



# News & Views

Newsletter of the Nautical Institute

- New Zealand Branch -

April 2008, Issue 104

## BRANCH NEWS

On 29 April our annual general meeting will convene at the Royal New Zealand Naval base in Devonport (see text box). The last few years the number of members attending this meeting is gradually reducing. This is not only the case in our branch, but a general trend around the world in all organisations. This phenomenon has a direct impact on what lives within the branch and as a result on the quality of decision making. We call for you to participate in the meeting and are looking forward to meeting you o/b HMNZS “Canterbury”. *Chairman and Committee*



From right: Barry Thompson, Len Holder and Kees Buckens

### Minutes NZ branch meeting, 04 February 2008

On 4 February 2008 the New Zealand branch of the Nautical Institute was pleased to welcome

Captain Len Holder, past NI president and chairman of VideoTel Marine International as guest speaker to a full house in the NZ National Maritime Museum, Auckland. The audience was a mixed group of our own NZ branch as well as our colleagues from both the NZ Company of Master Mariners and those from the International Institute of Marine Surveyors. A total of 25 members and guests were treated to the wit and knowledge of Captain Holder who spoke on the developments in computer based training, better known as CBT and

### NEXT MEETING

**TUESDAY, 29 April 2008**

17.45 for 18.00

#### Venue

H.M.S. “Canterbury”  
Main Gate, Queen Anne Parade,  
Devonport Navy base

The Annual General Meeting of our branch will be conducted on the Naval Base, followed by a tour of the Multi-Role Vessel HMNZS “Canterbury”

#### RSVP

before **Sunday, 27 April 2008** for security purposes. Please bring photo ID for entry on Navybase.

distance learning, the systems that form the core of VideoTel Marine International business.

Captain Holder started with an overview of VideoTel’s origins. In the early 1970’s there was a growing concern for the quality of maritime training, in particularly in developing countries. At the same time several major oil companies expressed a need for delivering more training courses onboard ships. Reacting to this need,

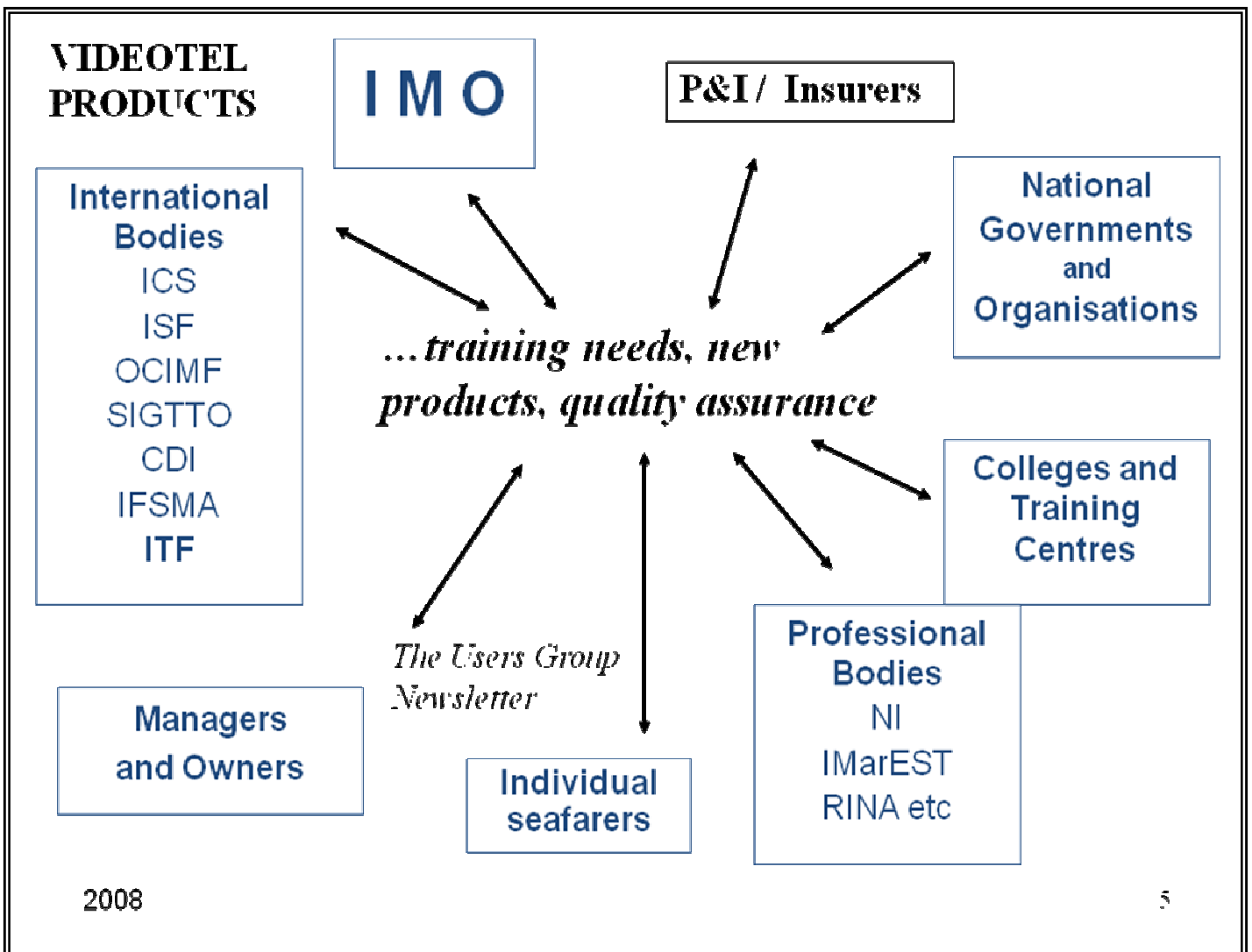
Stephen Bond launched Videotel Marine International to produce high quality training material that would improve standards of training in maritime colleges and ships all over the world.

