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# seafarer



## CANAL SAFETY CRISIS

# the global seafarer

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# Comment

Long term vision needed on 'passport to decent work for seafarers', says Nautilus general secretary **Mark Dickinson**

**T**he Maritime Labour Convention (MLC) has now been ratified by 96 countries, representing 91% of the world fleet by gross tonnage, and there are good prospects of reaching 100 signatories soon. The MLC has been a remarkable success and truly is the fourth pillar of global regulation alongside STCW, SOLAS and MARPOL. In around 12 months I will be attending the 4th meeting of the International Labour Organisation (ILO) Special Tripartite Committee (STC). This is the committee provided for in Article XIII of the Maritime Labour Convention 2006 (as amended) that is charged with developing amendments so that seafarers' living and working conditions are continuously improved. So far three sets of amendments have been agreed in 2014, 2016 and 2018 – the latter will come into force in December this year.

In my capacity as one of the vice-chairs of the International Transport Workers' Federation (ITF) Seafarers' Section I have been asked to act as the spokesperson for the Seafarers' Group at the STC meeting. If confirmed in due course, it will be my task to put forward the views of the seafarer unions and to engage in negotiations with the shipowner and government groups to hopefully agree further amendments to the MLC. Work has begun with discussions both at ITF and jointly between ITF and the International Chamber of Shipping (ICS).

I have been advocating for a longer-term vision and a strategy for improvements to the MLC. At the heart of the convention is an understanding that minimum standards must be enhanced. The MLC has always been a journey not a destination, 'a passport to decent work for seafarers' as Nautilus honorary member Dr Cleo Doumbia-Henry has said. It is the obligation of all those associated with the MLC to advance the current minimum standards, but we need to know where we want to be in 10, 20 and 30 years and beyond.

● ● ●  
**It is the obligation of all those associated with the MLC to advance the current minimum standards, but we need to know where we want to be in 10, 20 and 30 years and beyond**



It is therefore time for the tripartite parties to focus on truly enhancing seafarer protection so that the MLC becomes ever more meaningful and appreciated by seafarers. One of the improvements Nautilus will be calling for is to the working and rest hour regimes. Why are seafarers still working over 90 hours per week when technological advances could potentially reduce workloads to much more manageable levels?

Instead of improving the work life balance for seafarers, I can anticipate many shipowners arguing that technological advances will deliver cost savings through reduced numbers of seafarers onboard, leaving those who remain to continue working outrageously long hours. The current fad for 'wellbeing' to be addressed by introducing awareness training is not a silver bullet but ending the deeply engrained culture of long working hours surely is.

It is also time for greater powers to enforce the ILO minimum wage. Currently contained in Code B and non-mandatory, the minimum wage should be made enforceable alongside the existing and fundamental right of seafarers to engage in collective bargaining. This would be entirely consistent with the United Nations Sustainability Goals (specifically #8) for which so many politicians and chief executives trumpet their support. With the current focus on corporate social responsibility this is the least we should expect.

There is much talk in maritime circles about what the future will look like as the fourth industrial revolution unfolds. It is high time that the human element – the seafarer – was the forethought and not constantly playing catchup. Only then will we all be able to create more and better jobs in a sustainable shipping industry.

## In brief



### Talking the same language

A new project funded by the European Commission (EC) will improve seafarers' understanding of maritime English to reduce the number of onboard accidents caused by poor communication.

Co-ordinated by shipping and logistics company LAM France, in conjunction with the EC's Erasmus education scheme, the Practical and Communication Based Maritime English pilot project, or Prac-Mareng for short, was launched in France on 22 November 2019.

Development of the e-learning course will take two years with the effective training courses in Marseilles beginning in 2021.

Some 40% of accidents are linked to inadequate understanding between seafarers onboard the same ship and unsatisfactory standards of communication between crews and land.

### MCA updates guidance

The UK Maritime and Coastguard Agency (MCA) has updated its Code of Safe Working Practices for Merchant Seafarers to a 2019 edition.

The Code provides guidance on safe working practices for many situations that commonly arise on ships. It is intended as a guide to all crew regardless of rank or role. It is not intended to supersede or amend safety regulation. It also covers onshore staff responsible for safety, according to the MCA.

It is the duty of shipowners and employers to protect the health and safety of seafarers onboard and others so far as is reasonably practicable. **i**

# Union calls for crackdown on converted livestock carriers

Romanian and European maritime authorities must thoroughly investigate the capsizing of a converted livestock carrier in calm waters off Romania, Nautilus said. The incident happened almost exactly 10 years after the sinking of the Danny F II converted animal carrier, which the Union lobbied international regulators heavily on.

The 1980-built converted ro-ro Queen Hind, owned by MGM and registered in Palau, capsized a few hundred feet off the Romanian port of Midia. All 22 of the Syrian crew survived, with one treated for hypothermia. The carrier was loaded with 14,600 sheep, of which 33 survived.

'This is a shocking incident that highlights the dangers that seafarers face every day working aboard such vessels,' Nautilus general secretary Mark Dickinson said. 'A thorough investigation must now be conducted into this latest incident so that the maritime industry

can learn safety lessons for keeping seafarers safe and improving animal welfare.'

Two Nautilus members – the master and the electrical-technical officer – were among the 44 crew of the Danny F II who died when the converted ro-ro vessel sank off the coast of Lebanon in 2009.

Nautilus members who work onboard livestock carriers and have concerns about the conditions they are working under should bring these to the attention of their Union organiser or call the Union's 24/7 helpline. **i**



Queen Hind Image: YouTube Marine Online

## Rescue swimmer wins IMO bravery award

A US Coast Guard rescue swimmer has received the 2019 International Maritime Organization (IMO) award for Exceptional Bravery at Sea.

Petty Officer Michael Kelly was recognised for his courage, perseverance and skill in rescuing four survivors from sinking fishing vessel Aaron and Melissa II, 70 miles off the coast of Maine, in November 2018. He battled extremely high winds and huge waves to swim to each survivor and get them winched to safety by a rescue helicopter.

Petty Officer Kelly accepted his medal at IMO Headquarters in London on Monday 25 November 2019, where he acknowledged the teamwork involved in the rescue.



Petty Officer Michael Kelly with Kitack Lim

'I would not be here if it was not for the amazing skills of my crew. Their precision and focus allowed me to act as a tiny cog in the large process of search and rescue, that

we are all so passionate about and train for daily.

'There is nothing more precious than human life and we all strive to go home to the ones we love.' **i**

## In brief

### Safety standards questioned

Dive boat Conception was exempt from some US Coast Guard safety rules to help passengers escape in an emergency, according to the Los Angeles Times. Thirty-four people sleeping in stacked bunks below the waterline died in a 2 September 2019 fire aboard the boat. The Times found Conception was one of several hundred passenger vessels built pre-1996 with exemptions from some safety standards. Newer rules require vessels to have an escape hatch 32 inches wide and illuminated exit signs. Conception, built in 1981, had 26-inch escape hatches. Exit signs onboard were not illuminated.

### Coastal pollution

Brazil has claimed that Greek-flagged tanker Bououlina, owned by Greek company Delta Tankers Ltd, spilled thousands of barrels of oil 700km off Brazil's coast as it travelled from Venezuela to Malaysia. Molecular analysis of the oil by Brazil's state-run company Petrobras showed the crude oil spilled did not originate in the country, it said. The spill was first detected on 2 September 2019. An AFP report on Saturday 23 November 2019 said it had spread as far as Rio de Janeiro state. Delta Tankers Ltd denied the claims.

### Campaign for suffering master

The US MM&P union is calling on all union members to help achieve a fair hearing for Captain Andrzej Lasota, master of the Cyprus-flagged general cargoship UBC Savannah, who has been under arrest in Mexico since August 2019. The charge against him is negligence for 'failing to be aware' that 240 kilograms of cocaine had been buried in the ship's hold under thousands of tons of coal. Capt Lasota is said to be suffering from severe stress and several serious ailments. Prosecutors are demanding a sentence of up to 20 years in jail. See [tinyurl.com/LasotaPetition](https://tinyurl.com/LasotaPetition) **i**



Nave Constellation: Nautilus has warned of the risk to seafarers working offshore West Africa Image: Dryad Global

# Latest Gulf of Guinea kidnapping prompts calls for action on piracy

Nautilus has continued to urge international co-operation on piracy amid mounting concern for 19 crew kidnapped by pirates off Nigeria in one of the single largest reported kidnappings in 2019.

