

**IFSMA UPDATE**  
**May & June 2015**

**INTRODUCTION**

The past 2 months have as usual been busy with a number of issues being dealt with. The IMO has a senior committee meeting with MARPOL 68 then MSC 95 and finally Council 114 was started, but does not finish until the 3 July.

There is also the matter of the current Secretary General standing down and the search for a replacement. This is not a major problem as the current Assistant Secretary General will stand in as Interim Secretary General until a replacement is found.

There was a meeting of the Informal NGO Group at the beginning of June which was another success and is moving forward with its work and the exchange of information is greatly appreciated.

IFSMA is doing well and financially in a good position right now but it needs careful control of the finances to grow.

**IMO**

As stated above the IMO had MARPOL 68 in May and MSC 95 in June and the start of Council 114 at the end of June which will be concluded on the 3 July.

On the 30 June at Council 114 Mr. LIM Ki-tack was elected as the new Secretary General of the IMO and will replace the current Secretary Mr. Koji Sekimizu. He will officially become Secretary General on 1 January 2016. This was a hard fought battle with 6 exceptional candidates presented to Council for election. IFSMA wishes Mr Lim every success in his tenure and is sure that he will follow the direction taken by Mr. Sekimizu.

Reports on both MARPOL 68 and MSC 95 can be found on the IFSMA website.

IFSMA is working with NGOs and flag States to strengthen ties and work for the improvement of primarily shipmasters, but also for all seafarers.

One of the important issues that are being processed through the IMO is the identity of "Industrial Personnel". This is not a new item but the question is of whether the SOLAS Convention should be changed or that it is placed somewhere else. There is also the problem in introducing a new kind of person to shipping and how this would affect MLC 2006.

There are so many issues going on at the IMO that a complete newsletter could be written just on IMO matters, that is why the website is so important.

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**INFORMAL NGO GROUP MEETING**

The latest meeting was held on 9 June and opened at 1245 hours at the Marine Society building at 202 Lambeth Road. This meeting was attended by 13 NGOs and the central theme is human element issues affecting all sectors of the shipping industry, not just seafarers.

The topics discussed were varied and a sample of items where the change to MPPHRP moving to come under the control of ISWAN. Training in S. Africa coupled to ULCC inspection and the diabetes initiative. Criminalisation of the seafarer was discussed along with the current piracy issues. There was a long discussion on the reports being promulgated in respect of seafarer mental health issues.

This led on to a major discussion on the migrant problem in the Mediterranean Sea with the flow of persons being led out to sea from Libya and then cast adrift. There is a growing problem of dealing with this issue which is affecting seafarers and even more so when they have had hundreds of migrants on their ship, while they had not been able to save everyone. Seafarers are being assaulted by those that they have saved from the sea. Action needs to be taken now to protect seafarers.

**AGA 42**

As decided upon at AGA 41, next year's AG will be held at Istanbul, Turkey. The provisional date will be around the end of May. Once this is confirmed everyone will be informed. The host association is the Turkish Ocean Going Masters Association (TOGMA). Once the date is set there will be a call for papers and registration for the event.

**IFSMA HEAD OFFICE**

For a change there is no major work being undertaken. A lot of work has been completed on the systems that support IFSMA in its operations.

At the end of May, Alex Farrow left IFSMA to take up a full time post with a Maritime Security company. I think everyone will join with me in wishing him well in his new career path using the degrees that he obtained. It is hoped that his time with IFSMA opened new avenues to him as he learned how an NGO operates. At this time there are no plans to replace him.

The potential office move has not moved forward. The CEO of the Marine Society and Sea Cadets (MSSC) is keeping me informed of what is taking place and when anything tangible is available to report then it will be passed onto the membership along with what steps will need to be taken.

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This is a long term situation and the earliest that IFSMA may need to leave its current office would be early 2017.

### **IFSMA FINANCES**

At this time IFSMA is in a strong position financially and this is acknowledgement of the Associations and Individual Members who pay their subscriptions on time and meet the requirements of membership.

It is understood that in these austere times that money is tight everywhere and reviews have to be made of expenditures, but without the membership fees IFSMA cannot function. There are no other revenue streams to call on.

I would ask all outstanding fees to be paid voluntarily in the near future to avoid any embarrassment.

There is very little in way of further cost savings that can be made to the organization but it is under constant review. The future is positive and it is hoped that with full payment by the membership that greater results can be achieved.

The reserves remain untouched and the bank account balances for this time of the year are in good shape.

There is no major expenditure expected for the rest of this year.

### **CRIMINALISATION OF THE SHIPMASTER**

This is of major concern to everyone at sea. While the master is still the scapegoat for many incidents there is a rising number of other officers and crew members who are feeling the wrath of the courts.

Part of this battle is being fought at the IMO by IFSMA in conjunction with SRI and ITF and through the legal committee "Seafarers Rights" are being addressed. What saddens me is that we have to fight for these rights when we have Conventions on Human Rights which regrettably seem to be not acceptable for seafarers. Does this mean that seafarers are not human?

