



# The Porthole

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The newsletter of  
 the South Australian Branch of the Company of Master  
 Mariners of Australia,  
 PO Box 1, PORT ADELAIDE, SA 5015  
 Branch Patron: His Excellency the Honorable Hieu Van Le AC



**Branch Master's Comments**

Good Day to all our South Australian members, and fellow readers,  
 I trust you've all had a pleasant and healthy Easter, and I'm sorry that due to circumstances beyond everybody's control, April finds us unable to hold our usual pleasant luncheon meeting, an occurrence which will probably recur until such time as a viable vaccine is invented, or we all gain "herd immunity" from this ghastly virus. Let's hope it is sooner rather than later.  
 While on the subject of this virus, spare a thought for the benighted crews of the half dozen or so cruise ships who are stuck aboard their soon to be evicted vessels in Australian waters, waiting until they fall sick to be evacuated ashore. Our government should really help.  
 Our AGM had been organised as a face-to-face meeting in Melbourne. This had to be cancelled at the last moment, and a teleconference substituted. A future meeting in person will be arranged for when this lockdown is lifted, provisionally in December when this is, hopefully, but a bad memory.  
 The AGM was opened by Capt. Ted Van Bronswijk at 1100 EST on the 4th of this month, and the minutes of the 2019 AGM were accepted as read. There was no business arising apart from that to be addressed in this meeting. Firstly, the Federal Master's report was made, where he thanked the various members of his Court for their contributions to the running of the Company, and he acknowledged Capt. Bhada's approach and offer for Mark Beal to compile an electronic copy of the 'Master Mariner'. For this to be successful, he will need the support of members to contribute articles of a marine bent - modern, historical, or just reminiscences - for publication. Members were asked to approve the sum of \$1000 for a trial publication. He mentioned that our membership has fallen to 388 members, and that we should re-examine, as proposed by WA and Victoria, the future admission of those with Master Class 3 certificates to our ranks. He also pointed out that 84% of our members are over 50. I pointed out that 62% of South Australia's members are retired. He also recommended the continuance of our membership of IFSMA. If I can jump ahead; in 'General Business' later, it was pointed out that membership of IFSMA was not comprised of individuals, but of national organisations such as ours. Individual members of these national organisations may access "Master Mariner Protect" which is a global insurance scheme to protect the interests of masters of ocean-going ships.  
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**Because of the COVID-19 virus restrictions,  
 there will be no Branch or Branch Court meetings  
 until further notice**



The Company of Master Mariners of Australia Ltd. is a Company established to promote and further the efficiency of the Sea Service generally, and uphold the Status, Dignity and Prestige of Master Mariners in particular.

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The motion was put to maintain membership of IFSMA for 2020, and was unanimously passed.

The Secretary's report amongst other things recorded that when the new Governor-General of Australia, David Hurley, took the post before Christmas last year, a letter was received by the Federal Court to the effect that he would not be continuing the traditional patronage of the Company. No membership certificates have been signed since then, and two e-mails requesting clarification have since been ignored. The Full Court have requested that a formal letter be sent to explain the importance of his patronage. The opinion was expressed that it is all probably due to one or more of his staff 'protecting' him from more work. From what I can gather, he was the patron of one of the branches when he was state governor, so we are not unknown.

The Federal Registrar noted that we have suffered a net loss of membership of 40 persons in the past year, and that 171 of our remaining members are over the age of 71. While many of our members are retired from work, they do not meet the 15 years of membership required to attain retired status in the COMMA. This was discussed and it was decided that this was a matter for the Branch Courts to handle.

The Treasurer's report mentioned that, as a whole, the Company had an operating surplus of \$10,294 for the year, while SA had a deficit of \$1,590.

Hourigans have been retained as auditors for 2020, while Tim Ryan was retained as our accountant.

The Federal Levy was reduced from \$80 to \$75 per capita for 2021, and the Federal Master is to have oversight of all Federal bank accounts. The three signatories to the accounts are to remain the same, viz. Federal Treasurer, Federal Secretary, and Melbourne Branch Master, Capt. Ian Finch.

There will be no Boulton Lecture this year due to the Corona virus, and likewise, there will be no Outstanding Achievement award.

The next meeting by telephone will be in July. There being no other business, the meeting was closed at 1415 EST.

Until next time, stay safe, and Happy Sailing

Bob W

Branch Master

*The Federal AGM minutes and associated documents will be forwarded to members by email.*

## **This is Mutiny... Mutiny, I Say!**

### **The Maritime Lore Behind President Trump's 'Mutiny on the Bounty' Tweet**

April 14, 2020 by Salvatore R. Mercogliano, Ph.D.