General secretary Mark Dickinson said: 'Nautilus is concerned about the increasing risk to seafarers operating on ships off the coast of West Africa and has been calling on governments and shipping companies to urgently act to fight the rise in piracy and kidnapping incidents.

'We are concerned that attacks off West Africa are putting seafarers at considerable risk for just doing their jobs, as well as increasing the physical and mental health toll on all seafarers while transiting the area.

'The Gulf of Guinea was designated a high-risk area by the International Bargaining Forum (IBF) in early November and the entire maritime industry urgently needs to take action to improve prevention, reporting and response to attacks across the

Gulf of Guinea.'

According to online Nigerian news agency **PunchNG.com**, the Nigerian Maritime Administration and Safety Agency has pledged to facilitate the fast release of the 19 seafarers. They were abducted onboard the Greek-owned and Hong Kong-flagged tanker Nave Constellation, on 3 December.

Members are urged to keep an eye on risk ratings on the ITF/IBF website and call the Nautilus 24/7 helpline in case of emergency. **i**

## MARAD on high alert over Gulf of Guinea kidnappings

The US Maritime Administration (MARAD) has issued an alert over piracy in the Gulf of Guinea, which remains a 'significant threat' to US flagged operators.

According to the US Office of Naval Intelligence's 'Shipping Threat Reports', 129 reported incidents of piracy and armed robbery at sea occurred in the Gulf of Guinea in 2019. While this was an 11% decrease from 2018, kidnappings were at the highest level recorded in the last 11 years.

Attacks, kidnappings for ransom, and boardings to steal valuables from ships and crews are the most common types of incidents, with most incidents taking place off Nigeria. There were 33 kidnapping incidents in 2019, two of which involved crewmembers being taken from hijacked vessels when pirates disembarked.

Three out of the six hijacked vessels in 2019 were petroleum



Stay safe: MARAD cautioned all US flagged vessels in the Gulf of Guinea

tankers, likely being hijacked for cargo theft, the Office of Naval Intelligence said. US-flagged operators should transit the Gulf of Guinea with extreme caution and vigilance.

Nautilus general secretary Mark Dickinson urged concerned members who may be required to transit the Gulf of Guinea to call Nautilus 24/7 helpline in case of emergency. Members

should regularly check risk ratings on the International Transport Workers' Federation/International Bargaining Forum website before entering the Gulf of Guinea.

In December 2019 the International Maritime Bureau also called for extra vigilance from seafarers in the Gulf of Guinea in the face of an 'unprecedented' level of crew kidnappings. **i**

## One dead, five hospitalised after drinking alcoholic cleaning fluid on Boskalis FPSO

A Brazilian shipyard contractor died, and five others were evacuated by helicopter and hospitalised, after illegally consuming a cleaning solution while onboard a Boskalis floating production, storage and offloading (FPSO) vessel bound for Brazil.

The incident happened on 7 January while the FPSO was in transit from China to Brazil, towed by the Boskalis semi-submersible Boka Vanguard.

The six individuals were conducting preservation work on the 90,000t FPSO during the 2013-built Vanguard's voyage from Qingdao to Rio de Janeiro.

The workers had 'consumed a cleaning solution found on the FPSO that was thought to contain a mixture of ethanol and severely toxic methanol', Boskalis said. Boskalis has a strict zero-tolerance policy on consuming alcohol while onboard.



Boskalis Boca Vanguard Image: Boskalis

The contractors reported drinking the substance about 36 hours after consuming it, when they were severely ill. The Vanguard changed course towards South Africa, where five individuals were hospitalised in Durban and are still recovering there. The sixth person died before evacuation and his body was kept onboard at the captain's request. The FPSO and Vanguard have resumed their journey to Brazil. **i**

## In brief

### Pilot dies after fall

Captain Dennis Sherwood, a member of the Sandy Hook Pilots Association, died on December 30 after he fell from an accommodation ladder while boarding the Maersk Kensington. He was 64 and had been piloting vessels at the Port of New York and New Jersey for more than 35 years.

### One dead after collision

Odfjell chemical tanker Bow Fortune collided with a fishing vessel in Galveston, Texas, leaving one dead and two missing. The US Coast Guard was searching for two fishermen from Pappy Pride on 14 January after it capsized near Galveston jetties. Two other fishermen were saved and pulled from the water.

### Bogus box weight

The loss of containers from UK-flagged CMA CGM George Washington in heavy seas in the North Pacific while en route from China to the US was due to wrong container weight declarations, according to a Maritime Accident Investigation Bureau (MAIB) report. The use of non-standard 53ft boxes, mis-stowed containers and loose lashings also contributed to 137 boxes overboard.

### Global sea rescue review

Mandatory global search and rescue systems at sea may enter into force by 2024. Such rescues depend on satellite and terrestrial radiocommunications, the Global Maritime Distress and Safety System, mandatory under the International convention for the Safety of Life at Sea.

### Master fined in Australia

A master has been fined A\$3,000 for delaying his report of a main engine breakdown off Queensland, Australia. The tanker Asphalt Spirit was en route from Korea to Australia carrying 14,000 tonnes of asphalt. The six-hour reporting delay could have led to an environmental disaster, the Australian Maritime Safety Authority said. **i**

# LASHINGS OF DESPAIR

An international agreement that cargo handling should be carried out by trained dock workers rather than seafarers is being flouted in UK ports, writes **Helen Kelly**

**R**eports from the port of Liverpool in NW England indicate that seafarers are being forced to undertake lashing work on some ships in unsafe conditions despite the introduction of the International Transport Workers' Federation (ITF) agreement known as the 'Dockers Clause' on 1 January 2020.

The clause requires trained dock workers to carry out all cargo-handling services in a port, at a terminal or onboard a vessel where dock workers who are members of an ITF-affiliated union are providing the cargo handling services.

It applies to all ships' crews covered by ITF collective bargaining agreements (CBAs) – an estimated 15,000 CBAs covering almost 400,000 seafarers – and to members of dockers' unions in the ITF claiming or reclaiming lashing worldwide.

Seafarers on several container vessels calling into the Peel Ports-operated port have questioned the legitimacy of being required to undertake this work, Nautilus/ITF inspector Tommy Molloy said.

'We don't expect cabin crew to start lugging bags off the plane and start baggage handling at the end of a long-haul flight,' he pointed out. 'We don't expect wagon drivers delivering component parts to a car plant to start assembling vehicles on the line before driving back to whence they came. So why is it expected of seafarers?'

'Seafarers require adequate rest and enough time for scarce shore leave. They don't want more money for doing someone else's job. They have enough to do in their own jobs. But they are aware of the consequences of refusing.'



Dock worker lashing a container Image: Wikimedia/Danny Cornelisson

Peel Ports signed a memorandum of understanding with the ITF in 2014 stating that all new business into the port must use Peel stevedores for lashing work. However, the stipulation did not apply to existing customers, some of which require their seafarers to undertake the work. British liner shipping company Borchard is among several companies that fall into that category. None of these companies sign ITF agreements.

Peel claims it would lose business if it started charging existing customers for stevedoring services, with a knock-on negative effect for jobs – whilst seafarers would still be lashing the containers elsewhere.

Peel said the matter is a 'national issue' that can only be solved by UK port operators collectively agreeing a position that does not unfairly disadvantage any one of them.

'At the end of the day for these companies it's about money,' Mr Molloy said. 'The seafarers concerned are paid just US\$30 per month extra for this work whilst the company saves a fortune in stevedoring costs.' **i**

## The ITF Dockers' Clause

'Neither seafarers nor anyone else onboard whether in permanent or temporary employment by the Company shall carry out cargo handling services in a port, at a terminal or onboard of a vessel, where dock workers, who are members of an ITF affiliated union, are providing the cargo handling services. Where there are not sufficient numbers of qualified dock workers available, the ship's crew may carry out the work provided that there is prior agreement of the ITF Dockers Union or ITF Unions concerned; and provided that the individual Seafarers volunteer to carry out such duties; and those Seafarers are qualified and adequately compensated for that work. For the purpose of this clause "cargo handling services" may include but is not limited to: loading, unloading, lashing, unlashings, checking and receiving.'

