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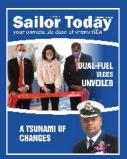
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From "Rights of Man"

to "Rights of Seaman"

....An Odyssey

**By Capt. Ramji S Krishnan**Sloan Fellow, London Business School



### **INTRODUCTION:**

Thomas Paine, in his influential work "Rights of Man," advocated for the recognition and protection of fundamental rights for all individuals. While Paine did not specifically address seafarers' rights in his writings, the principles he espoused align with the core values underlying the rights of seafarers.

Paine's central argument revolved around the idea that every individual possesses inherent rights that should be safeguarded by governments. These rights include the right to life, liberty, and the pursuit of happiness. Similarly, seafarers, as human beings, possess fundamental rights that should be respected and protected. And in any case, a Shore Leave can always be

termed to be in Pursuit of Happiness!!

The rights of seafarers, as enshrined in various international conventions and regulations, share common ground with the principles advocated by Paine. For



Seafarers, as human beings, possess fundamental rights that should be respected and protected

example, the Maritime Labour Convention, 2006 (MLC, 2006), emphasizes the entitlement of seafarers to decent working and living conditions, fair treatment, and access to essential services and protections. These provisions align with Paine's vision of securing the rights and well-being of individuals.

Moreover, both Paine's principles and seafarers' rights recognize the importance of equal treatment and non-discrimination. Paine argued that all individuals, regardless of their social status or background, should be afforded the same rights and opportunities. Similarly, seafarers' rights call for fair treatment, regardless of nationality, race, or gender.

In essence, the shared focus on human rights, equality, and justice forms a common thread between Thomas Paine's "Rights of Man" and the rights of seafarers. Both emphasize the importance of recognizing and protecting the fundamental rights of individuals, striving for fair treatment, and upholding principles of equality and dignity. The Third Meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006 (MLC, 2006), has shed light on the critical issue of granting shore leave to seafarers and the challenges they face in accessing it. This report aims to highlight the importance of

providing seafarers with shore leave and transit, while addressing proposed resolutions to mitigate the obstacles faced by these essential workers.

#### **CHALLENGES FACED BY SEAFARERS:**

Shipowners have expressed concerns regarding the persistent challenges seafarers encounter when attempting to secure transit and shore leave. While acknowledging the legitimate security concerns leading to the adoption of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), shipowners have highlighted difficulties in obtaining visas, including Schengen visas, which significantly impede seafarers' ability to transit. Instances have been reported where seafarers face obstacles in accessing shore leave, particularly in regions such as northern Brazil and private terminals in the United States. Additionally, reports indicate hindrances faced by port chaplains and visitors in accessing port areas, limiting their ability to provide support to seafarers on board.

# CONCERNS REGARDING IMPLEMENTATION OF MLC, 2006:

The Seafarer Vice-Chairperson of International Christian Maritime Association (ICMA) has echoed shipowners' concerns

Every individual possesses inherent rights that should be safeguarded by governments. These rights include the right to life, liberty, and the pursuit of happiness. Thomas Paine

and emphasized additional issues related to the effective implementation of MLC, 2006. Some member states were found lacking provisions addressing protection against acts of anti-union discrimination, as well as measures prohibiting discrimination based on political opinion, national extraction, or social origin. Upholding these fundamental Conventions is crucial, and all member states should respect and enforce them, irrespective of their ratification status.

## SURVEY FINDINGS IN THE UNITED STATES:

A survey conducted by a member of the International Christian Maritime Association (ICMA) has highlighted challenges faced by seafarers in obtaining shore leave in United States ports. The findings reveal a significant percentage of seafarers being denied shore leave, primarily due to the absence of a valid visa. Concerningly, shipowners neglect their responsibility to cover visa expenses, as mandated by MLC, 2006.

An observer representing the International Christian Maritime Association (ICMA) highlighted the findings of an annual survey. According to the 2017 survey, it was revealed that 9.5 percent of seafarers had been denied shore leave in United States ports during the survey week. Out of those denied shore leave, 73 percent were unable to obtain it due to the absence of a valid visa. Notably, 78 percent of these

seafarers were serving on vessels flying the flag of countries where the Maritime Labour Convention, 2006 (MLC, 2006), was in force. The observer recalled that under Standard A1.4, paragraph 5(b), of the Convention, shipowners were required to cover the cost of visas. However, there could be various reasons why seafarers did not possess visas, including the interpretation of one member State, which limited the requirement to visas necessary for joining a vessel. Many seafarers reported that their shipowners refused to cover the visa expenses. No seafarers reported being denied a visa by the United States.

## RESOLUTIONS AND RECOMMENDATIONS:

In response to the pressing issues surrounding seafarers' access to shore leave and transit, several resolutions were proposed during the meeting. One resolution called upon member states to promptly indicate their acceptance of amendments to MLC, 2006, upon approval. Member states disagreeing with the amendments are given a specific period to formally express their disagreement; failure to do so results in deemed acceptance.

Another resolution emphasizes the paramount importance of facilitating shore leave and transit for seafarers. While recognizing security concerns, the resolution expresses concern over persistent

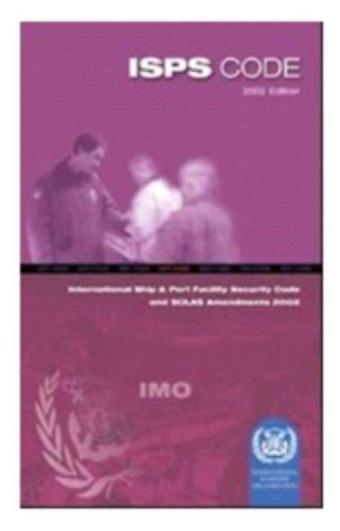
difficulties faced by seafarers worldwide. Member states are urged to recognize and respect seafarers' right to shore leave, ensuring efficient access in accordance with MLC, 2006.