In the annals of maritime history and popular culture, the *Mutiny on the Bounty* holds a lofty place and remains relevant even today. The events that unfolded on April 28, 1789 in the South Pacific, when Acting Lieutenant Fletcher Christian forced Lieutenant William Bligh and eighteen others to abandon HMS *Bounty* in one of the most famous mutinies in history, came to the forefront of popular consciousness with a recent comment by President Donald Trump. On April 15, 2020, nearly 231 years later to



A 1790 painting of the 'Mutiny on the Bounty' by Robert Dodd.  
Photo: Robert Dodd – National Maritime Museum

the day, the President tweeted:

*Tell the Democrat Governors that "Mutiny On The Bounty" was one of my all time favorite movies. A good old fashioned mutiny every now and then is an exciting and invigorating thing to watch, especially when the need so much from the Captain. Too easy!*

With the nation in the grips of the COVID-19 pandemic, maritime topics have been on the agenda of many of the decisions coming out of the White House. The President and his team met with members of the oil industry to discuss the status of the Jones Act, they discussed potential bailouts with the Chief Executive Officers of the major cruise lines, and to alleviate the outbreaks in Los Angeles and New York, they dispatched the hospital ships USNS *Mercy* and *Comfort*. The tweet on April 14 channelled a sentiment attributed to Thomas Jefferson in a letter to James Madison, "that a little rebellion now and then is a good thing." But the maritime connotations are perhaps the most interesting aspect.

When the President mentioned that it was one of his favourite movies, it raises the question, which movie? There were five cinematic versions of this story. The first was a 1916 silent Australian film that has been lost to history; so, probably not that one. The next was the 1933 *In the Wake of the Bounty* starring a young Errol Flynn as the mutineer Fletcher Christian and Mayne Lynton as William Bligh. But this movie was eclipsed when two years later MGM released *Mutiny on the Bounty* with Clark Gable and Charles Laughton in the leading roles. The latter's

depiction of the *Bounty's* captain became, “a byword for sadistic tyranny.”

It would be almost three decades until the next iteration of the mutiny made it to the big screen with Marlon Brando and Trevor Howard assuming the roles of Christian and Bligh in 1962's *Mutiny on the Bounty*. Then, it was the turn of Mel Gibson and Anthony Hopkins in the 1984 final version, *The Bounty*. Not to be outdone, the following year a musical performance of the play appeared in London.

Based on the tweet, does the President see himself as Captain Bligh in the current situation with the Governors? If he does, who best captures him – Charles Laughton; I am sure the President does not see himself in that way. Perhaps it is Trevor Howard, the professional mariner against the “dandy” Fletcher Christian. Or is he Anthony Hopkins, who is friends with Christian until their relationship deteriorated and feels betrayed?

It is interesting that the President chose this movie, because while Bligh is usually regarded negatively, he performed one of the greatest feats of navigation and maritime seamanship in the annals of the Royal Navy. Bligh sailed with noted explorer James Cook on his final voyage as sailing master of HMS *Resolution*. Cast adrift by Christian in a 23-foot launch with 18 other souls into the South Pacific, he had to navigate his open craft 3,500 miles to the Dutch settlement in Timor. A voyage that lasted from April 28 to June 14, 1789. Bligh was able to get word to British authorities about the mutiny and some of the mutineers were apprehended and brought to trial with three of them executed. The others survived to settle on Pitcairn Island in the Pacific. Bligh went on to command ships-of-the-line at the battles at Camperdown and Copenhagen. Later, he was appointed Governor of New South Wales in Australia and experienced another uprising, this time the Rum Rebellion. He retired as a Vice Admiral from the Royal Navy.

President Trump's selection of *Mutiny on the Bounty* as one of his favourite movies and using it to explain his relationship with some of the state governors, will be the subject of discussions and great analysis. However, the story of the *Bounty* in terms of maritime lore and history seems to be one of those tales that does not want to go away. For the 1962 movie, a replica of HMS *Bounty* was built in Nova Scotia. That vessel went on to be a tall-ship attraction and sailed from port-to-port for tours.

On October 29, 2012, on a voyage from Connecticut to Florida, she cut across the path of Hurricane Sandy. The vessel lost power and broached, forcing her crew to abandon ship. Aviation assets from United States Coast Guard Air Station Elizabeth City responded and were able to save all the crew except for two. The ship master, Robin Walbridge, was never located and presumed drowned. The other crew member, whose body was recovered, claimed a connection to the original mutineers; Claudene Christian.

There are many interpretations regarding *Mutiny on the Bounty*, and most people have their preferences. Is it the tyrannical Bligh? Or is it the dandy Christian? Perhaps the collapse in a friendship between the main characters is your favourite? No matter which one you choose, in the end, there is a breakdown in command between the Captain and his lieutenant. Bligh must perform a skilled navigation feat to survive, Christian and the mutineers become hunted enemies of the Royal Navy seeking a new life, and there is great suffering and loss of life. Hopefully, the latest version of *Mutiny on the Bounty* is not playing out before our very eyes amid a global pandemic.

Steady as she goes! Steady!

Salvatore R. Mercogliano is an associate professor of History at Campbell University in Buies Creek, North Carolina, and teaches courses in World Maritime History and Maritime Security.