See [www.itfglobal.org](http://www.itfglobal.org) for more information.

## In brief



MSC Poesia Image: Wikimedia commons news

### World Cup cruise

Qatar is to charter two cruise ships from MSC Cruises to operate as floating hotels during the 2022 FIFA World Cup. MSC Poesia and MSC Europa, which is currently under construction, will be berthed in Doha port, Qatar, with views of the West Bay. The two vessels will provide a combined 4,000 cabins for fans attending the tournament, which runs from 21 November to 18 December.

### Genevir strike win

French maritime Unions at Genevir waged a successful 48-hour strike to maintain jobs and obtain guarantees that the operator's research vessel fleet will continue to fly the full French flag and maintain job levels despite a change in the operator's status due on 31 December. The industrial action caused the Thalassa research vessel to stay at anchor for 48 hours ahead of its mission to the Celtic Sea.

### Officer jobs guaranteed

Internal promotions and recruitment of French Officers are underway at Paris-based Geogas Maritime, which is entering the Liquefied Natural Gas (LNG) market in a 50/50 deal with Japan's Nippon Yusen Kabushiki Kaisha (NYK), to form a French incorporated company that will own and operate a fleet of five LNG carriers, currently under construction.

### Mercy Ships seeks crew

Mercy Ships is seeking professional seafarers to join its volunteer network that delivers free healthcare to people in desperate need. Its hospital ship provides lifesaving surgeries to sub-Saharan Africa. [ali.edwards@mercyships.org](mailto:ali.edwards@mercyships.org)



UCOC protest outside ACP offices in December

## Unions join call for Panama Canal safety talks

Nautilus has written to the Panama Canal Authority (ACP) urging that it sits down with tug masters to address long-standing concerns over unsafe working hours and conditions.

The joint letter, also signed by the International Transport Workers' Federation (ITF) and the International Organization of Masters, Mates & Pilots, follows protests over serious safety concerns over fatigue which have been raised since the launch of the expanded Panama Canal in April 2019.

Nautilus Federation affiliate Unión de Capitanes y Oficiales de Cubierta (UCOC) has said it believes its members are being targeted by ACP officials for speaking up. In June 2019, 13 union activists were suspended or facing suspension and dismissal from duty without pay for taking part in the protests.

The letter voices support for the UCOC and its efforts to protect tug crews and to ensure the safe transit of vessels through the expanded

canal, which has seen a spate of casualties at the new locks, including the death of one tug rating from head injuries during line handling procedures.

'It is clear even to the most casual of observers that the process of guiding vessels through the expanded canal is more labour intensive and potentially dangerous than the process employed in the old canal,' the letter says.

It calls for the ACP and UCOC to discuss the establishment of written hours of service rules that govern tug captain scheduling and an upper limit to the number of continuous hours that tug captains can work. These hours should be in line with the internationally accepted STCW and SOLAS hours of rest/work enacted by the International Maritime Organization (IMO) to facilitate good health and safety.

Also demanded is due process for the tug captains who have been disciplined for expressing their concerns about vessel and crew safety.

## France modernises maritime transport policies

The French parliament has made changes to its maritime transport policies to adopt new industrial and ecological approaches in deep sea and river transport.

The first changes to be made to the policies since 1982 are part of a new draft mobility bill, which aims to transform the country's entire transport sector by favouring clean alternatives and simplifying employers' administrative tasks.

Passed on 9 November 2019, the bill includes the authorisation of the ratification of international maritime instruments on renewable energies such as permissible levels of sulphur and carbon dioxide content.

The law would also:

- Give the green light to widening shipping lanes in the rivers Seine and Oise.
- Offer for the first time, unlimited navigation certificates for craft under 24m in length, excepting passenger vessels
- Update legal rights for shipmasters and grant better protection for onboard Union representatives
- Simplify conditions for vessels to re-register under the French flag by facilitating entry to the French second register.
- Make available permits to test autonomous vessels

The provisions of the new law will enter force over the next few months following discussions with Unions.



Crackdown: International Maritime Organization headquarters in London

## IMO clamps down on 300 ships linked to 'rogue' flags

The International Maritime Organization (IMO) is acting to combat 'rogue' national flag registries that operate without the knowledge of the governments they claim to represent.

Recent reports show 73 vessels are unlawfully flying the flag of the Democratic Republic of the Congo, 91 are illegally registered under the Fiji flag and 150 are unlawfully registered with the Federated States of Micronesia, although its law does not allow international vessels to join its national registry.

The IMO, in co-operation with the UN Security Council, plans to develop a

comprehensive searchable database of registries that would show vessels that are subject to UN Security Council Resolutions.

The database will be publicly accessible on the IMO's Global Integrated Shipping Information System (GISIS). It will contain the names and contact details of each national governmental body or authorised delegated entity in charge of vessel registration and include information regarding countries that do not operate a ship registry, be it domestic or international.

The work is expected to be completed by 2021.

## India signs Hong Kong ship recycling Convention

India has become the 15th signatory of the Hong Kong Convention for ship recycling, joining Turkey as the second major country to take steps to turn shipbreaking into a socially and ecologically responsible industry following introduction of the European Commission's 2019 anti-beaching rules.

India's accession to the Convention makes it the first

of the major south Asian breaking nations to do so. 'By this accession we are bringing in global best practices. We are not becoming a backyard of all rejected ships, but on the contrary scientifically dealing with ship recycling,' a government spokesperson said.

Many Indian breaking yards over the last 18 months have become Hong Kong-

compliant and the nation has tried to push its greener credentials in this area when touting for business.

The announcement follows local shipbreaking yard Trade Unions in India's neighbour Bangladesh, presenting their government with an urgent 10-point demand to improve safety in what is the most dangerous shipping-related profession on the planet.

## In brief

### Ferries blockaded

French maritime unions have blockaded ferries owned by Marseille-based operator La Méditerranéenne and rival Corsica-based firm Corsica Linea. Unions want the companies to end their dispute over a future lifeline operating partnership between the French mainland and Corsica. Vessels remain idle off Marseilles and crossings to Tunisia have been disrupted.

### US ferries grant

The US Maritime Administration (MARAD) has awarded Washington State Ferries a \$1.5m grant to help reduce the fleet's carbon footprint, according to MM&P Wheelhouse Weekly. The grant is part of a total \$7.5m in awards to marine highway projects in nine different states. It will support the conversion of one of the ferries on the Seattle-Bainbridge run from diesel fuel to hybrid-electric propulsion.

### Pensions standoff

Seven French ports are facing ongoing disruption after dockers voted to intensify protests over the government's pensions reform plan. Services have been disrupted at Calais, Dunkirk, Le Havre, Rouen, Nantes-Saint-Nazaire, La Rochelle and Marseilles. The FNPD CGT ports and dockworkers' union said that it cannot accept the government's plan, which will mean working longer with reduced pensions arrangements.

### US green tech

The US House of Representatives has been assessing proposals for 'zero-emission' vessel operations. A committee hearing last month included a submission by ABB Marine & Ports, which is behind the first all-electric vessels ever built in the US. The new zero-emission Maid of the Mist tour boats at Niagara Falls will start operation this year.

## In brief

### Iran threat cancelled

US authorities have cancelled a security alert to shipping over possible retaliatory strikes by Iran in the Middle East but warned commercial vessels in the region to remain vigilant. US vessels are advised to 'exercise caution and coordinate vessel voyage planning' with the US Fifth Fleet Naval Cooperation and Guidance for Shipping (NCAGS), which has the latest information on dynamic maritime security threats and operational environment in the Middle East region.

