

TOP TEN

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Category: Waterborne

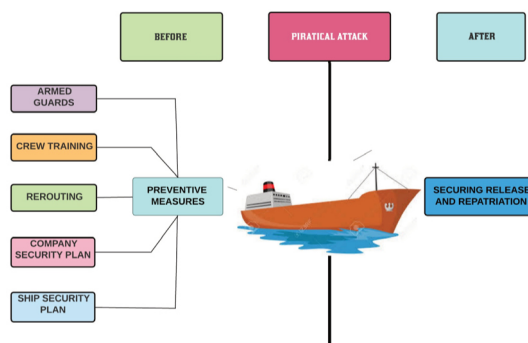
Country: Sweden

Research Area 10: Transport Safety and Security

Idea Number: 96

Strengthening seafarers' rights for securing release and repatriation: piracy in the Gulf of Guinea

From internal waters to high seas, the Gulf of Guinea has recently become a piracy hotspot and transiting ships are at high risk of hijack. There has been much discussion on policies and preventive actions to stop pirate attacks, but the rights of the affected seafarers have been largely ignored. This dissertation focuses on ways to strengthen the rights of seafarers and securing their early release. This dissertation focuses on the role of the shipowner and their contractual agreement with the seafarer. In this regard, the Maritime Labour Convention (MLC 2006) laid down guidelines stressing the role of shipowners in repatriating their seafaring crew. The liability of the shipowner for failing to fulfil the duty of care was examined, and an attempt was made to find a legal remedy for seafarer under "tort of negligence". The analysis of various cases of piracy suggests that securing release by paying a ransom is the most viable solution. Various options for paying the ransom amount were explored: General Average, P&I clubs and Ransom insurance. In addition to covering the ransom costs, ransom insurance also provides for related expenses such as the cost of professional negotiators, liaising with government agencies, the logistics costs of ransom payments and repatriation, and the treatment of injuries (physical and psychological). It is vital that payment of ransom and other expenses are covered in the contract between the seafarer and shipowner so that the former can claim legal remedy if the shipowner fails to fulfil their liabilities.



Key Characteristics

Liability • Piracy