In the beginning Len would be filming the worst maritime accidents in UK and in the Netherlands and use these in training videos. From these early days Videotel has grown into a major producer of maritime training videos

The latest developments are in incident investigation, analysis and reporting. Of particular concern to IMO are the large numbers of RoRo Ferries capsizing in Bangladesh. There are indications that these could be the result of large numbers of passengers climbing on the highest deck to get a better reception of their mobile phone signal!

Other recent developments are in the area of distance learning material which has much improved from the early days of onboard training. Following concerns from the industry regarding the currency of the training videos, Videotel has introduced the Videotel Long Term Registered Library Scheme. This is a rental scheme that is kept up to date and current by exchanging videos or DVD when updates become available to ensure the trainee will always see the latest information and technology available.

Another recently developed training system is the Videotel On Demand (VOD). It is a stand-alone computer system that is supplied direct to every ship and has pre-loaded collection of videos, CBT programmes, training courses and COBALT Engineering modules. The VOD allows trainees to access hundreds of Videotel's safety and technical training programmes through a simple licensing



system that is controlled by a dongle or “VOD-stick” that is inserted in the USB port of the computer. Additional licenses can easily be added through an email message to the ship. The same system can also be used to request for assessment material.

Looking forward, the next step in training development will be in interactive videos, although this will depend on connectivity of each ship.

**The second part of Captain Holder’s presentation** focused on collisions and their causes, and he recommended the new NI publication “Managing Collision Avoidance at Sea”. This highly recommended book co-authored by Julian Parker and Captain Gilbert Lee talks about practical and effective measures to avoid collisions. It opens with several discussions on the management of navigation risks and effective measures to control the vessel. It is not another book on the Rules of the Road, but rather a book that talks of distances, time, interaction forces and close quarter situations.

To illustrate that avoiding collisions needs more than learning the Rules, Captain Holder mention several incredible recent and no so recent incident cases, such as the grounding of the 90,465 tonne German container vessel “Cortesia” on Varne bank, nine miles south of Dover, in the English Channel. To quote a spokesman from MCA “She’s quite safe where she is ... and she’s not going anywhere”. He also mentioned the collision between the cruise ship “Norwegian Dream” and the container vessel “Ever Decent” in August 1999, also in the English Channel.

He then proceeded with a short quiz for the members concerning a third incident. This collision occurred on 21 June 2004 in the East China Sea between the 74,373 tonnes container vessel “Hyundai Dominion” and the 6,899 tonne feeder ship “Sky Hope”. The collisions happened in the morning watch with good weather and clear

visibility. The “Hyundai Dominion” thought that it was a crossing situation, while the “Sky Hope” thought that she was being overtaken. All members of our meeting were given a sheet with a number of different options/solutions for the situation, while the slide-projector clearly showed directions and clearances on the screen in front.

Although we all know that their seldom is a right and a wrong actions, we do recognize that there is a “best” action. It is pleasing to report here that 34% of the 22 completed questionnaires ticked this box, significantly higher than reported from other seminars. Also pleasing is that only 14% (compared to 95% at the World Maritime University) thought that the watchkeeper had taken the right action by identifying the other vessel and talking on the VHF.