### IMO gender equality

The International Maritime Organization (IMO) Assembly has adopted a resolution urging further action in coming years to advance gender equality throughout the maritime sector and reach a 'barrier-free' environment. 'Empowering Women in the Maritime Community' was selected as the World Maritime Day theme for 2019. It raised awareness of the importance of gender equality and highlighted the contribution of women all over the world to the maritime sector.

### Kidnapped crew free

Nineteen Indian tanker crew members kidnapped in December 2019 off West Africa have now been released, but a 20th has died, according to UK-based shipowner Union Maritime. The Marshall Islands-flagged tanker MT Duke was attacked on 15 December en route from Luanda, Angola, to Lomé, Togo. Six pirates boarded the vessel about 115 nm south-east of Lomé and kidnapped 20 Indian seafarers, leaving just one of their colleagues onboard – thought to be a Nigerian national. **i**

# IMO lobbied over fair treatment for seafarers

Paper calls for the fair treatment of seafarers detained on suspicion of committing maritime crimes Image: Getty Images

The International Maritime Organization (IMO) should develop new guidelines on the fair treatment of seafarers detained on suspicion of committing maritime crimes, according to a grouping of member states and industry organisations.

Criminalisation is one of the most serious threats global seafarers face today, according to the group. Seafarers are deprived of fair treatment and justice and are not getting equal treatment when defending themselves against charges for committing crimes at sea.

Nautilus member research in October 2019 found that 90% of seafarers questioned were concerned about criminalisation, while two-thirds said it impacted the way they felt about working in the profession.

A paper submitted by the group calls for a joint IMO/International Labour Organization

working group to oversee seafarers' treatment when detained on suspicion of committing maritime crimes to:

- ensure seafarers' right to fair treatment in cases of their detention on suspicion of committing maritime crimes
- develop guidelines and recommendations on prevention of seafarers' involvement in maritime crimes

**The paper was due to be discussed at an IMO Legal Committee meeting in March 2020.**

The paper was lodged by Georgia, Malaysia, Philippines, Ukraine, International Chamber of Shipping, International Federation of Shipmasters' Associations, Intertanko, Intercargo, InterManager, International Transport Workers' Federation (ITF) and WISTA International. **i**

## Young seafarers polled on workplace concerns

Nautilus young maritime professionals have been invited to speak up about concerns in their workplace by taking part in an anonymous online survey aimed at mapping young transport workers in Europe.

The European Transport Workers' Federation (ETF) survey seeks to discover the key issues facing young (under 35 years old) transport workers in Europe, and what their interests are.

It has been organised by the ETF Youth Committee, which is also asking for young workers to volunteer to take part in short videos about their work, saying why they



ETF youth survey: have your say Image: Alix McDermott

chose their jobs and what they think about the future of the industry. These will be published on social media and the ETF website.

Nautilus young members are urged to spend five minutes filling in the survey

and to share it via their social media before the 14 February 2020 deadline. The survey is in 10 languages including English, Dutch, German and Croatian. **i**

[www.nautilusint.org/en/etfyouthsurvey](http://www.nautilusint.org/en/etfyouthsurvey)

# FAQs on COVID-19 coronavirus

This article sets out general guidance for Nautilus members, based on the Maritime Labour Convention (MLC) and Seafarers' Employment Agreement (SEA). Note there will be differences between flag states' laws.

Before taking any action and for specific advice based on your own circumstances please contact your union official.

To read the full article go online: [www.nautilusint.org/en/coronavirusfaqs](http://www.nautilusint.org/en/coronavirusfaqs)

### 1. I am due to join my ship in a COVID-19 hotspot; can I refuse?

Refusal to join a ship could be considered misconduct or gross misconduct under many SEAs even with such a looming public health concern. Check your SEA and any applicable collective bargaining agreement (CBA), to see if there are any relevant clauses.

But employers demanding travel to a hotspot could be in breach of national travel advice, risk corporate travel insurance cover and fall foul of employee health and safety responsibilities under the MLC. Ensure your employer is aware of your concerns.

It may be that, in extreme cases, refusing to join a ship in a hotspot would be reasonable on health and safety grounds. But a bad employer may wish to treat this as a disciplinary issue.

### 2. Do I need to self-isolate when I off-sign from a ship that has been to a hotspot?

Check travel advice from your country of residence, which is subject to change.

### 3. My employer is refusing to pay me after ordering mandatory self-isolation following a trip to a known hotspot. Is this legal?

If an employer orders you to self-isolate

following a visit to a hotspot, you should still be paid in accordance with your SEA.

An employer should not order you to take unpaid contractual or statutory leave for which you would normally be paid. Any contravention of this can be challenged with the assistance of Nautilus.

### 4. If I get sick or contract the COVID-19 virus while onboard, what are my rights?

You have a duty to protect yourself while at sea and a duty to protect others who may be affected by your activities.

You should follow the general advice published by the World Health Organization (WHO), The International Maritime Health Association (IMHA) and The International Chamber of Shipping (ICS). There may also be a company policy (check their website) and perhaps flag state advice

You should also seek advice from the onboard medical officer and inform your line manager/master.

### 5. I am feeling unwell onboard and due to dock in a port that is refusing shore access. What can I do?

MLC states that when you are in port you have a right to visit a medical doctor 'where practicable'. In an MLC-ratifying state you also have the right to shore leave and to access shore-based welfare facilities. If the master or port are preventing you exercising these rights, then contact Nautilus for advice.

However, in a known COVID-19 hotspot, you may be better off staying onboard and seeking medical advice from the ship's medical officer.

The ship owner is also obliged to provide you with free onboard medical care.

### 6. I have been hospitalised abroad with COVID-19. Is my employer liable for medical bills and sick pay?

The shipowner has a duty to pay for your medical care and treatment, therapeutic appliances, and board and lodging until you have recovered. You will also be entitled to full pay until you are repatriated. After repatriation you will be entitled to pay (in whole or in part – check flag state law) until at least 16 weeks from the date you became sick.

If the shipowner refuses unreasonably to allow for medical checks or medical help, that would be a serious breach of flag state MLC laws, rendering the shipowner liable to prosecution.

While in a foreign port, ships will also be governed by the port state's MLC laws. So an MLC onshore complaint may also be lodged with the local maritime authority.

Action from your Union can help enforce these mechanisms.

### 7. I am home on leave and ready to rejoin my ship, however the ship owner is refusing to send me back, what can I do?

Contact Nautilus as such cases are likely to be fact-sensitive, and require industrial and legal intervention. Nautilus will try to get you back to work, or at least ensure you are paid if it is the ship owner that is preventing your return.

Some SEAs allow the ship owner to suspend work for 'force majeure' or unforeseen circumstances without pay, depending on which national laws the SEA is governed by.

However, if your SEA is subject to UK law, and there is no such clause, then you should be entitled to continued payment. **i**

# PANAMA CANAL safety knife edge

A tug union in the Nautilus Federation has accused Panama Canal officials of orchestrating a campaign against members for speaking up about serious safety concerns at the expanded Canal. **HELEN KELLY** considers the human impact of long working hours and fatigue and what happens when politics sways safety decisions

**T**ug masters at the Panama Canal have renewed protests over unsafe working hours and conditions following punitive punishments handed out by the Panama Canal Authority (ACP).

In June last year, 13 union activists were suspended or facing suspension and dismissal from duty without pay for taking part in the long-running dispute over working conditions following the launch of the expanded Panama Canal in April 2016.

Nautilus Federation affiliate Unión de Capitanes y Oficiales de Cubierta (UCOC) believes its members are being targeted by ACP officials for speaking up about serious safety concerns over fatigue at the expanded Canal – which has led to a spate of reported and unreported casualties at the new locks, including the death of one tugboat rating from head injuries during line handling procedures.

▲ A tug at work on the Panama Canal. Image: UCOC

UCOC says the ACP administration under former CEO Jorge Quijano has pursued a campaign to destroy the union, including falsely blaming its members for non-existent delays to traffic through the Canal and orchestrating a media campaign against its members.

That campaign was backed at the highest political levels in Panama, UCOC officials say, with former Panamanian president Juan Carlos Varela in September misinformed by the Canal Board and management about this conspiracy via leaked private WhatsApp messages, known as the Varelaleaks scandal.

