At the moment the sailors are at the Algeciras Port. The ship is transporting a shipment that was supposed to be delivered in Italy.

<http://goo.gl/Is31j4>

Major Management Merger: Univan Ship Management has merged with fellow Hong Kong manager Anglo-Eastern. The deal would add around 100 ships to the Anglo-Eastern fleet, putting it close to the top of the global shipmanagement rankings. Describing it as “the largest ever merger of independent, third party ship management companies,” Anglo-Eastern said in a release the merger would create “significant scale advantages”. The newly merged business will be led by Peter Cremers as executive chairman with Bjorn Hojgaard as chief executive.

<http://goo.gl/I7edZx>

QM2 Alcohol Ban: Crew members on-board the Queen Mary 2 have reportedly been banned from drinking alcohol after a Chilean chef was suspected of throwing himself overboard. The ship was on its way from Southampton to New York when the chef, named as Favio Onate Ordenes, disappeared in the early hours of Saturday morning. Testimonies of crew members quoted in The Telegraph suggest he had been drinking the night before. “He was crying and screaming that he wanted to throw himself off,” one said. “None of his friends believed him or took him seriously.” 4 people from the 1,200-strong crew are understood to have resigned.

<http://goo.gl/Uf8ssa>

French Take Command of Errant Ship: A vessel has been taken under French coastguard escort after sailing in the wrong lane in the Channel for over an hour last night, with the crew apparently absent from the bridge. The ship has been named as the general cargoship “Musketier” (3,850 dwt, built 2006) and is Gibraltar-flagged and managed by Germany’s Briese Schifffahrts. A spokesman for the French coastguard said that the situation was detected at 2240 hrs last night, and initial attempts to contact the crew from the shore proved unsuccessful. Given the danger to navigation a helicopter was dispatched and coastguard personnel boarded to ensure navigational order was restored.

<http://goo.gl/ZMEDHB>

New Training Records Released: In co-operation with the International Chamber of Shipping (ICS), the Filipino Shipowners Association (FSA) and the Maritime Industry Authority of the Philippines (MARINA) have launched a special new Philippines edition of the widely used ICS/ISF Training Record Books. The four existing ICS/ISF books (for deck officer cadets, engine officer cadets, deck rating trainees and engine rating trainees) have been fully updated to match the competences required under the ‘Manila’ amendments to the IMO Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 2010).

<http://goo.gl/37DVJV>



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