On completion of this quiz the meeting was concluded with words of thanks by Captain Barry Thomson.

#### **Nautical Institute Seminar on Groundings and Collision, Results 4<sup>th</sup> February 2008**

The reason for studying this case was not to decide who was to blame but to discover the underlying causes and prevent similar accidents in future.

NOTE: The participant group of approximately 25 people consisted mainly of qualified and experienced Masters/Deck Officers many of whose seagoing experience was a few years ago.

#### **Case Study 4 Collision involving use of AIS**

22 completed questionnaires were returned and the results were as follows:

The results of this Case Study show that the participants were all very knowledgeable and familiar with the Colregs and how to apply them. However, when the suggested action started, the ships were 2.5 miles apart and travelling at 22 knots and 16.3 knots.

What gives concern is that 14% of the participants (compared with 95% at the World Maritime University) thought that the watchkeeper had taken the right action by identifying the other vessel and talking on the VHF. It might be argued that the time taken to do this added to the risk, by delaying action.

This situation is one of 21 "difficult" traffic scenarios demonstrated in the Videotel Collision Avoidance training package, and had been identified as a problem before the introduction of AIS. In the training package the "best" action is to turn to starboard, which 34% of the participants selected as the best answer.

Comment: It seems timely that the Nautical Institute has published a new book on Managing Collision Avoidance at Sea. One participant in Hong Kong had suggested it may be time to relaunch the Videotel Collision Avoidance package which shows "difficult" scenarios, and another Hong Kong participant suggested using it as part of the certification process which at present only examines simple two-ship encounters.

Whatever lessons are learned, it is the young people at sea who need to be informed, trained, supervised and made competent for the future safety of shipping. L A Holder

## AROUND NEW ZEALAND

### **New Zealand strengthens international maritime role**

While New Zealand has been an active and respected member of the IMO since 1960, this is the first time it has been elected to the Council which supervises the work of the organisation and ensures that its strategic goals are met.

"Maritime New Zealand's successful bid to join the IMO Council is great news, as it means New Zealand will be able to step up its influence in ensuring that international standards of maritime safety and marine environment protection

Possible reason for collision	%age
Alter course to starboard, indicate the action with one short blast on the whistle	34
Slow down or stop	20
Identify the other ship with AIS and talk on the VHF radio	14
Stand on, keep your course and speed, (you have right of way according to the Colregs)	14
Indicate doubt by giving at least five short and rapid blasts on the whistle	8
Alter course to port indicate the action with two short blasts on the whistle	4
Call the Master and let him sort it out	3
Identify the other ship and send a short AIS text message	3
<b>TOTAL</b>	<b>100</b>

continue to be met and improved" says Minister for Transport safety, Harry Duynhoven.

"Membership on the Council also means New Zealand and other Pacific nations will have a stronger voice on the IMO, as this is a region which has previously been under-represented. This will allow it to address the unique issues facing Pacific states in terms of ship safety standards and security".

During the 25<sup>th</sup> meeting of IMO, on 3 November 2007, the 167 member voted for the 40 member Council. [ed]

*SafeSeas CleanSea, MaritimeNZ, March 2008*

### **The NZ Navy has found equipment failures caused the death of a young sailor in October last year.**

Byron Solomon, 22, drowned off the Northland coast when the rigid inflatable craft he was in capsized alongside the HMNZS Canterbury. Mr Solomon, who was working as a hydrographic specialist, was trapped under the upturned craft.

Releasing the findings of the Court of Inquiry on Thursday, the chief of the navy, Rear Admiral David Ledson, said equipment failures caused the inflatable boat to broach. The inquiry found two

factors were responsible for the accident: the unexplained release of a quick release Gibb shackle, and a damaged manually operated off-load release hook that could not be released from the inflatable in time to prevent it from capsizing. Rear Admiral Ledson says these issues have been addressed and the equipment concerned has been either replaced or removed. The inquiry found that everyone on board the Canterbury acted appropriately. As a result, he says, no one will face disciplinary action.

Rear Admiral Ledson said he accepted fully all the recommendations made as a result of the inquiry and the navy had begun to address them. In addition, he said, an audit of the navy's seamanship standards had identified opportunities for improvement. The navy was implementing recommendations the audit made to improve safety and performance.