Source: gCaptain 200414

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## Final voyage of icebreaker *Aurora Australis* departs

The final voyage of Australia's Antarctic icebreaker *RSV Aurora Australis* departed Hobart for sub-Antarctic Macquarie Island, the Australian Antarctic Division said in a press release. The ship's last trip south, after 31 years of service to the Australian Antarctic Program, will be a two-week voyage to resupply Macquarie Island and transport expeditioners.



Australian Antarctic Division's General Manager of Operations, Charlton Clark, said today marks the end of an era. “The *Aurora Australis* has been the backbone of the Australian Antarctic Program for more than three decades, so the vessel has a special place in our history. Over its lifetime the icebreaker has carried more than 14,000 expeditioners across the Southern Ocean on over 150 research and resupply voyages. Many who've sailed on the ship have a deep connection with the ‘Orange Roughy’ and fond memories of their Antarctic adventures,” Mr Clark said.

The delayed arrival of Australia's new icebreaker means the Australian Antarctic Division has had to seek an alternative ship for next summer season. The Division has entered into contract negotiations to use another vessel for a minimum of 90

days until the *RSV Nuyina* commences operations. Australia's new icebreaker is due to arrive in Hobart in November, with the first trip south scheduled for January 2021. source : Portnews

Source: The Pulse #6

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## Autonomous Tug Completes Sea Trials

**Wärtsilä and PSA Marine carried out tests in Singapore's harbor. Wärtsilä and PSA Marine said they have completed initial sea trials for the IntelliTug autonomous navigation project.**

The *PSA Polaris*, a harbor tug owned and operated by PSA Marine, has been retrofitted with a suite of Wärtsilä technology to enable autonomous navigation.



The project is a collaboration between Wärtsilä, marine services provider PSA Marine, classification society Lloyd's Register, the Technology Centre for Off-shore and Marine Singapore (TCOMS), and co-funded by Maritime and Port Authority of Singapore's (MPA) Maritime Innovation and Technology (MINT) Fund. Carried out in Singapore, the trials started in September 2019. The companies said the test showed IntelliTug's capability to avoid a variety of obstacles, including virtual and real-life moving vessels. These trials are Singapore's first for commercial Maritime Autonomous Surface Ships (MASS) using the MPA MASS regulatory sandbox, which has been established to facilitate the testing of MASS and other autonomous technologies in a safe and controlled environment within the Port

of Singapore. The IntelliTug trials are part of MPA's MASS initiative, which aims to accelerate the industry's R&D capability in this field and validate new MASS-related concepts of operations and technologies. This would enable technology developers, the research community, and maritime stakeholders to capture future MASS-related opportunities. The *PSA Polaris* is a 27-m harbor tug with dual azimuth thruster controls. It has been fitted with a sensor suite, including Wärtsilä's RS24 near-field high resolution radar and Wärtsilä's Dynamic Positioning (DP) system, to enable autonomous capabilities. Data collection via the sensors has been ongoing since the start of the project in conjunction with the development of a collision avoidance algorithm. The project is aimed at developing and field-testing intelligent vessel capabilities and viable pathways towards smarter, safer, and more efficient ways of operating a harbor tug. This is achieved through the provision of human-centric technology, design-thinking, and man-machine collaboration. Wärtsilä and PSA Marine will continue development work on the IntelliTug and its systems throughout 2020, working towards continuous deployment of smart capabilities in real-life harbor craft operations to complement and enhance the capabilities and experience of human tug masters. Source : dieselgasturbine

Source: *The Pulse* #6

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## "Best Management Practice" – The English High Court Considers obligations on a Master

February 26, 2020

On 5<sup>th</sup> July 2011, the laden tanker *Brillante Virtuoso* was off the coast of Yemen drifting in darkness in some of the most dangerous waters of the world. Shortly before midnight, it was boarded by armed men who put in motion a chain of events that would see the owner condemned by the High Court in London as a co-conspirator in a plan to render the vessel a total loss. The Court was satisfied that the armed men who were seemingly "invited" on board and who the owners said were Somali pirates disguised as Yemeni coastguard officers, were part of an elaborate scheme to defraud the vessel's insurers. However, as part of its deliberations the Court considered the legal ramifications of the master's alleged failings to follow Best Management Practice ("BMP"). This is the first time that the industry guidelines have been reviewed by the Court. The judgment provides useful guidance for Company Security Officers and all Masters who operate in high risk areas.

The owner's war policy provided that when in the Gulf of Aden and Indian Ocean, the vessel/owners were subject to a clause that obliged them to apply BMP (the "Subjectivity Clause") "*whilst transiting/port call within Gulf of Aden*" with some recommended steps that were to be applied prior to entering the area. In the light of the Court's findings that the Master and the Chief Engineer were also co-conspirators with the armed men and the owner, the insurance claim for the loss of the vessel failed. However, it was necessary for the Court to consider the position of the mortgagee bank and whether it could claim in its own right for a loss under the policy. As part of that process it was argued that the Subjectivity Clause imposed a legal obligation on the Master to adopt the steps set out in BMP.

BMP, now in its fifth edition, was initially produced to provide guidance on the steps an owner and master should take when entering the high-risk areas in the Indian Ocean at the height of the Somali piracy phenomenon between 2008-2013. A similar guide is being produced for operations in and around the Gulf of Guinea where crews continue to be kidnapped by Nigerian based pirates.