#### ISPS CODE

The International Ship and Port Facility (ISPS) Code holds significant importance in ensuring the safety and security of India's maritime sector. Established in 2002 as part of the International Convention on Safety of Life at Sea (SOLAS) and enforced in 2004, the ISPS Code serves as a global framework for enhancing maritime security. It aims to prevent potential threats to ships and port facilities involved in international trade by implementing comprehensive security measures.

In India, the implementation of the ISPS
Code is carried out through the Merchant
Shipping Act, 1958, which was amended in
2004. The Indian government has ratified
the ISPS Code and has assigned the
Directorate General of Shipping (DGS) as
the "designated authority" and the Indian
Register of Shipping (IRS) as the
"Recognized Security Organization" (RSO).
These entities oversee the implementation
of security plans and procedures, ensuring
compliance with the ISPS Code.

To meet the requirements of the ISPS Code, India has appointed security officers and staff within ships, port facilities, and shipping companies. These include the Port



Facility Security Officer (PFSO), Ship Security Officer (SSO), and Company Security Officer (CSO). Their responsibilities involve assessing potential security risks, organizing security plans, and implementing effective security measures.

The Indian government plays a crucial role in setting security levels and providing relevant information to port facilities and ships. Port facilities and ships are required to adhere to different security levels (1, 2, and 3), which determine the necessary security measures to be implemented. At Security Level 3, the government may issue security instructions that must be followed by ships and port facilities.

Regarding ship safety, the ISPS Code mandates the development and implementation of Ship Security Plans (SSPs). Each ship is required to have an approved SSP that outlines the specific security measures to be enforced onboard. Ship Security Assessments (SSAs) are conducted by the Ship Security Officer

(SSO) and the Company Security Officer (CSO) to inform the development of the SSP. Additionally, ships are required to have a Ship Security Alert System (SSAS) to alert the designated authority in case of a security threat.

Port security is ensured through the creation of Port Facility Security Plans (PFSPs). Port Facility Security Officers (PFSOs) are responsible for developing and maintaining these plans, which outline the necessary security

measures to safeguard the port facility and the ships within it. Port Facility Security Assessments (PFSAs) are carried out by designated officers to identify security risks and develop appropriate security plans.

The implementation of the ISPS Code in India serves multiple purposes. It enhances the security of ships and port facilities, facilitates international trade relations, and ensures compliance with international maritime security standards. However, challenges such as delays in obtaining clearance for ships and overcrowding at

> port entry points need to be addressed to minimize disruptions and improve overall efficiency in the clearance process.

> The ISPS Code encompasses shipsafety aspects that protect vessels from potential security incidents. It requires ships to implement maintain a Ship Security Plan (SSP) to safeguard the ship, cargo, crew, and passengers. The SSP must align with the

security measures and requirements specified in the ISPS Code and reflect the different

security levels.

To ensure compliance with the ISPS Code, ships undergo control measures and verification by the administrative authority.

The denial of shore leave cannot be solely attributed to ISPS implementation.

The Directorate General of Shipping (DGS) in India is responsible for issuing the International Ship Security Certificate (ISSC) or Interim International Ship Security Certificate, which certifies the ship's adherence to security requirements.

Port facility security is also a priority within the ISPS Code. Port Facility Security Assessments (PFSAs) are conducted to identify potential security threats and vulnerabilities specific to each port facility. In India, PFSAs are performed by designated officers in collaboration with national security agencies, with final approval from the DGS. Port Facility Security Plans (PFSPs) are then developed and maintained by Port Facility Security Officers (PFSOs), outlining security measures to protect the port facility, ships, cargo, and personnel. These plans may be integrated into overall port security plans and must be safeguarded from unauthorized access or disclosure.

To ensure effective coordination and continuous development of PFSPs, committees consisting of relevant stakeholders are formed at each port. These committees, which include the PFSO and representatives from customs, intelligence agencies, police, navy, coast guard, and other government agencies, contribute their expertise and cooperation to enhance port security.

Part A of the ISPS Code encompasses essential requirements for ship and port facility security, outlining the responsibilities of the Indian government. It serves as a comprehensive guide for maintaining maritime security within Indian waters. Part B of the code provides advisory guidelines and recommendations to assist in meeting the requirements specified in Part A. While non-binding, these recommendations must be duly considered by the Indian government.

The Indian government, as outlined in Part A, is responsible for establishing security levels that Indian-flagged ships and port facilities must adhere to. They are also tasked with providing guidance on protection against security incidents, as well as approving port facility assessments and security plans.

Under Security Level 1, basic preventive security measures are required as a baseline. Security Level 2 entails additional



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protective security measures to be maintained for an extended period, reflecting an increased risk of a security incident. Security Level 3 introduces specific security measures to be implemented for a limited period when a security incident is considered probable and imminent, even if the potential target cannot always be identified. Approved security plans must include additional measures for Security Levels 1 and 2. At Security Level 3, the Indian government may issue security instructions that ships and port facilities must respond to and implement. Ships are obligated to acknowledge instructions concerning the security levels in effect.

Part B of the code offers more detailed regulations regarding ship and port facility security measures under each respective security level. In India, certain portions of Part B have been made mandatory through circulars issued by the Directorate General of Shipping (DGS). For example, major ports such as Mumbai Port Trust, Kolkata Port Trust, Jawaharlal Nehru Port Trust, Deendayal Port Trust, and some nonmajor ports maintain a security level of '2' as a precautionary measure against potential terrorist attacks.

Before the implementation of the ISPS
Code, there was a lack of consensus
among the international community on
how to effectively cooperate on maritime
security matters. The ISPS Code now

provides clear directives to the Indian government and all stakeholders in the maritime sector, facilitating enhanced security measures. Failure to comply with the ISPS Code would result in difficulties for Indian-flagged ships accessing ports in other maritime nations and foreign-flagged merchant ships calling at Indian ports. Consequently, the Merchant Shipping Act was amended in 2004 to incorporate the security provisions outlined in the ISPS Code, ensuring compliance by ships and port facilities operating within Indian waters.