#### Review of Navy decision to buy Canterbury

The Navy's decision to buy HMNZS Canterbury, and whether the ship is up to task, will be examined in an independent review. The Defence Minister, Phil Goff, on Thursday released the terms of reference for the review, which will be led by the British naval architect and engineer, John Coles. Mr Goff says the chief of the Navy and the ship's captain have given assurances the Canterbury will be an asset to the Navy. However, he wants to ensure that teething problems during its introduction into service are rectified. The review is expected to be completed in July.

*Source : radionz.co.nz, 20 April 2008*

#### **Kiwis to patrol for pirates and slave traders**

Navy sailors lined the decks of the Te Mana, their backs straight and proud as they gathered in their formal "numberones" to farewell their loved ones. But as the frigate inched away from the wharf at Devonport Naval base yesterday, the emotional pull was inescapable, brave faces crumpling and the tears welling. A comforting hand reached out to 21-year-old Michelle Hawk, surreptitiously

stroking her back, lending her strength as she presented a stoic face to those waving from shore. "Whew, that was hard," said the former Wellington Girls College student. "I could see my sister crying on the wharf. "It really hits you when the ship pulls away." But the tears were soon wiped away and the excitement of being sent into active duty flooded in.

The Te Mana, her Sea Sprite helicopter and 175 crew have been deployed to the Persian Gulf where they will spend three months patrolling the waters for pirates, illegal gun runners and slave traders operating off the Iranian coast. They will also perform humanitarian visits, taking supplies to ships that request it. "We're actually going somewhere to do our job," Ms Hawk said. "This is the trip everyone wanted to go on, so I'm pretty lucky." As one of the official boarding party, Ms Hawk will be on the frontline. "Dad's pretty proud, Mum's a bit concerned," she said. "This is active duty, we'll come back with a couple of medals."

For Trentham-based Army Major Lisa Ferris - a Defence Forces lawyer - it will be her job to advise the captain on which ships they can legally board under the United Nations Convention on the law of the sea. "I'm pretty much in the captain's pocket," she said. Never having been at sea before, Ms Ferris is in for an adventure. Having completed her Maritime disaster training - learning how to put out fires and control floods - she sent her SPCA-mixed breed dog to live with her family on a Gisborne farm, swapped her Army "khaki" for a pair of Navy overalls and downed a couple of sea sickness tablets. "Compared to the Army, this is pretty good," she said. "I don't have to dig a hole in the ground for my bed . . . we get three cooked meals a day, hot showers, a bed to sleep in - it's heaven." Captained by Commander Blair Gerristen, the Te Mana will be away for five months and, as well as its three-month patrol duty in the Persian Gulf, will carry out diplomatic port calls to countries such as Australia, Singapore, India and Myanmar.

This is the Navy's third deployment to the Persian Gulf, with previous visits in 2003 and 2004. More than 400 Defence Force personnel are deployed on 15 operations, United Nations missions and defence exercises around the world.

*Source : stuff.co.nz, 9 April 2008*

### **Greenpeace tries to block coal ship**

There were tense scenes when protesters and police clashed at Port Lyttelton on Tuesday evening as the Greenpeace vessel the Rainbow Warrior tried to stall a shipment of coal to Europe. Activists says it's a message to the government to get tough on climate change, but their action resulted in the arrest of six people. Simon Boxer of Greenpeace New Zealand says we have very little time to act before climate change gets out of control. That's their reason for bolting themselves to the side of the Hellenic Seas, a coal carrying charter boat heading for European waters. "Greenpeace is using the Rainbow Warrior and climbers to prevent this coal shipment from leaving Lyttelton," says Boxer. This is the first time the iconic Greenpeace boat has been used to blockade another ship in New Zealand waters.

The police reacted quickly. Thirty officers raced to the scene, storming both vessels, attempting to get rid of protesters and to get the Rainbow Warrior to move. A Spanish protester put herself on the line by being bolted to the anchor chain of the peace vessel. Six people were eventually arrested, three for obstruction and three for unlawfully getting onto a boat, and more charges could be laid.

The blockade by Greenpeace was a political move. "It seems to be the only way especially in an election year, to get politicians to listen," says Boxer. They're asking the government to wake up and smell the carbon, and to seriously address the issues of climate change.

"We're bringing to attention that fact that in this country the politicians especially the government

are not doing enough on climate change. There're a lot of words but not enough action," says Boxer.

But their action was finally thwarted. The Rainbow Warrior was soon forced away and the coal shipment, which belongs to Solid Energy, set sail.