### The Court's findings – Master must act in "good faith"

The Court accepted that BMP contains only advice and recommendations and those are subject to the discretion of the master, but asked what the "Subjectivity Clause" required the master and owners to do.

The Court's approach was based on the principle that the reasonable commercial man would construe the insurance policy:

*"...in such a way as to minimize the uncertainty as to whether, in the event of a loss, there is cover or not."*

Significantly this meant that any action taken by a master in the context of the recommendations in BMP cannot simply be considered objectively as to whether it was right or not. The obligation is only that the master in making a decision about protecting the vessel must take into account those recommendations within BMP in “good faith”. Indeed, the Court went on to say that “...any stricter test would be inappropriate in the context of decisions made by a master of a vessel...”.

The Court then went on to consider some key elements in BMP which it was argued had not been followed, applying the above criteria. A summary of what good practice would be is set out below.

### **Risk Assessment**

BMP refers to the need of carrying out a Risk Assessment in anticipation of transiting a high-risk area.

The Risk Assessment does not have to be in any particular form. However, simply following a generic risk matrix, even one laid down in the Ship's Security Plan (“SSP”), would be meaningless in the context of a transit across a high-risk area and would not be acting in good faith. It must be genuine and apply to the actual voyage and include reference to:

- Crew Safety
- Freeboard
- Speed
- Sea state
- Piratical activity

Further, the risk assessment should be approved by the CSO.

Any reasonable risk assessment would conclude that a vessel operating in the Gulf of Guinea and off Nigeria is operating in a potentially hostile environment. Or, in the language of the Conwarranty clause, that the area is potentially exposed to the real likelihood that the vessel will be exposed to the risk of piracy. The Risk Assessment must reflect that.

### **Contingency Plan**

BMP also refers to the need for a contingency plan and for that to be “exercised, and discussed” between the master and Ship's Security Officer.

Planning should be evidenced by the minutes of onboard security meetings, and drills need to take place, particularly around moving the crew to a citadel. Often such a plan is contained in the SSP.

### **Drifting**

Often ships are ordered to drift (particularly off West Africa) to avoid staying within the High Risk Area (HRA). BMP, as it relates primarily to the Indian Ocean, envisages vessels as being underway. However, whether drifting in areas of higher risk is acceptable will depend as to whether that decision is made in good faith and by reference to the Risk Assessment

### **Emergency Communication Plan**

This is an important part of the planning process and there must be some regard to the ability of the crew to communicate and have access to and knowledge of relevant emergency numbers.

### **High State of Readiness and Vigilance**

This is set out as a clear recommendation in BMP. It was argued that such an obligation was too vague to have any suspensory effect as a warranty under the policy. The Court disagreed, with the judge saying that he could not envisage an owner contemplating that anything less than a high state of readiness would be appropriate in an HRA. Significantly the Court found that this was part of the warranty but that the master would be compliant if he had endeavoured to ensure, in good faith, that a high state of readiness and vigilance is maintained. That may include having engines and equipment on stand-by. It may also require extra lookouts and hardening when entering and leaving the HRA. But the good faith of the actions taken or not taken will arise directly out of the Risk Assessment.

In the context of operating in the Gulf of Guinea where vessels often have to wait weeks at remote anchorages in areas where attacks have taken place this is also important. Maintaining a high level of vigilance takes effort, discipline and commitment. If the risk is assessed (in good faith) as “low” then the need to maintain a high state of readiness will fall away.

As part of that process, decisions will need to be made about whether hardening measures are appropriate and have been considered.

### **Conclusion**

The Court was considering BMP in the context of a potential breach of warranty under a policy of insurance, but the test of good faith in the context of industry guidance, as set out in BMP, is a sensible approach and would easily apply in any other contractual context. Often claimants in the charter chain would consider a claim for losses arising from piracy as an argument based on unseaworthiness. Notwithstanding the difficulties of causation (which are beyond this article), there is now an argument which is not based on an objective critique of the actions taken or not taken by a master but on a consideration as to whether the master has acted in good faith. Masters should be pleased that the Court has recognised that they must have the discretion to run their ships as they see fit.

### **Stephen Askins, Tatham Co**

## PLAN YOUR PASSAGE CAREFULLY!

5 March 2020

In a significant decision published yesterday, the English Court of Appeal has upheld the decision of the lower court that an inadequate passage plan that caused a vessel's grounding rendered the vessel unseaworthy. The decision in *The CMA CGM Libra* [1], which was given by an experienced maritime bench made up of Lord Justices Flaux, Haddon-Cave and Males, emphasises the importance of ensuring that ship passage plans are fit for purpose. Permission to appeal to the Supreme Court has been sought, although it remains to be seen whether such permission will be granted.

