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Profile

Legal adviser fights Indian recyclers' corner

Shashank Agrawal saw a constituency in India's shipbreaking industry that needed a defender



TOM LEANDER — HONG KONG

MOST press releases — let's admit it — head for the round file. But one that starts as promising as this had to be heeded.

The release, dated June 8, read: "We have come across some disturbing, slanderous, defamatory and inaccurate news reports in certain publications of the Indian media, which appear to have been circulated and perhaps fuelled by rival competitors in order to create a deliberate smoke screen..." and so on.

It was issued by the world's largest cash buyer of ships bound for recycling, the Singapore-based Wirana Shipping Corp, and it was marked with the vessel name *Gulf Safwa*.

What sparked this jeremiad were rumours that the *Gulf Safwa*, sold by Gulf Navigation Holding to Wirana, was afflicted by similar problems to another vessel called the *Gulf Jash*, owned by the same company. *Gulf Jash* was turned down by shiprecycling yards in Bangladesh and India after allegedly dumping toxic wastes in the Ivory Coast.

The press release implied the Indian media had tarred the *Gulf Safwa* with the same brush as the *Gulf Jash* without doing its homework. In any event, a probe of the *Gulf Safwa* was hastily put together by the Gujarat Pollution Control Board. The vessel was cleared and sold to Tagif Ship Breaking Co in Alang.

Just another day in the fraught world of shiprecycling.

The release was penned by



Mr Agrawal became a defender of Indian shipbreaking following the *Blue Lady* saga. AP

Shashank Agrawal, who, in his career as legal adviser to the two largest cash buyers of ships bound for scrap, knows how to come out fighting. Mr Agrawal joined Wirana in March, after serving for eight-and-a-half years with GMS, the second-largest cash buyer.

The two jobs have given him a unique platform as a defender of the subcontinent's shipbreaking industry on beaches, a role that has pitted him in the marketplace of ideas against a very large constituency — from Greenpeace to European Commission functionaries — who hold the practice to be a scourge.

Mr Agrawal, 32, is a qualified Indian attorney, who studied law in Mumbai. The Indian qualification is necessary in his profession, he says, because if a dispute emerges over a ship bound for an Indian yard, it must be mitigated in an Indian court.

Mr Agrawal, who hails from Mumbai, had only a few years of practice under his belt when he took an interest in the rising controversy over India's shipbreaking yards that emerged during the course of the long-running dispute over the vessel *Blue Lady*, which was finally settled in the Indian Supreme Court in 2007.

"Negative publicity — in the Indian press, especially — can have a tremendous effect on the sale of a ship"

The *Blue Lady* was deemed to be too hazardous to deliver for scrapping in Alang's shipyards. The dust-up over the ship became a cause celebre of non-government organisations that either sought to shut down beach shiprecycling on the subcontinent, or greatly improve the working conditions in them.

The Supreme Court eventually ruled the ship could be scrapped, after assigning a technical committee to assess conditions in the yard where it was bound for breaking. The committee made a series of safety recommendations that satisfied the court. NGOs argued the technical committee had not properly assessed the *Blue Lady* and it was too dangerous.

Sensing a need, Mr Agrawal approached GMS with the idea it would see a growing need for a full-time legal adviser to navigate successfully through the obstacles in this contentious business. He became a defender and proselytiser for the improving quality of the Indian shipbreaking industry.

After taking the job with GMS, he moved to Ahmedabad in Gujarat from Mumbai in order to be nearer Alang. "It was my first real job," says Mr Agrawal.

"The cash buyers don't have an association," he says, explaining why the industry needs a defender. "But negative publicity — in the Indian press, especially — can have a tremendous effect on the sale of a ship."

Still, he believes he has made headway in the image battle for

India's scrapyards, particularly since the International Maritime Organization's Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships was adopted in 2009 (it will take several years to ratify). The convention did not come out against shipbreaking on beaches, going against the wishes of environmental NGOs and the European Union.

The earlier Basel Convention classified ships as hazardous waste, making it illegal to transport them to South Asian shipbreaking yards if they sailed under an EU flag. Only last week, the European Commission said it was putting together a proposal to exempt ships from the waste shipment regulations under the Basel Convention.

This measure, if enacted, could ease pressure on EU owners, who now must circumvent the convention by reflagging if they want to scrap their vessels outside of the EU. The measure would serve as a bridge until full ratification of the Hong Kong convention occurs.

"The problem with the EU is that it denounces all recycling on beaches," says Mr Agrawal. "But there are strong improvements and many of the ship recycling businesses in Alang were in compliance with the Hong Kong convention long before it was adopted in 2009.

He reckons without the constraints of the Basel Convention, an extra 20 to 25 ships would be recycled on India's beaches every year, supplementing the roughly 400 vessels per year that make it to Alang and environs already.

Mr Agrawal proposes a philosophical reversal to the EU. Recycled safely and within guidelines, a ship is "an asset that contributes to the wellbeing of the economy and the community, rather than a liability".

NGOs are likely to call this painting the picture with a rose-coloured tint. Which is why Mr Agrawal's well-honed skills will be in demand for some time. ■

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The Last Word...

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Maersk Line has joined the fight for talent in the badlands of shipping journalism.

It's a jungle out there

LAST Word, like many in the publishing business, is always on the lookout for a good hack.

Despite mass layoffs around the industry, finding a good writer, and one who can handle the intricacies of the shipping industry, is not as easy as you might think.

And now we have a competitor in the shape of... Maersk Line.

Yes, that august shipping organisation is now stepping on our toes, and more to the point, joining the fight for talent in the badlands of shipping journalism.

Last week's issue of Gorkana, an email bulletin of publishing jobs, contained an advertisement from Maersk for a story hunter.

The advert goes on to say the role involves researching and "telling stories" about topics as diverse as a strategy for global service centres and the life of a crew navigating the "pirate-haunted" waters of the Gulf of Aden.

Last Word gave up using spears, clubs and threats of violence to obtain stories years ago, although we're not averse to subtler methods of hunting down information, particularly alcohol-related ones.

The poor Maersk employee-to-be will have to "spar with internal stakeholders".

Last Word wishes Maersk well in its quest for a story hunter, but would gently remind it that the pen is mightier than the sword.

Plane mistake?

GERRY Wang knows a thing or two about shipping.

The Seaspan chief executive has taken his company from scratch to being a major player in container shipping in just 10 years and has recently signed a \$700m deal for seven 10,000 teu vessels.

Speaking of the deal in Busan

last week, Mr Wang said he had taken a page from the airlines' book.

Airlines had, in 2002, begun to put pressure on manufacturers to come up with more efficient designs, which resulted in the development of the Dreamliner.

Yes, well... Boeing's Dreamliner was, indeed, developed out of a desire to provide a more fuel-efficient, mid-size, long-range passenger aircraft to replace the 767 and 747.

It was designed in the early years of the last decade and its first customer, All Nippon Airways, was due to receive its first planes in 2008.

However, a series of engineering problems and management reshuffles led to not one, two or three, but four three-month delays being announced.

A strike and further delays pushed the maiden flight into 2009. By 2010, Boeing acknowledged All Nippon would be waiting until 2011 for its delivery. And it is still waiting...

Last Word trusts Mr Wang will have more luck with his deliveries and suggests he sticks to shipping rather than aviation when looking for metaphors. ■

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Wang: comparison of large vessel order with airline developments takes a nosedive. Bloomberg

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