*Source : tvnz.co.nz 24 March 2008*

### **Hamburg Sud, Hapag-Lloyd, HMM, APL to offer faster transits on AAUS service**

Hamburg Sud, Hapag-Lloyd, Hyundai Merchant Marine and APL are strengthening their cooperation on the Asia-Australia trade by bolstering their AAUS service to provide wider port coverage and faster transit times.

The AAUS service will be split into two loops from May 2008. One loop will be dedicated to the trade in North and East Asia, while the other loop will serve Taiwan and South China. In Australia, both loops will call at the ports of Melbourne, Sydney and Brisbane. The two loops service will deploy a total of nine 2,500-TEU ships, with five running the northern loop and four on the southern. Hamburg Sud will provide three ships, while Hapag-Lloyd, Hyundai Merchant Marine and APL will operate two vessels each, said a report by AXS-Alphaliner News. It said that to begin with APL will purchase slots on the existing AAUS service until April 2008, after APL departed from the CAS service operated jointly with Cosco and PIL in December.

Hamburg Sud is expected to continue to operate its Asia-Australia-New Zealand service (ANZL) together with Tasman Orient Line as a co-loader, to enable Hamburg Sud to offer three arrivals per week ex North/East Asia in Brisbane and two arrivals per week in Sydney and Melbourne, the report added.

*Source : schednet.com 25 March 2008*

### **Kotuku**

London, Apr 18 -- A press report, dated today, states: A report into the sinking of fishing (general) Kotuku in Foveaux Strait two years ago

has questioned the maritime regulatory system that certifies fishing vessels. Six people, including two children, drowned when the vessel capsized in waters linking the South Island and Stewart Island on May 13, 2006. The Transport Accident Investigation Commission (TAIC) says Kotuku should never have been allowed to go to sea. Its report puts most of the blame for the accident on the failure of Maritime New Zealand's ship inspection system to detect that the vessel was unseaworthy. The certification system used to audit and inspect small commercial vessels failed to detect the poor condition of the vessel's hull, lifesaving equipment that did not operate, and the fact holes used to release water from the deck were blocked. The report also suggested Kotuku was being used to carry passengers without enough lifejackets for all those on board. TAIC's deputy chief commissioner, Pauline Winter, said the tragedy was a sentinel event in New Zealand maritime history and a warning that failings within the system need to be fixed once and for all. Maritime New Zealand has defended its safety practices, saying all three reviews of the certification system found Kotuku generally sound. However, as a result of the TAIC report, it has increased its audits, spot checks and inspections. However, the general secretary of the Maritime Union, Trevor Hansen, said Maritime New Zealand does not employ enough inspectors and the union has had concerns about inspection practices for some time.

*Source: Lloyds list 21 April 2008*

## AROUND THE GLOBE

**The Norwegian Delegation** proposed to drop the celestial navigation from the maritime FG syllabus, during the recently held STW meeting in London. The meeting convened in early March at IMO HQ to review the STCW95 code in time for the next generation of the code to be published in 2010. The Norwegian delegation suggested that

GPS has completely taken over the tasks from celestial navigation which has now become obsolete and should therefore be removed from the schools. The proposal was almost unanimously dismissed by other members of the meeting.

### **Centenary celebrations**

#### **Eagle-eyed customs**

Smuggling is one of the most venerable of maritime activities and is of much interest to readers of this newsletter. We are accustomed to tales of cargoes misdeclared, illegal immigrants landed in unsupervised ports and drugs concealed in unusual places. But the prize for observance goes to customs at the Kenyan port of Mombasa where eagle-eyes spotted a consignment of contraband that might have been bound for Sudan People's Liberation Army. The cargo? Fifty tanks. Well spotted!

*Fairplay, 20 March 2008*

#### **The sea shall not have them but who should?**

On 22 February 2008 the Honourable Company of Master Mariners in the UK organised a conference on the difficulties in dealing with refugees and economic migrants rescued at sea. The event took place onboard the HQS "Wellington", the headquarters of the HCMM, moored at the embankment in the river Thames.