### FACTS

*CMA CGM Libra*, a 6000 TEU container vessel, had part-loaded a cargo in Xiamen. On departure, in what most would have considered an error in navigation, the vessel ran aground and required assistance to be re-floated. General Average (GA) was declared, and GA security was collected. A substantial proportion of cargo interests had settled their contribution, but a number of others set out to establish a York-Antwerp Rule D defence that the vessel was not seaworthy at or before the commencement of the voyage.

It was discovered that an appropriate preliminary notice to mariners had not been applied to the working chart, no annotations had been made indicating the danger, and the danger had not been properly accounted for in the passage plan.

### HIGH COURT DECISION

As a result, at first instance Mr Justice Teare held that there was a defect in the vessel that should have been rectified before departure and that rendered the vessel unseaworthy. He held that the cargo interests were therefore not liable to pay their contribution in GA.

### COURT OF APPEAL DECISION

The owners appealed on two grounds:

The judge had incorrectly held that a one-off defect in a passage plan rendered the vessel unseaworthy for the purposes of Article III Rule 1 of the Hague Rules, and, in particular, had failed to properly distinguish between matters of navigation and aspects of seaworthiness, and

The judge had wrongly held that the actions of the vessel's master and crew had been carried out in their capacity as navigators, and not as carrier, and could not, therefore, be treated as attempted performance by the carrier to exercise due diligence to make the vessel seaworthy.

The Court dismissed both grounds.

As the Court noted, it is well-established that a vessel can be rendered unseaworthy by negligence in the navigation or the management of the vessel. The owners have an overriding obligation to exercise due diligence to make the vessel seaworthy, to which none of the exemptions found in Article IV Rule 2 apply. Negligent management of the vessel prior to the commencement of the voyage can render a vessel unseaworthy.

In this case, the Court held that the failure to properly apply the preliminary notice to the chart, a notice that had crucial navigational information contained within it that was vital to safety, was sufficient to render the vessel unseaworthy at or before the commencement of the voyage. In his judgment, Lord Justice Males suggested that there was no distinction to be made between whether the issue was one of a defective chart or a defective passage plan. In either case, failure to properly heed the warnings was sufficient to render the vessel unseaworthy.

The Court rejected the owners' argument that the test of seaworthiness required the defect to be attributable to the vessel – some form of mechanical or physical defect. This applied an unnecessary gloss to the previously established test.

The judges also rejected the owners' attempt to separate the acts of the master and officers into acts in their capacity as navigators (to which the obligation would not apply), and acts as servant or agents of the carriers (to which the obligations would apply). The relevant task of making the ship seaworthy and thus carrying out a proper passage plan, had been entrusted by the owners to the master and his officers. It was nobody else's responsibility (and was non-delegable) and there was no question that the defect existed before the owners had control of the vessel. Whilst the owners had submitted that the House of Lords decision in *The Hill Harmony*[2] supported their approach, the Court of Appeal disagreed, and, in any event, the former decision concerned something quite different.

The Court went on to reject the owners' additional argument that their role as navigator was outside their 'orbit' and, therefore, that any fault in that role could not render the vessel unseaworthy. The Court was aware of no case where such fault had been held to be outside the 'orbit' of the owners and it had difficulty envisaging circumstances where there would be.

The owners had also sought to distinguish those acts which were 'mechanical' and those acts which might require an element of judgement, the latter not being capable of rendering the vessel unseaworthy. In this case, as the owners argued, the question of how to apply the information from the preliminary notice on the chart would require an element of judgement – was that to be done using text or was it to be done by expanding the 'no go' areas to all areas outside the channel? The Court of Appeal rejected this submission – if prudent seamanship required the information in the notice to be marked on a chart, it was no answer to say that the notice did not give clear guidance on how that information was to be displayed.

Finally, Lord Justice Haddon-Cave also drew attention to the balance struck at the inception of the Hague Rules in 1924. There was an agreed allocation of risk for maritime cargoes. The first regime in the Rules imposes a non-delegable duty on the owners to exercise due diligence to ensure the vessel is seaworthy before the commencement of the voyage, and the second excuses them for losses caused by the error of their servants during the passage. The Court held that the owners were incorrectly at-

tempting to merge the two regimes.

#### COMMENT

This was an unusual case that focused on the failure to apply a warning to the chart or in the passage plan prior to the departure from the berth. It seems unlikely that these circumstances would arise again.

Be that as it may, it is clear from the Court of Appeal's judgment and that of the lower court, that the process of passage planning is integral to the seaworthiness of the vessel. Owners should therefore revisit their passage planning and navigation systems in light of the judgment to see if they are fit for purpose.

It should also be remembered that the grounding happened at a time when paper charts were still in commonplace usage; this vessel itself was being navigated on a paper chart. The way in which these notices are processed and displayed on an electronic chart system might not make the information or warnings readily apparent to those navigating. That may be enough to cause a vessel to be unseaworthy, and care should be taken to ensure any passage planning procedures properly take that into account.