# IS IMPLEMENTATION OF ISPS CODE IN INDIA THE CULPRIT IN DENYING SHORE LEAVE?

Contracting Governments are required to conduct Port Facility Security Assessments



(PFSAs) of their port facilities. These assessments are carried out by the Contracting Government, a Designated Authority, or a Recognized Security Organization.

Port Facility Security Assessments should be periodically reviewed and the results must be approved by the Government or Designated Authority. These assessments help determine which port facilities need to appoint a Port Facility Security Officer (PFSO). As mentioned earlier, the Port Facility Security Officer is responsible for preparing the Port Facility Security Plan (PFSP). This plan outlines the operational and physical security measures to be implemented at the port facility during security level 1. It also includes additional measures for security level 2 and preparatory actions for security level 3.

The Port Facility Security Plan must be approved by the Contracting Government or Designated Authority. The PFSO ensures its implementation, monitors its effectiveness, and conducts internal audits. Authorities may also test the plan's effectiveness.

Ports in India have obligations under the ISPS Code (International Ship and Port Facility Security Code). They are required to develop and maintain a Port Facility Security Plan, designate a Port Facility Security Officer and Deputy, establish a Port Security Committee, provide advice and information to the port community,

coordinate security training and testing, and ensure effective management of internal security arrangements.

India's ports and coastline face security vulnerabilities, including the presence of poorly trained security personnel and widespread corruption. Drug and contraband smuggling is a constant concern, particularly in areas like Mumbai. There are worries about potential terrorist threats, including the smuggling of "loose nukes" into countries with lax security.

The 26/11 Mumbai attacks highlighted shortcomings in the security apparatus. Different authorities, such as the Indian Coast Guard, coastal police, customs, and navy, are responsible for different areas of security, but coordination and corruption remain challenges.

Following the attacks, India announced the establishment of a new coastal security apparatus, including a Coastal Command and Maritime Security Advisory Board. Joint operation centres are being created for better coordination, and trawlers will be equipped with transponders for tracking purposes. The International Ship and Port Facility Security Code (ISPS) is emphasized for stringent security measures.

Overall, we underscore the importance of port facility security assessments, the role of Port Facility Security Officers, and the need for coordinated efforts to address security concerns in Indian ports. The

implementation of the ISPS Code in India has resulted in improved ship and port security. It has facilitated the development and implementation of security plans and measures, minimizing the risks of security incidents and criminal activities. By adhering to the ISPS Code, Indian-flagged ships can gain entry into ports of other maritime nations, and foreign-flagged ships can call at Indian ports, thereby promoting international trade and ensuring the safety of maritime operations.

## IMPORTANCE OF A SHORE LEAVE – WHAT THE GUIDELINES SAY

Granting seafarers the opportunity for shore leave and transit is of utmost importance for their overall well-being and welfare, given the demanding nature of their profession and extended periods spent at sea. The proposed resolutions represent significant steps toward addressing challenges faced by seafarers. Various regulations, including MLC, 2006 Regulation 2.4, underscore the significance of shore leave in promoting seafarers' welfare. Guideline B4.4.6 emphasizes the protection of seafarers in foreign ports, and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), establishes a more stringent identity regime while facilitating shore leave and transit. It is crucial for member states and stakeholders to adhere to these regulations, recognizing the pivotal role of shore leave in supporting seafarers' well-being.

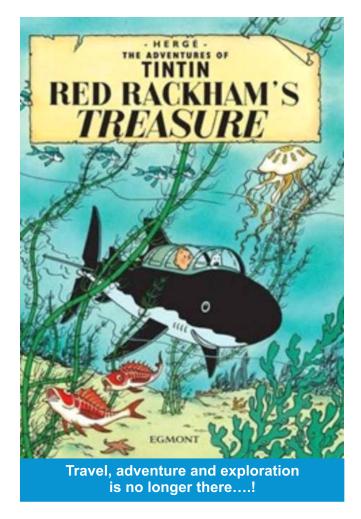


## IMPORTANCE OF A SHORE LEAVE – WHAT RESEARCH SAYS

Ensuring unimpeded access to shore leave is of utmost importance in enhancing the physical and psychological health as well as the overall well-being of seafarers. By granting seafarers the opportunity to avail themselves of shore-based welfare and recreational facilities, their job satisfaction on board can be significantly improved. This provision not only offers a muchneeded respite from their demanding work environment but also promotes a balanced and fulfilling lifestyle. Maritime stakeholders must prioritize measures that guarantee seafarers' unrestricted access to these vital amenities, fostering a positive

work environment and enhancing seafarers' overall quality of life.

The current pace of shipping has been cited as a significant obstacle to the inherent notion of "travel and adventure." The fast-paced nature of shipping operations creates challenges that impede the genuine sense of exploration and excitement associated with maritime journeys. The rapid turnaround times and demanding schedules leave little room for seafarers to fully embrace the spirit of adventure that traditionally accompanies life at sea. Addressing these concerns is crucial to restoring the essence of travel and discovery within the shipping industry, enabling seafarers to truly embrace the adventurous nature of their profession. Additionally, seafarers face various challenges that have a detrimental impact on their well-being. Factors such as extended contract durations, limited communication with loved ones, and a reduced social environment onboard contribute to the negative effects (Pauksztat et al., 2020; Slišković et al., 2020). Prolonged contract periods result in prolonged separation from family and friends, leading to feelings of isolation and loneliness. The absence of shore leave deprives seafarers of essential opportunities for relaxation, rejuvenation, and connection with the outside world. Moreover, the restricted social environment onboard limits the formation of meaningful relationships and the support network



crucial for well-being. Recognizing and addressing these issues is vital for promoting the overall welfare of seafarers and ensuring their holistic well-being is prioritized.

# CHALLENGES OF ISPS IMPLEMENTATION IN INDIA WITH RESPECT TO SEAFARERS' SHORE LEAVE –

As per one of the foremost and reputed Ship agency in India, JM Baxi, the following table highlights ports / terminals where shore leave is granted. The variability and fickleness as often alleged is due to

differences in Security levels adopted by various Port Authorities. At this juncture we can only speculate that once a Port declares a higher security level of say 2, it is extremely unlikely to lower the security level for fear of any untoward happening.