Ingrained into the psyche of every seafarer is the absolute requirement to render assistance to those in distress. It is seen as a human duty. But it is not only that. It is even a duty according to international maritime conventions UNCLOS 82 and SOLAS 74, although there is nowhere mentioned what the cause of the shipwreck should be. Economic migrants which are being carried by tiny unseaworthy boats operated unscrupulous mensmugglers are becoming regular clients for seagoing vessels. There are no direct motivations not to take them onboard but it is brought to our knowledge that many ships do not pay any attention to these helpless people because they are considered not to be under the UNCLOS or

SOLAS rules or simply because they do not want to be involved. Moreover seafarers organisations are alarmed by a rising number of reports where ship's masters are unable to land those rescued. As a consequence masters have just another reason and they are less likely to render assistance, putting the lives of those in distress at risk. This could be changed when authorities in the relevant countries would change their attitude and permit rescued people on shore without making a difference. This could give ships another motivation for rescuing refugees.

The aim of the conference was to explore the issues which have an impact on the shipmaster, the maritime industry and where necessary present solutions to the international community in order to save the lives of those in distress, notwithstanding the principle or no principle of these doubtful practices. The event was chaired by the distinguished maritime journalist Michael Grey who has a gift to summarise and write so that anybody can understand. Captain Graham Mapplebeck of the IMO gave an oversight as far as his organisation is involved in these matters. IN no way the safety of the ship should be brought in danger. Shipmasters should abide by the present international conventions. It is difficult for shipmasters [to know ..ed.] whether he has to deal with political refugees or economic emigrants. Those rescued are usually not in the possession of any identity papers, which makes landing them in a port extremely difficult. This has to be sorted out by the authorities who then have to make the decision to send them back to their country of origin (if known) or not. In most ports these procedures are so difficult that long delays are the result, as it depends on the cooperation of local authorities. There are many examples where refugees are turning desperate and or aggressive, therewith forming a threat to their recuers, the ship's crew. In fact this is a joint concern of the United nations and the IMO, although the IMO is part of the UN. A global political solution would be preferred but according to Captain Mapplebeck

this could take a long time, as many interests are involved. Moreover the UN is a huge organisation, which makes it difficult to come to a speedy and global solution or legislation which is more or less acceptable for more than 150 nations worldwide.

Another opinion came from the Canon Ken Peters of the Mission to Seafarers. He pointed out the security concerns as small craft were approached in the open sea. He also mentioned the problems of feeding refugees in numbers and the fears that a small crew could be overwhelmed by them, as well as the health and hygiene issues. His worries also concerned the seafarers who have sometimes been accused of refugee trafficking as they were trying to disembark their "passengers".

All the same, the problem remains and it would not be surprising if the old and unspoken pressure to look in the other direction might continue to be put on masters. Those might be made aware of owner's and charterer's "disappointment" as the consequent delays and complications which in such cases inevitably incur.

There is no question whatsoever that these problems are going to go away. There are sufficient numbers of "failed" states and corrupt tyrannies to keep the number of escapees enormously high for the foreseeable future. What mariners would appreciate, when they fulfil their convention and humanitarian obligations, is that they would be relieved of their burdens as soon as possible. If we have to deal with flag states we have a chance, if "failed" states are concerned, we might encounter a huge problem.

*FVW, 3 March 2008.*

## TECHNOLOGY

### **"Little" progress on lifeboat Hook safety**

The International Chamber of Shipping says that little progress was made on a key factor in current concerns over lifeboat safety in the meeting of the

IMO Design and Equipment Sub-Committee which met in Bonn, Germany in late February.

On the agenda was the prevention of accidents from life boats, which took account of input from the ICS-led Industry Lifeboat Group. ICS notes that although the IMO meeting recognised the importance of addressing the safety of On Load release gear – a matter identified as a priority by the Industry Lifeboat Group – little progress on this issue was made at the meeting. ICS does point movement on other lifeboat-related issues saying: “Pleasingly, IMO agreed with industry arguments about the need for organisations other than manufacturers to be permitted to service lifeboats provided that they meet new recommendations concerning the authorisation of service providers. The meeting also addressed the use of immersion suits in totally enclosed lifeboats and technical issues such as the assumed weight criteria for persons in rescue and life boats.”

Source : *Maritime Global Net*, 6 March 2008

## PIRACY

### **Plaguing the waves - Rising piracy threat off the Horn of Africa**

*Early 2007 witnessed a series of acts of piracy and armed robbery at sea off the Horn of Africa. The following extract from an article by Clive Schofield examines the causes of these incidents and investigates why the maritime security situation in this strategically important region appears to be deteriorating once again. The second article under this heading demonstrates that nothing has changed since the full article was first published in Jane's Intelligence Review of 1 July 2007.*

In recent years, Somali waters have become notorious for acts of piracy and armed robbery against ships. Overall, more than 700 piracy-style attacks were recorded in the 1993-2005 period.