The leaked conversation [see transcript page 30] shows former Canal Minister Roberto Roy informing the former president about plans to cut tug crew, lie about delays to Canal transits due to Union activity, and make tug Captains the guilty party, or patsy, without due process.

‘The persecution of the Quijano administration in its remnants against the Union is being demonstrated,’ UCOC officials say. ‘The primary objective – the destruction of UCOC.’

## Pushed to the brink

In April 2016, as the fanfare of the official Canal opening parties subsided and the world’s media turned its attention to the next big story, tug captains were already signalling concerns over an unsafe culture at the Canal.

The gist of their concerns was that the widening of the Canal had allowed an increase in the number of vessels making transits, and therefore, vessels needing tugboat assists.

It also allowed larger Neopanamax vessels to transit the Canal.

These vessels required at least two tugboats to assist them through the new locks, unlike the Panamax vessels that needed no

tugboat assistance. Neopanamax vessel transits through the new lock take about two and a half hours and require continuous tugboat control throughout the lock transits.

Although the widened Canal led to an increase in both the number and size of vessels transiting, the number of tugboats and tugboat captains did not increase. As a result, tugboat captains believed they were working more hours, with more required overtime, under more stressful conditions than before June 2016.

ACP does not adhere to International Maritime Organization (IMO) hours of service rules, arguing that the Canal is an internal waterway and therefore not subject to international regulation. It has no written hours of service and rest rules that govern tug captain scheduling. Consequently, there is no upper limit to the number of continuous hours tugboat Captains can work.

According to the International Transport Workers' Federation (ITF), tug captains who have refused to accept an assignment

after working 10 continuous hours because of their fatigue have been threatened with adverse employment action or dismissal.

An independent report commissioned by ITF in 2018, which interviewed 55 of the approximately 150 active tugboat Captains, found that fatigue-inducing schedules were negatively affecting tugboat captain health and performance, and hence the safety of Panama Canal operations.

ACP did not address specific questions put to it by the Nautilus Telegraph about tug captain safety concerns. It provided this statement:

"The Panama Canal cannot comment on labour relations at this time, as they are part of the employment relationship between the Canal and labor organisations. We have steadfast commitment to the wellbeing of our workers and comply with international standards for the safety of our operation and workforce."

This degradation in safety from tugboat captain fatigue was illustrated in an April 2017 accident in which a tugboat collided with the US Coast Guard cutter Tampa in



UCOC officials and members picket ACP offices  
Image: UCOC

13 union activists are suspended for disputing working conditions at the expanded Panama Canal

the Canal after its Captain had fallen asleep, the report found.

ACP investigated the incident and concluded that there was no other fault on the part of the Panama Canal Authority or any of its employees, in the cause of the accident. It made no change to Canal operations or tugboat captain schedules following this accident.

Then in November 2017, a tugboat crew member assisting in maneuvering vessels through the locks died of head injuries during a line-handling incident in the Aguas Claras locks. Some tugboat captains believed that fatigue and lack of procedures might have played a part in that accident as well, according to ITF.

### Turn of the screw

Since these accidents, in two separate actions, ACP has reduced tug crew levels. In April 2018, ACP removed a third seaman from the tugs, leaving two captains, two seafarers, an engineer and an oiler without any consultation with UCOC.

"Tug captains came to work at midnight and a clerk told them that there was a reduction in the crew," UCOC's officials said. "However, the traffic controllers, the clerks at the office, the port captains and all the operations hierarchy all the way to the administrator [Quijano] knew about it."

That move was an aberration by ACP management, which should have followed specific regulation and

protocols for vessel manning, UCOC officials said.

In July 2018, ACP also removed the second, or back-up, captain, who was present during transits of the new locks since their inauguration in 2016.

Tugboat captains reported to ITF that the reduction in crew, particularly the removal of the second captain, increased their workload and their subsequent fatigue while working schedules that they had already found fatiguing.

Removing the second captain also eliminated opportunities for them to take breaks during transits through the new locks, when vessel control was continuously necessary. Captains complained that they are unable to use the toilet, eat, or address other personal needs, when necessary, during vessel assists. To avoid the need to go to the toilet they have avoided drinking water and eating while operating the tugs and their hydration has been deficient, further jeopardising their health.

The ITF report found that ACP created a single-point failure in tugboat operations when it removed the second Captain, at a time when the likelihood of errors was already high.

"In effect, ACP has increased the likelihood of captain errors by maintaining fatigue-inducing schedules, and then it increased the

likelihood that the resultant errors would lead to catastrophic accidents by removing the one element that could reduce the likelihood of captain errors from becoming accidents, the second captain."

In conclusion, the ITF said that ACP has a safety culture that 'degrades safety'. It made several recommendations to the government of Panama enabling it to maintain a minimal level of safety in Panama Canal operations, and to reduce the risk to the health of its tugboat operators.

### End of the line


UCOC says the persecution of its members continues despite a change in ACP senior management that showed some initial interest in improving Canal safety. A former ACP official who has also worked for General Electric, Ricaurte Vasquez, took over as Canal administrator, replacing Jorge Quijano, in September. Espino de Marotta become deputy administrator in January, when Manuel Benitez retired.

UCOC's representatives called the supposed U-turn by the new officials over tug safety and crew working hours a 'sham'.

Members picketed ACP offices in December, but officials said many were scared to join for fears of further reprisals. "The personnel policies toward us continue as usual."

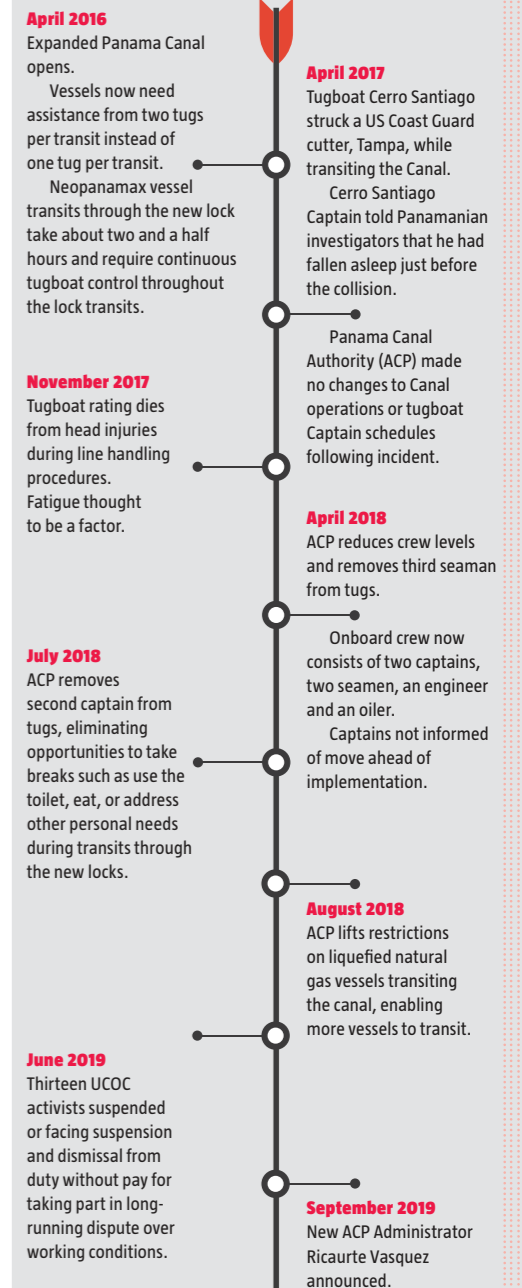
It was a black Christmas for UCOC members, particularly those who were suspended during the holidays. "Management remains undeterred, deaf and aloof from reality," officials said.

UCOC will continue to push for the suspension of its members from duty to be dropped and for compensation to be made. It has called for tug captains' schedules to be reviewed to reduce fatigue and for the second captain to be returned to each vessel.

UCOC wants ACP to introduce written hours of service rules that govern tug captain scheduling and an upper limit to the number of continuous hours tugboat captains can work. If it fails to do so, casualties due to tug Captain fatigue will continue, UCOC said. 