Watson Farley & Williams

[1] *Alize 1954 & Anr v Allianz Elementar Versicherungs AG & Ors* [2020] EWCA Civ 293

[2] *Whistler International v Kawasaki Kisen Kaisha (The Hill Harmony)* [2001] 1 AC 638

Source: *Maritime Advocate* 748

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## Transatlantic-Narco-submarine-Galicia

By H I Sutton

The Galicia narco-submarine recovered at the end of November 2019, is significant in several ways. It finally proved that so-



called narco-submarines cross the Atlantic to Europe as well as heading north to Mexico. But more than that the capture of the 3 person crew gives us further insights into the *modus operandi* of these vessels. Although larger than most, the craft itself is typical of many narco-subs. This is significant because they did not feel the need for dedicated new types to cross the unforgiving Atlantic. The vessel, nicknamed 'Che' by the crew, used a layout which would have been familiar to Law Enforcement 10 years

ago. It had fuel and payload in the bow, a small cockpit amidships and the engine aft.

There was only one engine driving a single screw. Police believe that the vessel started its journey near Manaus, Amazonas,



Brazil. This is on the Amazon River, about 1,380 km (745 nm) from the sea. The vessel was carrying 3 tonnes of cocaine which is around twice the current median average. This would have had an approximate street value (ref US) of approximately 100 million USD. The vessel probably cost between 2-3 million to build, and the crew of two Ecuadorians and a Spaniard would have received ~500k between them. The Cartel behind the narco-sub would not receive the full street value and there are many costs to be deducted, but the scale of the profit is

clear. It may be related to one captured by Colombian Forces over 5,000 miles away in the Eastern Pacific in January 2019. That design was slightly smaller and used a Very Slender Vessel (VSV) hull. But many of the details are recognizable between the two. Both have V-shaped hulls with similar stern arrangements. In front of the windshields, which are arranged in a wedge shape with vertical sides, is a dividing plate. This is very distinctive. And the shape of the hatch, which folds forward, is another tell. Then on December 25, 2019, another was interdicted in the Pacific by Costa Rican forces. This was similar to the earlier January 2019 example. All three are likely designed by the same master boat builder.

Source: *The Pulse* #6

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## High-Seas Energy Fight Off Malaysia Draws U.S., Chinese Warships

April 23, 2020 by Philip J. Heijmans (Bloomberg)

Malaysia's push to explore energy blocks off its coast has turned into a five-nation face off involving U.S. and Chinese warships, raising the risk of a direct confrontation as broader tensions grow between the world's biggest economies.



The Royal Australian Navy's HMAS Parramatta (FFH 154), left, is underway with the USS America (LHA 6), USS Bunker Hill (CG 52) and USS Barry (DDG 52), in the South China Sea, April 18, 2020. U.S. Navy Photo

The episode began in December, when Malaysia's state-run energy giant Petroliaam Nasional Bhd. contracted a vessel to explore two areas in the South China Sea in its extended continental shelf. Those waters are also claimed by Vietnam and China, which immediately sent ships to shadow the boat.

The situation took a turn for the worse on April 16 with the arrival of a Chinese surveyor known as the Haiyang Dizhi 8, which last year was engaged in a standoff with Vietnam over offshore energy blocks. The U.S. this week sent at least two warships within some 50 nautical miles of the Malaysian ship, according to defence analysts privy to the information who asked not to be identified.

U.S. Secretary of State Michael Pompeo on Thursday accused China of "exploiting" the world's focus on the Covid-19 pandemic with provocations in the South China Sea. In a statement issued on the same day he held a video call with 10 Southeast Asian foreign ministers, he said China "dispatched a flotilla that included an energy survey vessel for the sole purpose of intimidating other claimants from engaging in offshore hydrocarbon development. "The U.S. strongly opposes China's bullying and we hope other nations will hold them to account too," Pompeo said.

### Territorial Disputes

The U.S. doesn't take a position on territorial disputes in the region even while staking a national interest in freedom of navigation, which involves challenging any claims that aren't consistent with international laws. As China gets more assertive in enforcing its claims, it's increased the risk of a potential confrontation with the U.S. that could quickly escalate.

The U.S. Indo-Pacific Command confirmed Wednesday that three ships — the USS America, an amphibious assault ship; the USS Bunker Hill, a guided missile cruiser; and the USS Barry, an Arleigh Burke-class guided missile destroyer — were operating in the South China Sea, without giving a precise location. They were joined by an Australian Anzac-class frigate on April 18, according to the U.S. 7th Fleet.

"The risk of a new incident is rising, as tension elsewhere in the relationship could inflame the situation on the ground, or rather, in the water," New York-based risk consultancy Eurasia Group said in an analysis on Wednesday. "Growing animosity between the two sides would it make it difficult to prevent an accidental collision from becoming a full-blown crisis."

Without a direct threat from the U.S., China has increasingly disrupted the efforts of Vietnam, the Philippines — and increasingly Malaysia — to exploit oil, gas and fishing resources off their shores. China claims about 80% of the South China Sea through its so-called "nine-dash line," and its increasing economic might has allowed it to invest in bigger ships that can operate ever-further from its shores.