#### THE TRIGGER

A recent message on a
Social Media group
triggered a chain of events.
The message (rephrased)
claimed the following – "In a
distressing turn of events, 50
sailors onboard a Pipe
Laying Vessel, berthed at
Mazagaon Docks in Nhava
Sheva since 02 June 2023,
find themselves trapped

without the opportunity for shore leave. This alarming situation, which has persisted for an astounding period of 35 days and counting, has sparked concerns about the welfare and rights of these seafarers.

The vessel arrived in Mumbai Anchorage on 15th May, and since then, not a single person from the crew has been permitted to step ashore. Despite repair work taking place and the presence of surveyors and supervisors visiting the vessel, the sailors are being unjustly labelled as a security risk, resulting in a complete denial of their right

2 RA 3 PA 4 DF 5 GC	ORT ALDIA ATNAGIRI ARADIP HAMRA	YES NO	FOREIGNERS  YES, NO FOR PAKINTAN AND BANGLABESH NATIONAL
2 RA 3 PA 4 DF 5 GC	ATNAGIRI ARADIP	NO	
2 RA 3 PA 4 DF 5 GC	ATNAGIRI ARADIP	NO	
3 PA 4 DI 5 GC	RADIP		NO.
4 DI 5 GC		The second secon	NO
5 GC	TAMPA	YES	NO
-	LAMINA	NO	NO
6 VI	DPALPUR	NO	NO
- 10	ZAG	YES	YES, NO FOR PAKISTAN, CHINA AND BANGLADESH NATIONALS
7 G/	ANGAVARAM	YES	YES, NO FOR PAKISTAN, CHINA AND BANGLADESH NATIONALS
8 KI	RISHNAPATNAM	YES, BUT 4 DAYS PRIOR NOTIFICATION REQUIRED FOR BACKGROUND VERIFICATION	NO
9 SI	KKA	NO	NO
10 VA	DINAR	NO	NO
11 PI	PAVAV	YES	NO
12 SU	RAT	NO	NO
13 CI	HENNAI	NO	NO
14 EN	NNORE	NO	NO
15 K/	ATTUPALI	NO	NO
16 K/	AKINADA	YES	YES, NO FOR PAKISTAN, CHINA, NIGERIA, SRI LANKA AND BANGLADESII NATIONALS
17 DA	AHEJ	NO	NO
18 M	ANGALORE	YES	YES
19 Tt	TICORIN	YES	YES, SUBJECT TO MEDICAL BACKGROUND CHECKS
20 M	UMBAI	YES	YES, SUBJECT TO VISA MENTIONING SHIP NAME
21 KG	осні	YES	YES EXCEPT PARISTAN NATIONALS
22 K/	ANDLA	YES	YES BUT LIMITED TO MAX, 5 SHORE PASSES FOR 1 TR NO FOR RESTRICTED CREW.
23 PC	ORT BLAIR	YES	YES, NO FOR PAKISTAN, CHINA, AND AFGRANISTAN NATIONALS
24 GC	DA	YES	YES, NO FOR PAKISTAN, CHINA NATIONALS

to shore leave.

ALTHOUGH MOST OF THE PORTS DO ALLOW FOR MEDICAL SHORE LEAVE SUBJECT TO FRRO APPRO

As fellow human beings, it is distressing to witness the plight of these seafarers, all of whom are Indian nationals. The denial of their fundamental right to set foot on land and experience a respite from their demanding maritime duties is an affront to their well-being and mental wellness.

In a world where we advocate for human rights and prioritize mental health, it is shocking to see such a situation unfold right under our noses. This level of confinement and deprivation is simply unheard of in

other parts of the world.

Immediate action is imperative to rectify this dire situation and grant these seafarers the shore leave they rightfully deserve. Let us come together to raise awareness about their plight and rally for a swift resolution. The time has come to prioritize the welfare and rights of these seafarers who tirelessly contribute to the maritime industry. Together, we can ensure a just and compassionate outcome for these stranded individuals".

Needless to add, it took the social media by storm and led many to ask, what does a seafarer do when he is denied a much "needed" shore leave? Does he strike work?

# TO STRIKE OR NOT TO STRIKE – THAT IS THE QUESTION

The right to strike is an important aspect of labour rights and is recognized and protected by various

regulations and acts at both national and international levels. While it is not considered a fundamental right in India, it holds legal significance and is supported by relevant legislation.

In India, the Industrial
Disputes Act, 1947, forms the
legal framework for labour
disputes and explicitly

recognizes the right to strike. Section 2(q) of the Act defines a strike as a cessation of work by a body of employees acting in combination or a concerted refusal to continue work. Sections 22, 23, and 24 of the Act provide provisions for legal strikes, differentiate between legal and illegal strikes, and outline the procedures to be followed.

The Trade Unions Act, 1926, is another important legislation in India that recognizes and protects the right to strike. Sections 18 and 19 of the Act grant trade unions immunity from civil liability during strikes.

Furthermore, India is a signatory to international conventions and agreements that address the rights of workers, including seafarers. The International Labour Organization (ILO) sets standards and regulations for seafarers' rights through various conventions.

One significant convention which we saw



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earlier is the Maritime Labour Convention, 2006 (MLC), which sets out seafarers' rights and working conditions. The MLC establishes minimum requirements related to employment, wages, working hours, accommodation, food, health protection, and social security for seafarers.

However, the MLC does not specifically address the right to strike.

limitations imposed by national laws and regulations of the flag state of the vessel they are employed on.

In summary, while the right to strike is

subject to specific regulations and

In summary, while the right to strike is recognized and protected by national regulations such as the Industrial Disputes Act, 1947, and the Trade Unions Act, 1926,

international regulations such as the MLC do not explicitly address the right to strike for seafarers. The International Transport Workers' Federation works towards promoting seafarers' rights, including the right to strike, within the framework of applicable national laws and international agreements.

