

Lloyd's List

Ships failed to act on distress calls

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A number of vessels ignored multiple distress flares and maydays from a sinking ship in the Channel last December

A NUMBER of merchant ships ignored multiple distress flares and maydays from a sinking fishing vessel in the Channel last December, in apparent “dereliction of one of the most fundamental duties of the mariner”, according to an official Marine Accident Investigation Branch publication.

One fisherman died as a result, leading MAIB chief executive Stephen Meyer to accuse some merchant vessels of failing to meet the longstanding legal and moral obligation to go to aid of those in peril on the sea. The former admiral has personally taken a number of shipping concerns to task directly as a result.

A possible explanation is that commercial pressures left masters feeling unable to respond, simply because that might have left them behind schedule, a trade union official has suggested.

Details of the incident, including the names of the ships involved, were omitted from MAIB Safety Digest 1/2010, in line with the government safety agency’s standard practice. But an investigation by Lloyd’s List has discovered that Adm Meyer is referring to the sinking of Weymouth-registered crabber *Etoile des Ondes* on December 20, 2009.

Through the use of automatic identification system data provided by vesseltracker.com, Lloyd’s List has also been able to piece together which other vessels were in the area at the time.

The basic facts are that *Etoile des Ondes* was run down in thick fog by a bulk carrier later identified as 2005-built, 87,052 dwt Alam Pintar at 1925 hrs in a location about 20 miles from Cherbourg. However, the Singapore-registered bulk carrier did not stop and proceeded to its destination in Hamburg.

Both French and UK coastguards were alerted to reports of distress flares and issued alerts.

However, MAIB reveals that poor visual lookout meant most of the major vessels within 10 miles of the sinking vessel reportedly failed to see a series of distress flares in the poor visibility.

Many of the same ships also failed to respond to the mayday relays issued several times by the coastguard.

According to MAIB, some claimed not to have heard the VHF, which could be indicative of a poor standard of watchkeeping. Some insisted that they did not receive digital selective calling distress alerts, and some masters even claimed not to understand that they have a legal and moral duty to react.

Adm Meyer writes with readily evident displeasure: “Even at the height of war, civilised combatants went to great lengths to save the lives of sailors from enemy vessels they had sunk. Yet here we are, in the 21st century, finding ships failing to respond to mayday messages.”

He also quotes Solas Chapter V, regulation 33, which codifies that maritime tradition that masters are bound to provide assistance for persons in distress at sea, regardless of the nationality or status of such persons or the circumstances in which they are found.



If a ship is unable to provide assistance, or considers it unreasonable or unnecessary to do so, it must enter reasons for failure to do so in its log book.

In the event, three of the four people on board 1957-built *Etoile des Ondes* took to the liferaft and were rescued by Norman Voyager, a 2008-built, 7,000 dwt ro-pax operated by Celtic Link Ferries between Rosslare and Cherbourg. A fourth member, 21-year-old Chris Wadsworth, went missing and was later presumed dead.

Brittany Ferries vessel Barfleur also stood by and participated in the search, along with French coastguard aircraft and other unidentified vessels.

German police questioned the crew of *Alam Pintar* and retrieved voyage data recorder and other navigation data and video footage. Physical inspection found paint matching that of the fishing vessel on the bow. While the seafarers involved insisted that they were not aware of any collision at the time, operator Malaysian Bulk Carriers has accepted liability.

Devon and Cornwall police have launched an investigation into the casualty and the death of the crew member, although they are understood to have concluded that they do not have jurisdiction in this case.

A Malaysian Bulk Carriers spokesman said Singaporean authorities had subsequently launched their own investigations, which was still in progress. "Following the tragic accident involving the *Etoiles des Ondes*, Malaysian Bulk Carriers has co-operated fully with all the investigations including that carried out by the flag state, the Maritime and Port Authority of Singapore. The owners and managers have never tried to deny their involvement with this accident.

"The MPA has yet to release the findings of their investigation. In the meantime all the claims involving the surviving fisherman and uninsured losses have been resolved by the company. Details of the settlements involved remain private to the parties.

"Despite a number of attempts to contact the next of kin of the deceased fisherman, the family is still trying to come to terms with the loss of their loved one and has yet to provide their lawyers with instructions."

There are also indications that MAIB has taken some shipowners to task over the case. Adm Meyer writes in the Safety Digest: "I approached the senior management of each of the ships involved. I am pleased to report that all reacted with horror that their vessels had not responded, and took urgent action to instruct all their ships to respond properly to such situations in the future."

Ronnie Cunningham, an official of the Nautilus International seafarers' union, was so concerned about the MAIB report that he tabled a motion on the incident at the recent annual conference of the Scottish Trades Union Congress. Mr Cunningham said that he had no doubt commercial pressures played a part.

"What is required is for the senior management team in each company to make it absolutely clear to their seafarers, especially their masters, that in the event of a distress call, there should be no question as to what the action should be," he argued.

"Both legally and morally, they should respond to that call and render whatever assistance they possibly can. It should just be common sense and human nature to say 'we will assist'."

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