It's unknown how much recoverable oil and gas is in the disputed Malaysian blocks at the centre of the standoff. But if China blocks all future exploration activities within the nine-dash line, the Malaysian company known as Petronas would be robbed of domestic drilling opportunities at a time when it's trying to boost spending at home amid an economic slump.

### 'Overt Challenge'

This is "by far the biggest and most overt challenge yet to Malaysia's South China Sea energy interests," said Collin Koh Swee Lean, research fellow at Singapore's S. Rajaratnam School of International Studies.

*The West Capella drillship entered & began operations within the "Joint Defined Area" on December 21, 2019. This move created a 3-way standoff between Malaysia, China & Vietnam involving warships, coastguard, militia, and civilian vessels. pic.twitter.com/Z1VulmXVZ3— Indo-Pacific News (@IndoPac\_Info) April 18, 2020*

Malaysia sought to tamp down tensions on Thursday, with Minister of Foreign Affairs Hishammuddin Hussein calling for all parties to work together to maintain peace.

"We must avoid unintended, accidental incidents in these waters," he said. "While international law guarantees the freedom of navigation, the presence of warships and vessels in the South China Sea has the potential to increase tensions that in turn may result in miscalculations which may affect peace, security and stability in the region."

Chinese foreign ministry spokesman Geng Shuang this week said its survey ship was "conducting normal activities in waters under Chinese jurisdiction" and called the situation "basically stable." At least half a dozen armed Chinese coast guard ships and several militia were involved, according to Greg Poling, director of the Asia Maritime Transparency Initiative in Washington.

Poling said China last year took similar actions against Petronas and Royal Dutch Shell Plc in Malaysian waters as they conducted at least two other surveys of its continental shelf.

That was similar to China's actions against Vietnam, when it repeatedly sent coast guard ships and the Haiyang Dizhi 8 to an energy block operated by Russia's state-owned Rosneft Oil Co PJSC. The situation drew criticism from the U.S. and the European Union.

"It's the exact same operation we saw conducted against Vietnam when Rosneft was drilling a new well last year," Poling said by email. "But this is more problematic because it has become so public, and because Petronas has invested so much time and expense in exploring fields this far out. I have no idea whether they're likely to be commercially viable, but I do know that there's no chance of Petronas actually producing hydrocarbons from them in the current environment."

Petronas did not immediately reply to a request to comment.

Other incidents are occurring elsewhere in the South China Sea. Earlier this month, U.S. State Department spokeswoman Morgan Ortagus condemned China for reportedly sinking a Vietnamese fishing vessel on April 2.

China on Saturday announced the establishment of districts on the disputed Paracel and Spratly islands, drawing protests from both the Philippines and Vietnam. Philippine Foreign Affairs Secretary Teodoro Locsin also accused China of pointing a radar gun at a Philippine Navy ship in the country's waters.

*At 5:17 pm today the Chinese embassy received 2 diplomatic protests: 1. on the pointing of a radar gun at a Philippine Navy ship in PH waters & 2. declaring parts of Philippine territory as part of Hainan province—both violations of international law & Philippine sovereignty.— Teddy Locsin Jr. (@teddyboylocsin) April 22, 2020*

China and Southeast Asian claimants have sparred over which claims are valid under the United Nations Convention for the Law of the Sea, known as Unclos. Both sides have also been working on a code of conduct meant to resolve these types of confrontations in the South China Sea, though talks have dragged on for more than a decade.

"China is pushing the Southeast Asian countries to give up their Unclos rights and share their 'exclusive' economic zones with it," said Bill Hayton, author of "The South China Sea: The Struggle for Power in Asia." "If they try to develop their resources on their own, as is their right, China punishes them."

—With assistance from Elffie Chew, Anisah Shukry and Dan Murtaugh. © 2019 Bloomberg L.P

Source: gCaptain 200324

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## Book review — Hellfire Corner

by Alaric Bond, First of His Coastal Force Series

The Strait of Dover, only 18 nautical miles wide between Britain and France, dividing the English Channel from the North Sea, is one of the world's busiest seaways. While requiring careful navigation today, during World War II it was a very treacherous stretch of water indeed. German and British artillery on either shore pounded coastal towns and military bases, as well as ships passing through the strait. Fighter planes filled the skies and high-speed gunboats from both sides dashed across the waters, either attacking or defending convoys. The narrow strait was also a likely German invasion route into England. The town of Dover and the nearby waters quickly earned the nickname of Hellfire Corner.



This is the setting for Alaric Bond's latest novel, *Hellfire Corner*, which follows the officers and crew of a motor gunboat based in Dover in 1941. Bond, best known for his Fighting Sail series, brings to life the often-overlooked history of the British Coastal Forces in the darkest days of the Second World War. Manned by volunteers with a mix of old-time Royal Navy and reserve officers, the Coastal Force was made up of fast, heavily armed but lightly built wooden gasoline-powered motor gunboats and motor torpedo boats.

As in Bond's Fighting Sail series, he doesn't tell his story solely through the eyes of a single heroic captain, but uses multiple points of view to capture the perspective of both officers and crew, from the commander to the gunners, and to the engineers on the small but lethal boats. He vividly captures the life at sea in the small craft while also giving the reader a glimpse of life ashore in Dover for the crews, the women in the Women's Royal Naval Service (Wrens), and for civilians living under relentless bombardment.