While the Supreme Court of India has not

acknowledged the right to strike as a fundamental right, it has consistently affirmed that the right to strike is a legal right. It is important to note that this legal right is recognized by the majority of democratic nations across the globe.

To emphasize, it is crucial to understand that the right to strike is not classified as a fundamental or absolute right in India.



Regarding seafarers' rights to strike under international regulations, the International Transport Workers' Federation (ITF) is an organization that represents seafarers and promotes their rights. The ITF advocates for fair working conditions, including the right to strike, through its policies and campaigns. However, it's important to note that the right to strike for seafarers may be

The decision to grant shore leave ultimately rests with the port authorities and the specific security measures in place at the port facility.

Furthermore, it is important for seafarers to recognize that they do not have a trade dispute with their employer. Therefore, resorting to a strike or utilizing it as a means to secure "redressal of an imaginary right to shore leave" appears unfounded. It is essential to highlight that shore leave was never included as a guaranteed right granted by the employer in every port during the negotiation of either the Collective Bargaining Agreement (CBA) or the employment contract.

The right to shore leave, if applicable, is subject to certain conditions. Engaging in unauthorized strikes can and likely will result in immediate dismissal, as no owner or employer will tolerate strikes, lockouts, or any form of industrial action unless restricted to employees other than the crew members. It is important to note that invoking force majeure in such situations does not extend to the crew members seeking to initiate the action as per Shipman 2009. Therefore, seafarers should carefully consider the implications and potential consequences before engaging in any unauthorized strike action, as it may lead to severe disciplinary measures, including termination of employment. It is essential to maintain open lines of communication, adhere to established procedures, and seek proper channels for addressing concerns, rather than resorting

to unauthorized strikes that could detrimentally impact one's professional standing and career prospects.

The implementation of the ISPS Code in India has not been identified as the sole culprit in denying shore leave. However, the ISPS Code does establish security measures and procedures that port facilities must adhere to, which can affect the granting of shore leave to crew members.

While the ISPS Code emphasizes the importance of maintaining security, including during shore leave, it does not directly dictate the granting or denial of shore leave to crew members. The decision to grant shore leave ultimately rests with the port authorities and the specific security measures in place at the port facility.

It is important to note that the denial of shore leave can be influenced by various factors, including port security concerns, immigration policies, vessel operations, crew compliance with security protocols, and local regulations. The ISPS Code aims to strike a balance between security and facilitating efficient port operations, including crew welfare. Port authorities are responsible for implementing security measures while considering the welfare and needs of seafarers.

The proposed provisions of the Indian Ports Bill, once enacted, will bring several benefits.

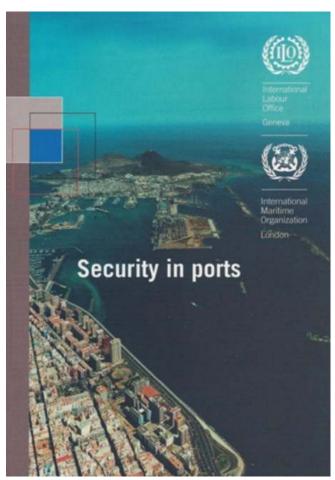
Therefore, while the ISPS Code plays a role in shaping security measures at port facilities, the denial of shore leave cannot be solely attributed to its implementation. The decision to grant or deny shore leave involves a broader range of factors and considerations, including local policies and security assessments conducted in accordance with the ISPS Code.

CHALLENGES AND FUTURE
CONSIDERATIONS – THE WAY
FORWARD

While the implementation of the ISPS Code in India has been a significant step towards enhancing maritime security, there are challenges that need to be addressed. Delays in obtaining clearance for ships, personnel and overcrowding at port entry points are issues that can hinder the efficient functioning of the clearance process. These challenges call for improvements in infrastructure, increased coordination among stakeholders, and streamlined procedures to ensure smooth and secure operations at ports.

Furthermore, as the maritime security landscape evolves, it is essential for India to stay updated and adapt to emerging security threats. Regular training and capacity-building programs for security personnel, officers, and crews need to be conducted to enhance their preparedness

and response capabilities. Continuous review and assessment of security measures, in line with international best practices, will help maintain the effectiveness of the ISPS Code implementation in India. In conclusion, the ISPS Code is a critical framework for ensuring the safety and security of India's maritime sector. Its implementation through



the Merchant Shipping Act, 1958, has led to the appointment of security officers and staff, the development of Ship Security Plans (SSPs) and Port Facility Security Plans (PFSPs), and the establishment of coordination committees at ports. While

"Social media often triggers your self-indignation" – Geoffrey Hinton, Godfather of Al

challenges exist, the ISPS Code has significantly contributed to enhancing maritime security, facilitating international trade, and ensuring compliance with global maritime security standards.

India has implemented the fundamental principles of the ISPS Code by strengthening security measures through national legislation. However, the specific checks and control mechanisms required for effective implementation of the ISPS Code are dispersed within the Merchant Shipping (MS) Act, and rules and regulations are issued through circulars by the Directorate General of Shipping (DGS).

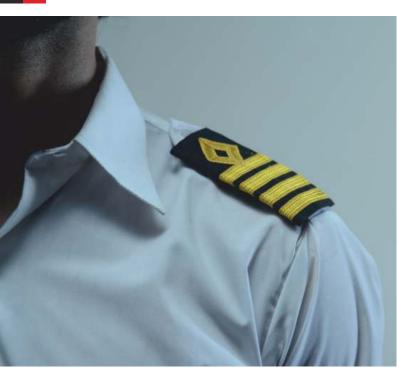
Recognizing the need to streamline and consolidate the regulatory framework, the Ministry of Ports, Shipping and Waterways introduced the Indian Ports Bill, 2021. This bill aims to address the existing gaps and provide a comprehensive mechanism for all maritime stakeholders to fulfill their obligations under the ISPS Code in a more transparent manner.