I am not saying that every seafarer is an angel and above reproach but there must be a legal mechanism where they have access to proper legal advice and deserve a fair trial.

We have seen with the SEWOL trial that the stakes have risen to the point where the prosecutors are asking for the death penalty. How long will it be before a seafarer is executed for doing their job, perhaps badly but not with the intention to cause harm; but become victims of circumstance caused by measures outside of their control?

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This must be fought and it is one of the core values that IFSMA stands against.

**PIRACY**

While the focus has been on Somalia and now transferred to the Gulf of Guinea there has been an ongoing stream of acts of piracy that are global in context and makes for some very sad statistics.

Area	S. America	W. Africa	Mediterranean Sea	E. Africa	Indian Ocean	Strait of Malacca	S. China Sea
1996	32	21	4	7	30	12	121
1997	45	30	11	11	41	8	101
1998	38	22	2	19	25	6	94
1999	29	36	4	16	51	37	136
2000	41	33	2	29	109	112	140
2001	23	58	2	22	86	58	120
2002	67	47	3	24	66	34	140
2003	72	67	0	22	96	38	152
2004	46	57	0	13	41	60	113
2005	26	23	0	49	51	20	97
2006	31	31	0	31	53	22	66
2007	25	60	0	60	40	12	67
2008	19	50	0	134	26	2	72
2009	36	46	0	222	27	0	134
2010	40	47	1	172	77	3	113
2011	29	61	2	286	63	22	113
2012	21	64	6	99	33	24	90
2013	17	54	8	20	31	16	142
2014	6	38	0	7	38	71	85

When I first read this I was very surprised by the content. Then when looking deeper by doing some research it became clear. The industry should thank the organization that produced this work as it shows most clearly that piracy is now a global problem that is growing and not receding

The maritime industry has found some of the solutions to combatting this threat but it will take governments and the international community to resolve and rout out piracy from the world.

The question that must be asked is one of is there the commitment to make this happen and are there the resources which includes finances to make it happen.

And just to show how crazy the world is becoming please read the following press article:

## The Maritime Executive (24 December 2014)

### IMB Concerned Over Decision to Compensate Pirates



The International Maritime Bureau (IMB) has joined other maritime organizations in expressing concern over the decision to compensate convicted Somali pirates.

These criminals have been responsible for taking hostage thousands of seafarers, who were subjected to unprovoked violence and sometimes torture. Some seafarers have also been murdered while carrying out their lawful business on the high seas.

Earlier this month, the European Court of Human Rights (ECHR) ordered France to pay thousands of euros to Somali pirates who had attacked French ships in 2008. The pirates were captured by French military on the Somali coast after they hijacked two French yachts in separate attacks in 2008.

French authorities held one group for four days and the other group for six days and 16 hours before they were taken to France to stand trial.

The ECHR said the pirates should be paid compensation because they were not immediately brought before a French court but instead kept in custody for a further 48 hours after arriving in France. According to the judge this was a “violation of their rights to freedom and security”.

IMB said that, there were practical complexities when dealing with the crime of piracy that needed to be fully appreciated.

“There are practical difficulties with respect to the gathering of evidence and transporting of the alleged perpetrators when a crime is committed at sea, thousands of miles from where the court proceedings take place, compared to a crime committed ashore,” said an IMB spokesman.

The IMB added it was worried about the message that the ECHR’s decision might send out to other pirates and the implications it may have on shipping and seafarers’ safety. In light of this decision IMB states, “We hope this does not discourage the European navies from taking the required actions necessary to keep piracy suppressed along these vital international trade routes”.

A BBC report said one of the men is to be awarded €9,000 and the others sums of up to €7,000.

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IMB had at the time of the attacks warned of the growing Somali piracy trend in which pirates operating from "mother ships often attacked vessels hundreds of nautical miles out to sea before taking them into Somali waters to demand ransoms.

The ECHR's decision has been criticized by seafarers' support group, Maritime Piracy Humanitarian Response Programme (MPHRP).

Roy Paul, program director for MPHRP, said, "This decision would be unbelievable if it wasn't made by the European Court of Human Rights. The claim that this constituted a 'violation of their rights to freedom and security' is an insult to the seafarers and yachtsmen they attacked as surely this is the true violation of the seafarers' rights to freedom and security. These pirates, in my opinion, gave up any of their rights when they set sail to attack innocent seafarers who were simply doing their essential work".

While the number of pirate attacks have dropped significantly in Somali waters, largely due to increased naval presence in the area, the threat is still present says IMB.

"There can be no room for complacency as it will take only one successful Somali hijacking for the business model to return. Masters are, therefore advised to maintain vigilance and adhere to the latest Best Management Practices recommendations," the IMB advises.

**Ships are advised to maintain strict anti-piracy watches and report all pirate attacks, both actual and attempted, and suspicious sightings to the IMB Piracy Reporting Centre in Kuala Lumpur, Malaysia.**

What about the rights of seafarers! I say no more.