Although there was a significant downturn in the number of attacks in the latter half of 2006, with only 10 reported attacks throughout the year, down from 35 in the previous year, an increase to nine reported attacks in the first half of 2007 suggests that piracy is on the increase once again. On 31 May 2007, the International Maritime Bureau (IMB) issued an alert to all sea traffic off the Horn of Africa.<sup>iew</sup>

The key factors contributing to piracy in Somali waters can be summarised as opportunity, motivation and means. The opportunity arises from a complete absence of the rule of law across large swathes of the country, including long stretches of coastline after the collapse of the Somali state. Much of Somalia is, therefore, ideal territory for illegal enterprises and these criminal activities have extended offshore. This trend is underpinned by the driving forces of poverty and desperation (more than 70 per cent of the population is classified as undernourished by relief agencies), especially in the face of rampant poaching on the part of foreign fishing fleets, which has had a serious impact on coastal communities. Under these circumstances, foreign shipping represents a tempting target. The ready availability of weaponry, particularly small-arms - the UN estimates that there are more than two million small-arms in Mogadishu alone - also fuels Somali piracy.

However, perhaps the most significant contributor to Somalia's piracy is the confused internal politics of the country. In the absence of a central government authority, Somalis have relied on the traditional clan system of governance.

The fragmentation of Somalia has had a profound impact on maritime security. Somaliland, with functioning security forces, including patrol boats, and control over its coasts and ports has proved effective in combating piracy. Indeed, even during the upsurge in piracy attacks in 2005, no incidents were reported off Somaliland.



The situation off Puntland is less secure. Further south, two major pirate groups or criminal syndicates exist as well as numerous small groups of what might be termed "subsistence pirates". The two larger groups are the so-called Somali Marines operating from bases, particularly the port of Harardhere, along the coasts of Mudug and Galguduud regions, found north of Mogadishu, and the self-styled Somali National Volunteer Coastguard, based on Koyaama Island in southern Somalia, south of Kismaayo.

The IMB has observed that the criminal gangs concerned could not carry out their operations "without the active support of the militias controlling the areas where their bases were located", emphasising the link between the political and military situation on shore and maritime security in Somali waters.

The lawless situation on Somalia's southern coastline not only allows piracy to flourish, but also enables other illegal vessels to transit the waters at will, particularly illegal fishing vessels.

Stretching approximately 3,300 km, Somalia has the longest coastline on the African continent, and the country's potential maritime claims have been estimated at 1.2 million km<sup>2</sup>. These waters are highly productive in terms of fisheries, including high-value stocks such as tuna. This has tempted large numbers of foreign fishing vessels to poach in Somalia's rich but unprotected waters, despite considerable risks. The UN's Food and Agriculture Organisation estimates that around 700 foreign fishing vessels are engaged in such illegal fishing activities. This is fuelling conflict between local fishermen and foreign poachers. Many foreign fishing vessels have been 'arrested' or suffered vigilante-style attacks.

To some extent, piracy in Somalia is explained by the long maritime tradition in the country, leading to the availability of a multitude of small boats together with the skills to use them. Such small fibreglass boats are generally equipped with high-powered engines that give them their 'Volvo' nicknames. The availability of small-arms means that usual armaments employed tend to be Kalashnikov automatic rifles and rocket-propelled grenades such as those used in the attack on the *Seabourn Spirit*.

Another notable feature of Somali piracy are ship hijackings, which are allied to kidnap and ransom demands. According to the IMB, there was a "dramatic increase" in kidnap and ransom demands off the Somali coast in 2005. This tactic has proved especially popular and lucrative for Somali pirates as, following a certain amount of haggling, ransom demands are usually met. As a result of these seizures, as of November 2005 more than 130 crew members were being held hostage as negotiations over their release continued. A number of such attacks took place in the early months of 2007, including of UN-chartered humanitarian aid ships.

A further tactic of note relates to the use of mother ships. According to the IMB, attacks have occurred up to 390 nautical miles (nm) offshore, far beyond the IMB's recommended 200 nm exclusion zone around the Somali coast, with mother ships employed to extend pirates' range of operations.

*Extract from an article by Clive Schofield, Jane's Intelligence Review, 01 July 2007.*

### **Pirates used 'good conduct guide' in French yacht siege**

The Somali pirates who seized a French luxury yacht followed a strict "good conduct guide" that forbade sexual assault on women hostages, a judicial source said. French investigators found a copy of the guide on the Ponant when they boarded the vessel after its 30-strong crew were freed last Friday after a ransom reported to be around two million dollars was paid, the source said. The source did not give details of whether the "good conduct guide" was a printed or handwritten text. Investigators in Paris have been questioning six men captured by French special forces on Somali territory just after the crew's liberation and brought to France on Monday to face possible trial for piracy.