# Timeline to disaster

## Panama Canal tug safety



## THE VARELA FILES

In November 2019 a group of citizen activists published online leaked WhatsApp messages from former Panamanian president Juan Carlos Varela's lost mobile phone. The scandal had a huge impact on politicians and notorious members of the ruling and economic powers exposing corruption, with the Attorney General Kenya Porcell forced to quit.

Here is a transcript of Varela's conversation with former Canal Minister Roberto Roy informing the former president about planned events of April 12 2018, and the disputed paralysation of the Canal from union action.

**10 April 2018 05:21 Roberto Roy**

The captains want a third person on the tugboat that the administration believes is not necessary. The problem is that today they have refused to pass certain ships and we will lose three ships in the day. We will see it in directive.

**12 April 2018 12:35 Roberto Roy**

Just to inform you that the tugboat captains keep complaining about their third seaman.

We will try to manage it with the support of the directive, but it is a matter directly of course of the administration.

**12 April 2018 01:48 Juan Carlos Varela**

This is crazy.

**13 April 2018 06:30 Roberto Roy**

The administrator and the directors have discussed this and the decision was made to dispose of [fire/sack] two captains. The process will begin immediately.

The consensus is that there has to be a strong grasp for these things not to happen anymore.

**13 April 2018 06:38 Juan Carlos Varela**

I agree.



# DIRTY FUEL DEADLINE

With effect from 1 January 2020, the much-debated new global curbs on sulphur emissions from shipping are coming into force – and with them come fears of a new wave of seafarer criminalisation. **ANDREW LININGTON** reports on the potential downsides of a necessary anti-pollution measure

**T**he latest Seafarers Happiness Index, published by the Mission to Seafarers and the Shipowners P&I Club after a survey of seafarers, revealed that many crew members are increasingly alarmed by the prospect of being scapegoated for problems linked to the 0.5% cap on the sulphur content of fuel.

“The report indicates that there is a widespread fear of blame for non-compliance, suggesting that some

seafarers don't feel prepared for the cap,' the two organisations warned.

Feedback to the survey showed many seafarers feared being penalised through no fault of their own. “They were worried that they may not always have the correct data, and indeed, that tough inspections can get them into trouble with the authorities,' the report adds. “There are real fears about drones sniffing funnel emissions and the crew being found guilty.’

Penalties for non-compliance with

the new 0.5% limit, made mandatory under Annex VI of the IMO MARPOL Convention, will include big fines or lengthy jail sentences in some countries, as well as ship detentions. Within designated emission control areas (ECAs), the limit will remain at 0.10%.

Marine insurers say they are braced for a spate of claims arising from the new rules, including engine damage caused by poor quality fuel, off-spec bunkers being loaded on ships, and scrubbers ceasing to work at sea.

Some port state control inspectors will carry portable sulphur testing kits, and if the results of these tests are inconclusive, or indicate potential non-compliance, then additional sampling will take place for verification ashore, the club added.

Maritime lawyers are also warning of the complex legal consequences posed by the new rules. London-based practice Norton Rose Fulbright recently highlighted the need for crews to be properly trained and made aware of the importance of accurately recording information in the ship's logs such as the date, time, and position of the vessel when a fuel oil changeover occurs, as well as the volume of low sulphur fuel oil in each tank.

The law firm also warned that seafarers on ships fitted with open-loop scrubbers 'need to be aware of the risk that they may not be permitted to operate these within the territorial waters of certain port states. They will need to ensure that they will be able to procure compliant bunkers in those jurisdictions.'

It's clear that some countries are already adopting a no-nonsense approach to compliance. Just over a year ago, in the first case of its kind, France fined the master of the P&O Cruises vessel Azura €100,000 for using fuel that was 0.18% over the sulphur content limit. Nautilus general secretary Mark Dickinson said the case had set a worrying precedent, criminalising masters for the quality of fuel on their vessels.

The Maritime & Port Authority of Singapore has warned that masters and owners found to be breaking the rules could face up to two years in prison and fines of up to S\$10,000 (around €6,600). China has taken a tough line with ships caught exceeding its ECA limits and authorities in Taiwan recently announced that four ships had each been fined NT\$100,000 (around €3,000) for breaching its air pollution regulations.

In August 2019, the chief officer of the Panama-flagged tanker Ocean Princess was fined US\$3,000 for violating the US ECA sulphur limits.

## It's not only the threat of criminalisation that's worrying seafarers – there are also safety and operational concerns

Both he, the master and the chief engineer officer were all sentenced to three years of probation, during which they cannot return to the US on a ship.

Many countries have also introduced bespoke regulatory requirements for the enforcement of IMO 2020 in their ports and waters. In Hong Kong, for instance, all ocean-going vessels (above 500gt) are required to switch to low-sulphur fuel (or LNG/similar approved fuels) while at a berth. Contravention of the rules can result in masters and owners facing prison sentences of up to six months and a maximum fine of HK\$200,000 (around €23,212).

However, it's not only the threat of increased criminalisation that is worrying seafarers. Nautilus members have highlighted a range of safety and operational concerns, including incidents of power loss when changing fuels, lubrication issues, filter problems and leaks.

Fuel change-overs have created considerable extra workloads, with engineers needing to take special care to deal with such challenges as contamination, compatibility, stability, viscosity and lubricity, combustion and ignition qualities, cat fines, cold flow properties, and flash points.

The Nautilus Professional and Technical Committee has also discussed reports that low-sulphur fuels are causing additional wear and tear on engine components, boilers, purifiers, filters, tanks, heat exchangers, and piping.

And concerns have been raised that the addition of biodiesel to reduce sulphur content will increase the risk of microbial-influenced corrosion of fuel tanks and systems.

P&I clubs have stressed the need for shipowners to ensure they have

sufficient numbers of well-trained seafarers to deal with these additional demands. But questions are being asked about the extent to which many companies have gone to address these needs.

Whatever method is used to ensure that a ship complies with the rules, P&I clubs warn of the importance of meticulous record-keeping – especially in such areas as fuel quality sampling and verification, purifier condition, and all aspects of the tank cleaning process.

A joint industry project was established to investigate the safety and operational concerns arising from the new rules, and has produced a 64-page guide to mitigating the problems, emphasising the crucial importance of good onboard fuel management.

ExxonMobil reinforced this guidance, highlighting the need for high standards of crew training to avoid such risks as inadvertently mixing non-compatible fuels in tanks, or failing to properly handle fuel selections onboard.

Nautilus professional and technical officer David Appleton commented: ‘Whilst we firmly support the moves to improve the shipping industry's environmental performance, it's clear that IMO 2020 is imposing a massive new burden on seafarers, both in terms of workload and in their exposure to potentially huge fines and criminal convictions.

‘It's essential that shipping companies do all they can to provide their masters, officers and crews with the training and resources required to ensure compliance with the new rules,' he added. ‘These are complex requirements, with complex and varied enforcement mechanisms, and our members need to be protected against the threat of legal proceedings arising from inadvertent infringement of the rules.

‘As ever, Nautilus will support members who are exposed to unwarranted criminalisation, and it is also important that they contact the Union should they be pressured to cheat the system in any way by management.’ **i**





# ART ATTACK

Unwitting superyacht crew could be risking legal and financial hardships by mishandling priceless artefacts onboard for super-rich owners. **ANDREW DRAPER** lifts the lid on a hidden floating world of fine art which could soon see crew charged with smuggling under far-reaching new EU rules

**C**rews working on superyachts are often left exposed and vulnerable to the consequences of not knowing how to handle and care for high-value art. Stories abound of heavy-handed cleaning which results in accidents such as chipped precious crystal, popping champagne corks flying through the canvas of valuable paintings, and chemical cleaning agents stripping gilded masterpiece picture frames.

So, whose fault is it when this happens, and whose responsibility is it for training to make sure it doesn't? These are difficult questions to answer when the artwork – which is sometimes worth more than the vessel itself – is shrouded in secrecy.

Should captains and crews be trained in art appreciation or do they generally regard it all as a bit of a nuisance? (The answer to the last question is usually 'yes'.)

There are several issues concerning the carriage of fine art in international waters. They range from factors which cause deterioration of materials, to conservation and repair, legal contracts in build and refit, tax liability, customs seizure, shipping, security and training.

