



**S. RAJARATNAM SCHOOL  
OF INTERNATIONAL STUDIES**  
A Graduate School of Nanyang Technological University

# RSIS COMMENTARIES

RSIS Commentaries are intended to provide timely and, where appropriate, policy relevant background and analysis of contemporary developments. The views of the authors are their own and do not represent the official position of the S.Rajaratnam School of International Studies, NTU. These commentaries may be reproduced electronically or in print with prior permission from RSIS. Due recognition must be given to the author or authors and RSIS. Please email: [RSISPublication@ntu.edu.sg](mailto:RSISPublication@ntu.edu.sg) or call (+65) 6790 6982 to speak to the Editor RSIS Commentaries, Yang Razali Kassim.

---

No. 130/2011 dated 7 September 2011

## **Sub-standard Ships and Human Costs of Piracy: The case of Captain Prem Kumar**

By Sam Bateman

### **Synopsis**

*The human costs of piracy off the Horn of Africa are mounting with an escalating level of violence and shipowners unwilling to pay higher ransoms while operating sub-standard ships. As the plight of Captain Prem Kumar demonstrates, innocent seafarers suffer most.*

### **Commentary**

A GENERAL cargo ship Rak Afrikana, which was hijacked by Somali pirates in April 2010 in the Indian Ocean, sank a few hours after being released 11 months later. The Rak Afrikana, which was declared a total loss in March 2011, was crewed by 23 seafarers, 11 of whom were Indians, under the command of 49 year-old Captain Prem Kumar. It was owned by a company in the United Arab Emirates and under the flag of St Vincent and Grenadines.

As the ransom negotiations between the pirates and the shipowner dragged on, crew members were increasingly ill-treated and poorly fed by the pirates. Finally a ransom of US\$1.2 million was paid -- much less than ransoms paid for other vessels.

### **Human Costs of Piracy**

The pirates also attempted to turn the vessel into a mother ship for attacks further out in the Indian Ocean. However, these attempts were reportedly frustrated largely by the efforts of Captain Kumar, who as a consequence, had to endure mental and physical torture by the pirates. Captain Kumar paid a heavy price for his efforts. Due to ill-treatment and stress, he suffered a stroke in January 2011 and was paralysed down his left side. After his release he suffered a brain haemorrhage in April and died a few weeks later.

The case of Captain Kumar is a powerful illustration of the human costs of piracy. These costs are increasing as the level of violence escalates, shipowners become more reluctant to pay higher ransoms demanded by Somali pirates, and some shipowners continue to send ships into piracy-prone waters and yet are ill-prepared to meet the threat of hijacking.

The Rak Arikana was a relatively small vessel of 5992 gross registered tonnage. It was very slow; with an operational speed reportedly as low as 6.5 knots. It was also 30 years old -- an age when most vessels would have already been scrapped. Sub-standard ships are more likely to be hijacked than quality vessels. While there are exceptions with many older ships operated safely and efficiently, nevertheless, an older ship is more likely to be sub-standard and less well maintained and operated than a newer vessel.

Also a ship may start its life with a reputable company, but over the years, it may change its name and flag, progressively ending up with less responsible owners.

### **Sub-Standard Shipping**

Well-operated and maintained vessels may be expected to follow the best management practice guideline to avoid attacks, as recommended by the International Maritime Organization (IMO) and ship owner associations.

Port State Control (PSC) is the main international regime to manage the problem of sub-standard ships. Under this regime, port states verify that ships comply with required international standards of ship safety, maintenance, manning and marine environmental protection. The regime depends heavily on participating countries fulfilling their obligations to inspect vessels and on the exchange of inspection data between them. Unfortunately, this is not always the case, particularly in the northeast Indian Ocean.

The Indian Ocean Memorandum of Understanding (MOU) on PSC, which covers many ships hijacked off the Horn of Africa, is much less effective than the major PSC MOUs namely the Paris MOU for Europe and the Tokyo MOU for the Asia-Pacific. Countries such as Bangladesh, Djibouti, Myanmar, Oman, Kenya, Sri Lanka and Yemen are either outside the system or not fulfilling their inspection obligations. Significantly the Rak Afrikana was under a flag which is on the Paris MOU's "black list" of flags with a high incidence of sub-standard ships.

There is little doubt that the Rak Afrikana was a sub-standard ship that should not have been operating in piracy-prone waters unless special, and costly, precautions were taken. Records show that the Raf Afrikana had not undergone a PSC inspection since 2005. This means that the ship must only have been trading to ports without effective PSC, such as those around the northeast Indian Ocean.

### **Policy Implications**

Irresponsible shipowners who send poorly prepared ships into piracy-prone areas must accept some share of the responsibility both for the incidence of ship hijackings off the Horn of Africa and for the associated ill-treatment of seafarers. If ransoms are not paid promptly, crews are likely to suffer more. These considerations pose difficult dilemmas for ship owners and shipping associations, but overall the situation would be improved if the PSC regime was enforced more strictly in the northeast Indian Ocean.

International shipping is recovering all too slowly from the downturn as a result of the global financial crisis. Shipowners are still finding it hard to get cargos for their ships and seafarers to get work at sea. Seafarers have little room to pick and choose the ships on which to serve, and some will end up serving on sub-standard vessels. The welfare of seafarers should be given greater consideration in developing measures to counter piracy.

As a symbolic gesture the IMO should consider a bravery award for Captain Kumar for his efforts in preventing the Rak Afrikana from being used as a mother ship to facilitate further acts of piracy.

*Sam Bateman is a Senior Fellow in the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University. He is a former senior Australian naval commodore with research interests in regimes for good order at sea.*