Chapter IX of the Indian Ports Bill, comprising Sections 44-61, is dedicated to maritime security. This chapter outlines provisions that enhance the regulatory framework and establish a coherent system for implementing the ISPS Code. By consolidating the relevant provisions, the Indian Ports Bill seeks to simplify the compliance process and provide clarity to stakeholders involved in maritime security.

The proposed provisions of the Indian Ports Bill, once enacted, will bring several benefits. Firstly, they will centralize the security-related requirements under a single legislative framework, reducing the need for stakeholders to navigate through multiple sources of information. This consolidation will enhance transparency and facilitate a better understanding of the security obligations prescribed by the ISPS Code. Additionally, the comprehensive mechanism established by the Indian Ports Bill will provide a clear roadmap for compliance, enabling maritime stakeholders to implement security measures effectively. It will contribute to harmonizing security practices across Indian ports, ensuring a consistent and robust approach to maritime security.

Moreover, the bill's provisions will enable effective oversight and control of security-related activities. By consolidating the checks and control mechanisms, it will enhance the ability of regulatory authorities to monitor compliance with the ISPS Code. This centralized approach will streamline the inspection process, facilitate enforcement, and promote accountability among stakeholders.

Overall, the introduction of the Indian Ports Bill, 2021, reflects India's commitment to further enhance its maritime security framework. By addressing the scattered nature of the existing regulations and providing a comprehensive mechanism,



the bill aims to strengthen the implementation of the ISPS Code, improve transparency, and ensure effective security measures throughout India's maritime domain.

# THE INFLUENTIAL POWER OF ANGER IN ONLINE SOCIAL NETWORKS AND ITS RISKS

In recent years, the rise of online social media platforms has been remarkable. A recent study cited in a leading Business and Technology magazine highlighted the power of anger and its risks.

In summary, this research elucidates the influential power of anger in online social networks. It underscores the importance of this emotion in driving the spread of information and provides valuable insights for those seeking to effectively disseminate

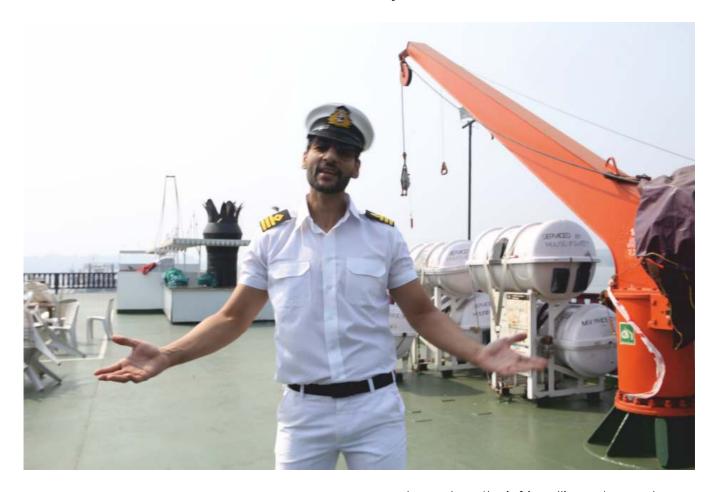
messages through these platforms. It concluded "if you want to spread your message, let that inner rage out".

As Geoffrey Hinton, the Godfather of Al quietly observed, social media often triggers your self-indignation.

Seafarers are advised not to fall prey to this sentiment and precipitate matters.

# SOME SUGGESTIONS FOR IMPROVEMENT – INDUSTRY / BUREAUCRACY / GOVERNMENT AUTHORITIES

- Eliminate restrictive policies that hinder seafarers' access to shore leave.
- Develop comprehensive security protocols that balance safety and seafarers' enjoyment of shore leave.
- Implement efficient scheduling practices that prioritize seafarers' time for shore leave.
- Foster collaboration with port authorities to streamline procedures and minimize delays in granting shore leave permissions.
- Enhance the availability and accessibility of shore-based welfare and recreational facilities near ports.
- Improve onboard communication infrastructure to enable regular contact with families and friends.



- Conduct awareness programs and training sessions to promote understanding of the importance of shore leave.
- Encourage international cooperation to develop standardized guidelines and best practices for facilitating shore leave worldwide.
- Ensure strict compliance with regulations related to seafarers' rights, including provisions for shore leave.
- Conduct research and data collection to understand seafarers' experiences and informed decision-making.
- Establish an index to evaluate ports

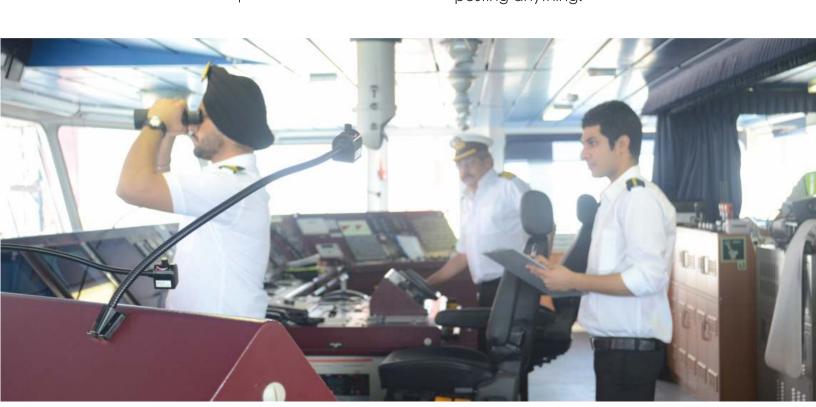
- based on their friendliness towards seafarers and ability to address seafarer concerns.
- Enhance shore leave provisions by streamlining administrative procedures and improving security measures.
- Promote mental health support programs for seafarers.
- Foster seafarer welfare partnerships with local communities and organizations.
- Advocate for seafarers' rights and wellbeing at a ministerial level.
- Implement mandatory training

- programs to enhance understanding of seafarers' needs and concerns.
- Foster a culture of respect and understanding within the maritime industry.
- Establish efficient grievance redressal mechanisms for seafarers.
- Continuously monitor and evaluate the effectiveness of these initiatives.
- Implement the use of Seafarer Identity Documents (SID) instead of visas for shore leave.
- Develop designated transportation services between port facilities and the city.
- Consider relaxing working hours of seafarers while in port when shore