Pandora Mather-Lees of Pandora Art Services is a consultant advising on specialist art care and says there's a real lack of knowledge about how to manage fine art onboard.

'The typical scenario is where the owner wants to ship artwork onto a yacht,' she says. 'Then there's responsibility for the crew to be onboard these specialist pieces which can include valuable design objects. The owner might have a shipping company to handle installation, but undoubtedly there are a lot of risks.'

'The biggest risk is moving the

▲ Many luxury yachts have precious artworks on their walls  
Image: Getty Images/akarelias

art. There's a lot of accidental damage. When art is moved around it is vulnerable – it gets dropped or inadvertently ruined because people just don't know what it is.'

A Christo and Jean-Claude painting was unwrapped by the captain when it arrived on a vessel, not realising that the brown paper and string were an integral part of the art. No-one had told him until the owner stared horrified at her investment. Christo artworks are valued in the millions.

An Andy Warhol Brillo Pad sculpture was left in a wheelie bin on the deck because someone thought they were, well, Brillo pads, when in fact they are an important part of the pop artist's oeuvre – one such sculpture sold in 2010 for \$3,050,500.

The value of this artwork was intrinsically linked to its condition. Similar sculptures in lesser condition have sold only for tens of thousands of dollars, showing how critical it is to care for the only appreciating asset onboard a yacht.

Stewards are often told to clean artwork as part of their duties. But cleaning a valuable artwork incorrectly can be worse than not cleaning it at all. Moving it to dust and polish a table can lead to chips or cracks, and anyone who thinks throwing cushions around while they're cleaning – at the risk of knocking over an art piece – should think again. An innocuous looking lamp costing €90,000 was ruined by a crew member's flying cushion.

The dishwasher is another 'no-no'. A damaged €100,000 crystal sculpture, typical of those sold by Artsio Gallery to yacht owners, can cost €20,000 for repair to a scratched surface by specialists.

Ms Mather-Lees says: 'Often, the more junior the crew, the more likely they are to make mistakes. They have no experience or training.'

A Picasso can be valued at \$50m, a Fontana at \$40m. Very little public data exists on how much valuable art is, literally, floating about, but Ms Mather-Lees estimates it at over \$4bn.

'Let's say there were over 4,000 yachts over 40m in 2018. If each one had a few significant artefacts onboard, which could easily tot up to \$1m per vessel with just two paintings, then you're talking about a figure that is going to make the insurance companies flinch. Some are floating art galleries.'

## Passing the buck

So, whose responsibility is it – or should it be – to ensure awareness and training? 'It should be the responsibility of the yacht management company, captain and yard,' Ms Mather-Lees says. 'The yard should be ensuring all crew are trained in all aspects of compliance onboard, not just health and safety.'

The first ever symposium on this, the Protection of Art at Sea Symposium, was held at the National Maritime Museum in London in May 2018. It concluded:

- To reduce risk, superyachts

should appoint an external art management expert to work with a dedicated member of senior crew, trained in aspects of art onboard

- Responsibility should be assigned for integrating art collections management into vessel standard operating procedures
- This includes records and paperwork pertaining to possessions, overseeing cleaning, record-keeping, conservation, preservation and logistics. The responsibility for art and design needs to start with design and build to ensure safe onboarding and management during sea trials and maiden voyage. Art handlers must be aware in good time of travel arrangements to advise the necessary parties and support the captain with supporting documentation and logistics planning

- Care needs to be taken during newbuilding, sea trials, refits, crew turnover, annual compliance checks, change of domicile or tax status of owner or owning structure, interior design changes or new objects arriving onboard

Ms Mather-Lees has developed a course to fill the gap: 'The course I teach allows the inclusion of art appreciation, so people know something about the art world, their owner as art collector and what they are handing daily.'

She estimates there are 202 billionaires in the world who are yacht owners and who call themselves art collectors. It's a substantial market of art at sea, most of which is shrouded in the deepest secrecy and non-disclosure agreements. This is arguably necessary to protect the works, but then has the flipside that things more easily get lost, stolen or damaged.

Training in art appreciation for yacht crews may also equip people for an art-based career ashore should they ever want to move out of shipping.

## Caught out by a crackdown

Not only do crews need to learn about art appreciation, they need to know the law too. EU Regulation 2019/880 on the introduction and the import of cultural goods is expected to come into force in the next two years. It will place restrictions on the passage of artwork across borders and is designed to prevent the smuggling of antiquities.

The regulation will apply to all cultural objects. 'I have absolutely no doubt that customs officers will use this in the next couple of years as a pretext to board a vessel,' says Ms Mather-Lees. If art owners and captains do not follow the regulation carefully, they may be regarded as smugglers and land in very hot water indeed.

What should crew members do when something does go wrong? The advice is that prevention is better than cure. However, should it happen, crew must check their insurance cover and call a specialist before touching anything. If there is a legal risk, they should call their lawyer – and their Union, if they are Nautilus members.

In addition to yacht management, yards and industry training companies, Ms Mather-Lees is aiming to reach yacht crews directly to help them train up – something some stewards and stewardesses choose to do and pay for themselves to improve their chances of getting work.

Yacht owners sometimes ask a crew member to buy a piece of art, and hand over a credit card. What should they do and how do they go about it? What not to do is also important – like getting drunk and announcing to a bar that the yacht you work on has a Picasso onboard. Contracts often contain non-disclosure agreements (NDAs), the content of which by their nature little is known about. **t**

Nautilus members who have encountered any of the issues described in this article can contact the Union for advice and support.

# THE FUTURE OF FORECASTS

We all like a good moan about the weather. But seafarers have more reason than most to have concerns about the impact of climate change, and those worries are now being heard at the highest levels. **Andrew Linington** reports

**T**he International Maritime Organization (IMO) and the World Meteorological Organization (WMO) have recently launched a joint initiative to examine the threat posed by increasingly extreme weather conditions at sea and to improve the quality of forecasts provided to ships.

Marine insurance statistics show that weather is the cause of some 30% of all ship losses. A vessel operating in winds of Beaufort 8 or greater for more than 1.5% of the time will have a 31% greater chance of a 'Particular Average' insurance claim, excluding machinery claims, and a 29% extra chance of a crew injury claim.

Bad weather not only increases the risk of seafarers having accidents, but also has a significant impact on crew fatigue. It can cause fuel issues and raises long-term concerns over ship design and maintenance.

The insurers' figures also show that the proportion of accidents linked to weather has increased steadily over the past 15 years, with incidents including hull damage, cargo and machinery damage, containers lost overboard, water

damage and leaking hatches, loss of vessel stability and parametric rolling – the latter most recently highlighted in a UK Marine Investigation Branch (MAIB) report on the collapse of three container bays and loss of 137 containers from the CMA CGM G.Washington during heavy weather in the Pacific in January 2018.

Good data on wave heights is hard to find, but the evidence broadly suggests that wave energy is growing and increases in wind speeds and wave heights are evident in localised areas of the ocean in the high latitudes of both hemispheres.

At the same time, the 'super-sizing' of many ship types has increased their exposure to the effects of wind. A 30 knot wind against the 16,000 sq m of a large containership is equivalent to more than 300 tonnes of bollard pull, or more than 200 tonnes at 35 knots for a large cruiseship where conventional thrusters can only handle up to 150 tonnes.

Nautilus member and passengership master Captain Nick Nash says he has witnessed the results of climate change during the past couple of decades. 'I have



▲ The crew of the US-flagged tanker Overseas Chicago took this picture after their vessel was struck by a 60ft wave in the Gulf of Alaska Image: NOAA



▲ Captain Nick Nash MNM, Nautilus member and passengership master Image: Nautical Institute

noticed that winds are generally increasing,' he told the Telegraph. 'The average daytime wind in the Caribbean, for example, has increased from 20 knots to 25 knots over the last 20 years that I have been sailing there. Hurricane frequency seems to be up – but that may be due to better forecasting.

'Looking at England, winter storms and severity have increased,' he noted. 'It would be interesting to see what effect this increased bad weather has had on the Channel ferries in and out of Dover.'