A picture of the pirates' world began to emerge Thursday when the judicial source relayed the initial results of interrogations of the men, who range in age from 25 to 40. "We are in the presence of a sea militia, a gang which has a

leader, is given shelter by villagers who feed them and supply them with khat (a mild narcotic plant popular in East Africa)," said the source. Of the six Somali prisoners being questioned through interpreters in Paris, two are believed to be members of the "militia" and three are villagers, said the source. The other one is the driver of the vehicle in which the French special forces captured them in a dramatic helicopter raid that also netted bags thought to contain part of the ransom, he said. But the governor of the Mugug region of Somalia where the raid was carried out said Thursday that four of the men were innocent and were simply khat traders selling their goods to the two pirates.

The Paris source said the detained men recounted how in early April, members of the militia borrowed two speedboats from villagers, saying they wanted to go fishing and defend their territorial waters. "They first went on board a Yemeni trawler which had a 27-strong crew whom they took hostage," said the source. That vessel became their base ship. On April 4 they were sailing through the Gulf of Aden when they spotted the three-masted Ponant, a 32-cabin yacht sailing with only crew on board to the Mediterranean from the Seychelles. The pirates thought they had hit the jackpot, according to the testimony as related by the legal source. Three of the pirates took a speedboat and headed for the Ponant. They fired their automatic weapons when the crew of the Ponant try to repulse them with firehoses. Another speedboat with six pirates aboard joined the first three pirates and together they swarmed on board the yacht, the legal source said.

The Yemeni trawler and its crew were abandoned, their value fading against a potentially huge ransom for the crew of the luxury yacht -- 22 French, six Filipinos, a Cameroonian and a Ukrainian. The pirates quickly took control of the Ponant. The female crew members were put in a hold and kept there for the first two days of what was to be a week-long captivity. The yacht, with

the pirates at the helm, set sail for Garaad, a village in Somalia's northern breakaway region of Puntland, with French navy vessels following at a discreet distance. When it arrived two days later, about 70 villagers turned up to offer their services for guarding the boat and its crew, according to the testimony relayed by the legal source. For fear of attacks by rival clans, machine guns were brought on board the Ponant.

A total of up to 30 people -- pirates and villagers -- would take turns at guard duty on the French yacht. Over the next few days the pirates started settling in, bringing goats on board and holding a barbecue. The pirates tried to enforce discipline. When a pirate's gun went off accidentally and the Ponant's doctor narrowly avoided being shot, the gang leader immediately sent the guilty party off the ship, the judicial source said. The crew have told media since their liberation that the pirates did not at any point abuse them. But the pirates' discipline sometimes broke down. A pirate at one point shot dead a villager when he refused to give him khat.

The ransom was eventually fixed at two million dollars. Each villager was promised 50 dollars, and each of the pirates between 11 and 20,000 dollars. The money was handed over to the pirates last Friday and the crew released and taken on board French navy ships before being flown to Paris. But shortly after the money was handed over, the French special forces carried out the raid that netted the men now being questioned in Paris.

*Source: Daily collection of maritime press clippings 2008 – 105, 15 April 2008*

### **Zero-piracy in Straits of Malacca**

The Eye in The Sky surveillance programme resulted in "zero piracy" in the Straits of Malacca last year, said Deputy Air Force Chief Datuk Seri Bashir Abu Bakar.

He said the programme that started in 2005 and which involved Malaysia, Indonesia and Singapore, had been effective in wiping out piracy. "Even in Sabah and Sarawak, piracy is under control," he said while visiting a vintage car exhibition at the Royal Malaysian Air Force (RMAF) museum here on Sunday.

Deputy Prime Minister Datuk Seri Najib Tun Razak, who is also the Defence Minister, had recently said that Thailand had shown an interest in joining the surveillance programme.

*Source : The Star, Daily collection of maritime press clippings 2008 – 105, 15 April 2008*

## **PEOPLE IN THE NEWS**



**Congratulations to Captain John Mansell, FNI** who was awarded the degree of Doctor of Philosophy from the Law Faculty of the University of Wollongong last December for his thesis; *An Analysis of Flag State Responsibility from an Historical Perspective; Delegation or Derogation.*

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