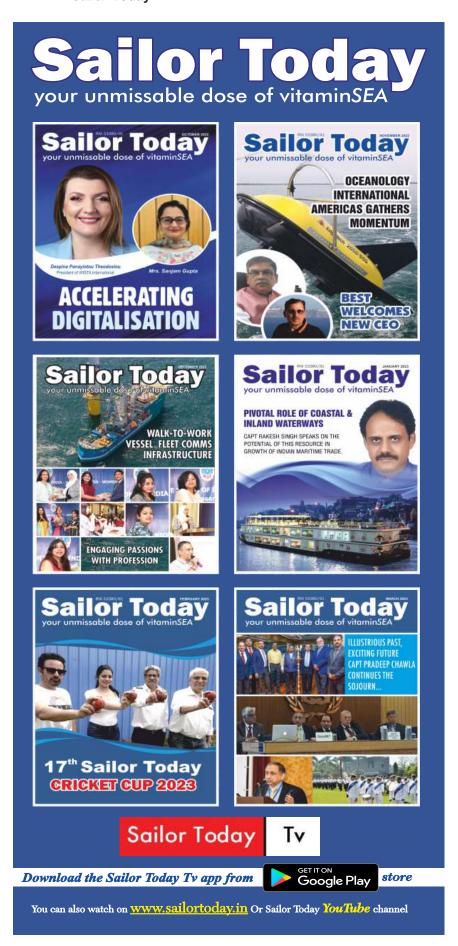
- leave is not granted.
- Strengthen cooperation among shipping companies, unions, and port authorities.
- Promote awareness and education about seafarers' rights and the importance of shore leave.

### **SUGGESTIONS TO SEAFARERS -**

 Use social media wisely: Social media can be a valuable tool for staying connected with loved ones and accessing information. However, it's important to use it responsibly and avoid engaging in negative or harmful discussions. Be mindful of the content you consume and share, and consider the potential consequences before posting anything.



- Be cautious with online interactions: Online platforms can sometimes amplify conflicts and misunderstandings. When engaging in discussions or debates, maintain a respectful and constructive approach. Avoid getting drawn into heated arguments or reacting impulsively to provocative posts or comments.
- Practice emotional self-regulation: Recognize that social media can evoke strong emotions, especially when discussing sensitive topics. Take a moment to pause and reflect before responding to something that upsets you. Practice deep breathing or engage in activities that help you calm down and maintain a balanced perspective.





# Chevron Marine Lubricants and IMarEST UAE Host Successful Technical Seminar on Advancements in Marine Fuels and Lubricants

Chevron Marine Lubricants, in collaboration with the Institute of Marine Engineering, Science & Defence &

In his keynote address, NIKEEL IDNANI, Honorary Secretary of IMarEST UAE branch, delved into the historical roots of lubrication, dating back to the 17th Century BC. He emphasized the significance of ensuring equipment reliability for ships navigating safely through restricted waters. IDNANI also highlighted the ongoing energy transition in the shipping industry and the importance of environmentally friendly fuels.

SOTIRIS MEKLIS, Regional Manager Marine, Med & MEA at Chevron Marine Lubricants, discussed Chevron's strategy to leverage their strengths in safely delivering lower carbon energy to a growing world. As one of the largest energy companies in the world, Chevron is actively involved in the different facets of the energy industry,



demonstrating its intention to be a leader in advancing lower carbon solutions.

During her presentation on "Taro® Ultra Advanced 40 - MAN ES Category II Cylinder Oil First 6 months' experience," GEORGIA CHALOULOU, Technical Field Specialist at Chevron Marine Lubricants, presented the field test results on the MAN B&W 7G80ME C9.2 TII engine showcasing enhanced piston and piston ring pack cleanliness, lower ash content, and optimum feed rates achieved with the support of Taro® Ultra Advanced 40, Chevron's latest addition to its range of high-performance cylinder oils.

MATTHEW LYNCH, Senior Manager of Global Lubricants Products & Dechnology at Chevron, shared his insights about the energy transition in the shipping industry. He emphasized Chevron Marine Lubricants' commitment to supporting marine customers to meet their current and future lubricant needs. During his presentation, Lynch also shared recent field-testing findings that demonstrate compatibility of Chevron Marine Lubricants products with some biofuels.

167 delegates

SANDEEP PADHI, Business Development Manager at Wartsila Marine Power, whose presentation on "Engine Development in the area of New Fuels," alerts attendees to the variety of sustainable fuels that will be used in the coming decade to achieve IMO targets for 2030 and 2050. He underscores the importance of fuel flexibility and combustion engine technology in mitigating compliance and business risks associated with sustainable fuels.





KARIMI NAYAB, Trading Manager at Chevron PSAT, Asia Pacific, discussed the developments in the biofuel market. Nayab's insightful comparison of alternative marine fuels, elucidates their advantages and challenges. Drawing on his extensive commercial experience, he explained typical terms for conventional bunkers and biofuels.

The seminar also features an interactive panel discussion and a Q&A session, enabling the 167 participants to engage with the esteemed speakers. The experts addressed questions related to the latest regulatory developments, advancements in marine fuels and lubricants, and technological innovations in engine design.

The event serves as a testament to the collaboration between the IMarEST UAE branch and Chevron, a California-based company with 144 years of experience in the industry. IMarEST UAE branch, recognized as a rock-solid partner for global shipping stakeholders, solidified its relationship with Chevron through this information-rich evening of presentations and panel discussions. As the maritime industry continues to evolve towards a

lower carbon future, Chevron Marine Lubricants remains committed to help provide lower carbon solutions.





Navi Mumbai, June 25, 2023: Shri Shripad Naik, Honourable Union Minister of State for Ports, Shipping and Waterways & Tourism inaugurated the Seafarers Club at Jawaharlal Nehru Port Authority (JNPA), on Sunday on the occasion of the International Seafarers Day. The International day for the Seafarers is observed on June 25 with an aim to acknowledge and appreciate the exceptional contribution made by seafarers worldwide to international maritime trade, the global economy, and society as a whole.