Capt Nash told the recent IMO/WMO conference on climate change that large-sided vessels such as cruiseships, ferries and containerships are particularly exposed to the effects of side winds when manoeuvring in port. 'A 5 knot increase may not be much for a forecaster, but it is very significant for us,' he pointed out.

'We need accurate real-time wind

information from inside the port and critical areas in the approach channel to enable "go/no-go" decisions to be made in ample time,' he added.

'Accurate 10m and, say, 60m forecasts are also needed – some shipping companies do supply these (Princess for one) and they assist greatly,' Capt Nash pointed out. 'Local port forecasts by a local meteorologist (not using a model) are also very helpful.'

Changing climate effects are causing particular concern to pilots and port authorities, with the World Association for Waterborne Transport Infrastructure (PIANC) leading a nine-member project that is examining ways for ports and harbours to strengthen resilience and mitigate the effects of more extreme conditions.

Nick Cutmore, secretary-general of the International Maritime Pilots' Association, told PIANC's first Navigating a Changing Climate conference about the challenges of piloting increasingly larger ships at a time of rising sea levels, storm surges, rainfall and river flows (both increasing and decreasing) and fog. 'Working with nature that is always changing, sometimes very suddenly, requires understanding, learning and respect for the environment – including weather and climate,' he pointed out.

Partly in response to climate change, more and more ships are now operating in polar regions, raising particular concerns about the challenges of gaining accurate ice information. The International Ice Charting Working Group (IICWG) recently surveyed seafarers about their satisfaction with ice information and their needs in a fast-changing polar environment.

The need for more reliable

Met-ocean service providers are being asked to forecast the impacts of the weather on shipping – moving from explaining what the weather will be to what it will actually do



▲ The dangers of parametric rolling in severe conditions has recently been highlighted in a UK Marine Investigation Branch (MAIB) report on the collapse of three container bays and loss of 137 containers from the CMA CGM G. Washington Image: MAIB



forecasts was repeatedly stressed during the IMO/WMO symposium. 'There's a need for a greater understanding and awareness of the benefits that met-ocean data can provide to the mariner on a day-to-day basis,' Nick Cutmore noted. 'Similarly, the met-ocean community needs greater awareness of the kinds of decisions that mariners must make.'

Experts say that met-ocean forecasting technologies are advancing rapidly, providing greater accuracy and more timely warnings. 'We must apply the gains we've made in science, observing, computing, and communications to bring relevant 21st century services to the maritime community,' said symposium chair Tom Cuff of the US National Oceanic and Atmospheric Administration.

However, the meeting was reminded of the shocking loss of the US-flagged containership El Faro when it sailed into the path of a category 3 hurricane in October 2015.

Investigations revealed the vessel was relying on non-current weather information, and this resulted in the launch of a task force to investigate the impact of extreme weather events on shipping.

The task force called for improvements in weather information and seafarer training (including a review of deck officer training to determine if extreme storm response sections should be modified or enhanced), as well as better definition of the terms 'heavy weather' and 'extreme' weather. It proposed further work to develop standards for ECDIS weather overlays to modernise the dissemination of critical weather information direct to ships' navigation systems.

Met-ocean service providers are also being asked to look at ways of adapting their forecasts to give a better definition of the impacts of the weather on shipping – moving from the approach



● ● ●  
**The paucity of weather data from ships at sea means that marine forecasters have to rely heavily on remotely sensed data from satellites. But ice is not always detectable by satellite**

of explaining what the weather will be to what the weather will actually do. This could include refined information about the impacts of weather on port infrastructure and vessels at berth, and accessible real time information from ports and harbours before vessels approach them.

The US report also stressed the importance of increasing the number and quality of weather observation reports from ships – something that the IMO and WMO are seeking to focus on. Former International Chamber of Shipping secretary-general Peter Hinchliffe warned that a 'shockingly small' number of ships provide met data.

The SOLAS Convention encourages companies and mariners to report weather observations at sea, providing vital information about such things as atmospheric pressure, wind speed and direction, waves and swell, sea ice, and fog.

Emma Steventon of the UK Met Office said such reports give forecasters vital real-time feedback on ocean weather conditions which can help to improve the quality of forecasts and warnings issued, as well as providing essential information for ship routing and search and rescue services, and important data to help climate change research.

However, comparisons between AIS plots of vessels against real time shipboard weather reports indicate that

▲ The containership Ever Unison enters the French port of Le Havre in stormy conditions. Pilots and harbour authorities are increasingly concerned about the risks of wind effects on large container ships and passenger vessels  
 Image: Eric Hourri

few ships participate in providing observations for use by national meteorological services. The WMO's voluntary observation scheme, consisting of 29 countries, recently reported that just 15% of commercial vessels actively participate in the programme.

For marine forecasters, the paucity of accurate information from ships at sea means that they have to rely heavily on remotely sensed data from geostationary and low earth orbiting satellites. This presents some serious limitations – for example, ice is not always detectable by satellite.

Improving the supply of quality data on the reality of at-sea conditions will also help to enhance the safety of ship design, with accurate information about wave patterns and significant wave heights being crucial to the development of classification society calculations for wave bending moments and acceptable pressures on deck plates and hatch covers, for instance.

Authorities are looking at ways in which more ships can be encouraged to take part in observation reporting schemes. They want to ensure that seafarers fully appreciate the impact and value of shipboard observations in improving the quality and

accuracy of met-ocean forecasts – as well as helping to monitor the wider climate and ocean health at a time of growing environmental sensitivities.

There are even suggestions that the data collection gap could be bridged by amending the SOLAS Convention to introduce regulations that would require ships to collect and share observations. Alternatively, it has also been argued that flag states should ensure that a set percentage of their fleets should regularly report observations, or that authorities should make more use of AIS data to enhance situational awareness about weather avoidance practices by ships and to give forecasters the ability to better understand the impacts of heavy and extreme weather on marine operations.

Capt Nash said that there are some good, free, websites – such as Windfinder, AccuWeather and Windy – to provide additional information for ships. However, he stressed, there is a need for official accreditation by the WMO to indicate the accuracy and reliability of such services.

He added: 'I love this quote: "The trouble with weather forecasting is that its right too often for us to ignore it, but wrong too often for us to rely on it!"'

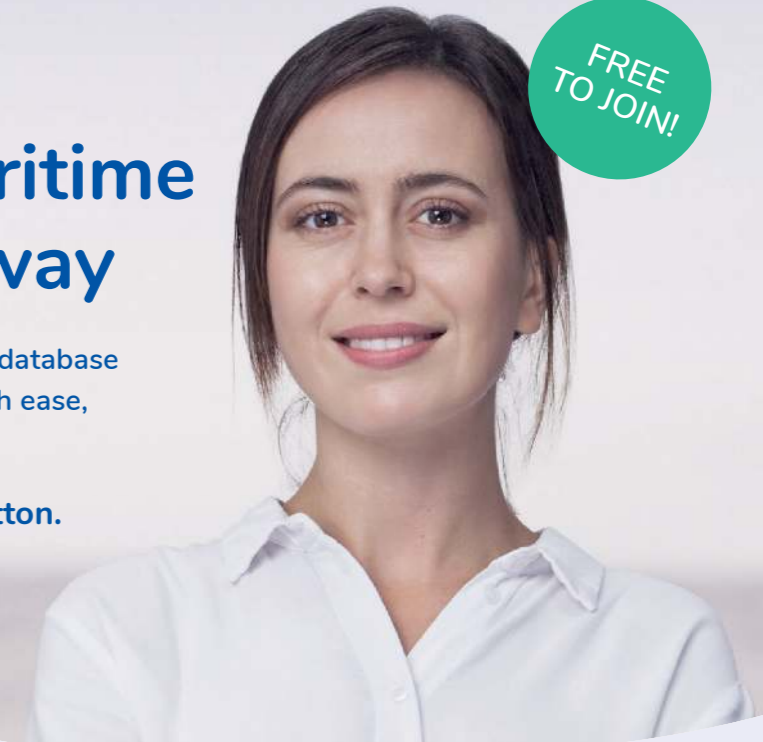
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