Lieutenant Robert Harris, a career naval officer, is still adjusting to the disparate demands of commanding the gunboat. His first officer, Sub-Lieutenant Ian Anderson, has just replaced a previous officer, who was killed in combat. Anderson, a reserve officer, attempts to learn the ways of the gunboat and to avoid his predecessor's fate, against long odds.

Along with gunners, engineers, and the rest of the crew, they wage war in MGB 95, a 63-foot wooden gunboat powered by supercharged Rolls Royce Merlin engines that can drive the boat at almost forty knots. Speed and manoeuvrability will prove crucial for survival when facing the larger and even more heavily armed German E-boats. As the gunboat lacks torpedoes, they balance innovation, initiative, and desperation, using depth charges, meant to attack submarines, against surface ships in daring close-range attacks, often with devastating results.

*Hellfire Alley* is a gripping tale of often-overlooked history. The action is intense and the characters are fascinating. I am looking forward to the next instalment of Bond's new Coastal Force series. Highly recommended.

The post Review — Hellfire Corner by Alaric Bond, First of His Coastal Force Series appeared first on Old Salt Blog.

Source: *The Pulse* #6

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## Oil Market So Glutted Traders Use Tiny Barges to Store Fuels

April 24, 2020 by Ronan Martin and Jack Wittels (Bloomberg)

The oil market is getting so glutted that tiny barges that would normally be busily moving fuels around Europe's petroleum-trading hub are suddenly storing traders' cargoes instead.



The Royal Australian Navy's HMAS Parramatta (FFH 154), left, is underway with the USS America (LHA 6), USS Bunker Hill (CG 52) and USS Barry (DDG 52), in the South China Sea, April 18, 2020. U.S. Navy Photo

For weeks now, oil and fuel traders have been clamouring for almost any storage facilities they can hire, filling on-land tanks and even ocean-going supertankers. But the deployment of barges — tiny vessels by comparison — has taken the hunt for places to stash cargoes to a new dimension.

"We are storing distillates in seven kinds of vessels right now, from barges all the way to supertankers," said Ben Luckcock, the co-head of oil trading at Trafigura Group, one of the world's top commodity merchants. "This is becoming a freight issue".

The shipping market is increasingly reflecting an oil industry that's in distress because of the hit to demand that's been caused by the coronavirus, causing a huge glut. Rates to transport refined fuels have surged to new highs this week in part because so many tankers are being deployed to store cargoes, a phenomenon that had already afflicted the crude oil market.

### Shipping Minnows

Barges in the Amsterdam-Rotterdam-Antwerp trading hub, or ARA for short, might typically carry anywhere from about 2,000 to 6,000 tons of cargo, making them minnows when compared to the tankers that routinely deliver the world's oil and fuels. The largest ocean-going vessels often haul more than 280,000 tons of cargo.

Riverlake Barging, a firm that brokers barge shipments to, from and around ARA, confirmed that a handful of vessels have been booked for floating storage.

"Everyone is checking the possibility of floating storage," Jelle Vreeman, a broker at Riverlake said. "Because inland storages are so full, there's no alternative to store it on land, so that's why they use barges now."

A lack of recent activity in the area has made the barge freight rates relatively cheap, helping to make the ships a more attractive proposition for storage, he said.

Barges have previously been used as floating storage in ARA, but normally only for short-term logistical purposes, such as needing to free up space in a storage tank. Now, the situation is more structural. There is a lot of interest and it is being done for economic reasons, Vreeman said.

"We are seeing high demand for barge storage in the Amsterdam-Rotterdam-Antwerp region for a range of oil products and a range of time periods," said Lars Van Wageningen, operations manager at Insights Global, a firm that monitors the area's inventories. "Companies are looking for storage to play the market and make a profit in the future."

—With assistance from Rachel Graham, Alex Longley, Alix Steel and Javier Blas.

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Source: *gCaptain* 200425

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There is a story about a monastery in Greece perched high on a cliff several hundred feet in the air.

The only way to reach the monastery was to be suspended in a basket which was pulled to the top by several monks who pulled and tugged with all their strength.

The ride up the steep cliff in that basket was terrifying. One tourist got exceedingly nervous about half-way up as he noticed that the rope by which he was suspended was old and frayed.

With a trembling voice he asked the monk who was riding with him in the basket how often they changed the rope. The monk thought for a moment and answered brusquely, "Obviously, whenever it breaks!"

Source: *Maritime Advocate* 749

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### Things to say when your boss catches you sleeping:

- 5) "They told me at the blood bank that this might happen."
- 4) "This is one of the seven habits of highly effective people."
- 3) "Why did you interrupt me? I almost had our biggest problem solved!"
- 2) "Someone must have put decaf in the wrong pot."
- 1) "Amen. Yes, may I help you?"

(Paul Dixon)

Source: *Maritime Advocate* 750

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