The state-of-the-art club, located within JNPA premises, provides a welcoming and comfortable space for seafarers. The club

will serve as a perfect gateway for maritime professionals during their time on land. Being one of the premier ports in India, JNPA recognizes the invaluable contributions made by seafarers to the maritime industry. The Seafarers Club aims to support and enhance the well-being of these hardworking individuals, offering them a range of amenities and services that will make their stay in JNPA more enjoyable.

Pointing out the significant role seafarers play in strengthening the country's economy, Shri Shripad Yesoo Naik, Honourable Union Minister of State for Ports, Shipping and Waterways & Tourism, said, "JNPA has been serving the maritime



industry for the past 34 years and has contributed immensely to the country's economy. We should appreciate the excellent work it has been doing for the betterment of the maritime sector. And this Seafarers Club is an example of that. I am happy that the port has taken cognizance of the problems and issues faced by the seafarers. The government is committed to resolve the challenges faced by the seafarers."

"Seafarers strengthen India's economy by sacrificing a lot. They realise that growth of

shipping industry will help India grow, so we should provide every possible help to the community. Support from the state government as well as local authorities is need of the hour. Besides, all other ports should come forward and work hand-inhand to improve facilities at the port which will help the sector and the country prosper," the minister added.

In his speech, Shri Unmesh Sharad Wagh, IRS, Deputy Chairman, JNPA, thanked the union Minister of State for gracing the occasion and said that the club with state-

of-the-art amenities would be enhanced further and called all seafarers to take advantage of the facilities available at the facility.

Shri Ashish Shelar, MLA; Shri Mahesh Baldi, MLA and other dignitaries of the Maritime sector, and senior management of JNPA also attended the function.





# CSM SIGNS AGREEMENT WITH OCEANLY

Columbia Shipmanagement has agreed to install Oceanly Performance solution on board of its ships.

"Oceanly is a perfect fit for the services that Columbia wants to provide to its customers. The software will allow our technical managers to have a very intimate control of all technical aspects of our managed vessels, while at the same time ensuring complete compliance on all the emission and reporting regulations" says Mark O'Neil, Columbia Group CEO, who was visiting Norshipping and passed by Oceanly's stand to seal the deal with the company Managing Director, Giampiero Soncini. "We especially appreciate that Performance is an open system, where our own Data analysis team will be able to add or modify any algorithm, even add equipment and easily connect it to the data flow coming from the Navigation and Automation systems."

Oceanly reached an agreement for its Performance Software to be part of OneLink, a customizable solution which brings together a number of performance platforms under one umbrella, providing a unique set of digital services and solutions to the shipping industry.



"Being selected by Columbia is a privilege, and it pays for all the efforts of the past 5 years," says Mr. Soncini. "I believe Oceanly Performance to be the best in its class, and the recent number of contracts we signed shows it. Columbia is our first ship management company, and their interest in our product shows that they believe in the advantages it can bring not only to Columbia, but also to Columbia customers."

We asked Mr. Soncini what the relationship between OneLink and Oceanly is. He explained: "OneLink, an independent company, is a perfect complement to Oceanly: it has Bunker and Lube Oil forecasts, a VR based Training module, and

they manage a Control Room which is manned 24/7/365, providing Control room services to the customers who may not want to have their own. It expands our offerings in a very logical way."

"Our aim is to provide a single window offering for our customer's performance and optimization needs," says Capt. Pankaj Sharma, Managing Director of OneLink. "Operators who previously had to utilize numerous different tools & services to get all the information they needed to optimize vessel performance and manage emissions



regulations can now turn to the OneLink.

Through the consolidation of service providers and innovative integration of systems, OneLink is able to provide an unmatched service offering, surpassing any competitor."

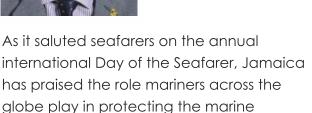


# Jamaica salutes seafarers' role in environmental protection on Day of the Seafarer



environment.

The Hon. Daryl Vaz MP, Jamaica's Minister of Science, Energy, Telecommunications and Transport.



In his Day of the Seafarer address, Rear Admiral Peter Brady, Director General of the Maritime Authority of Jamaica, said: "The International Day of the Seafarer gives us the opportunity to recognise the crucial role seafarers play in preventing pollution of the marine environment by ships through operational causes or accidents. The professionalism, expertise and dedication of our seafarers are a significant element in implementing the global regulations which protect our environment."

Noting that this year marks 50 years since the International Maritime Organization adopted its International Convention for the Prevention of Pollution from Ships (MARPOL), Rear Admiral Brady observed: "Everyday hundreds of thousands of seafarers across the world help to enforce the IMO's crucial environmental treaties by implementing the rules which apply to many aspects of shipping. As the shipping industry accelerates



Rear Admiral (ret'd)
Peter Brady
Director General of
the Maritime Authority
of Jamaica.

its support for global efforts to combat climate change, by moving towards decarbonisation, seafarers' actions and voices are the key to ensuring a successful transition to a carbon zero future. Seafarers we salute you."

His comments were amplified by The Hon.
Daryl Vaz, MP, Jamaica's Minister of Science,
Energy, Telecommunications and Transport.
Describing seafarers as "unsung heroes" he
said: "The dedication, resilience, and
unwavering commitment of our seafarers
and the maritime industry are truly
commendable. Today, we specially highlight
your vital role as custodians of MARPOL and
stewards of the marine environment.

"Today, as we celebrate the Day of the Seafarer, we collectively express gratitude for your invaluable contributions and role play as custodians of our marine environment. Together, let us continue to protect our oceans."

As part of it's celebrations to mark the Day of the Seafarer, the Maritime Authority of Jamaica will host a webinar on Friday June 29 entitled "Seafarers, MARPOL and the Marine Environment."



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