

# Cargo Claims in West Africa.

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## RICE

The purpose of this paper is to discuss problems experienced with bagged rice imported to West African states and to advise ships staff as to how best to deal with frequent problems which occur with this cargo, and how best to collect the evidence needed by owners and their insurance interests (P & I clubs) in order to protect their interests. This paper will also address methods of loss prevention.

### Rice Imports to West Africa

According to a news release of the Africa Rice Centre (Benin) dated June 2007 (freely available on the internet) concerning imports of rice, in 2006 more than 9 million tonnes of rice was imported into Sub-Saharan West Africa. This quantity is estimated to have an imported value of 2 billion US dollars. The author has attended many ships in various West African States on behalf of insurance interests (P&I) following complaints by receivers in respect of rice discharging from ships. From this experience it is considered that a typical consignment is generally never greater than 30,000 tonnes in one vessel and accepting that figure as an average quantity in one vessel then 9M Tonnes approximates to 300 shipments per year. This figure is continuing to increase.

Rice prices in Africa are increasing rapidly as the supply, comprising home-grown rice and imported rice, is struggling to meet continually increasing demand. It is reported that in 2006, only 50% of West African rice consumption was grown in West Africa. The balance being imported predominantly from Asia. Consequently, rice prices on the domestic market in Africa are growing rapidly. There are also reports of organised theft of lorry loads of bagged rice in transit from vessels in West African ports to shore warehouses. Historically, it is recorded that the consumption of rice in West Africa doubles approximately every nine years. In 2007 it is reported that Nigeria alone spent \$1.3 billion on rice imports.

The June 2007 report of the Africa Rice Centre (Benin) states..

***“.....although production in Africa (of rice) has gone up for the sixth consecutive year, reaching 21.6 million tonnes in 2006, but with the consumption in West Africa doubling every 9 years, the challenge in keeping up with it is immense”***

Rice has been grown in West Africa, for more than 1500 years and there is a working group referred to as the West African Rice Development group (WARD) who meet regularly to address the problem and to encourage farmers in West Africa to increase production.

According to the reports of WARD, between 1961 and 1992 rice imports to West Africa have risen by on average 5.6% per annum, which is more than double the rate of population growth. West Africa has therefore become a significant player in world rice markets because of its increasingly significant share of rice imports which in the mid-90s was **8.4%** of the rice traded annually, world wide. This is increasing rapidly as a report of the Africa Rice Center (Benin) of June 2007 states..

***” with only 13% of the worlds population Africa accounts for 32% of world rice imports”.***

Worldwide, imported rice prices are also rising dramatically. Quoting from the 02 April 2008 edition of the Shanghai Daily..

***“Hong Kong rice prices may surge 30% in the next two months, an industry body said, as shoppers emptied supermarket shelves of the grain. The price of imported rice from Thailand has already risen as much as 20% since January, said Lee Kwong lam, president of Hong Kong and Kowloon Vermicelli and Noodle Manufacturing Industry Merchants. According to Bloomberg News, Lee said prices are likely to jump a further 30% by June. (2008)”***

Quoting from a BBC news item dated 11 April 2008..

***“ Rice prices to keep on rising as demand for the staple is outstripping production, the International Rice Research Institute (IRRI) has said. The Phillipines-based body said in its Rice Today publication that more research was needed in how to increase rice productivity. The price of rice has risen as much as 70% during the past year, with increases accelerating in recent weeks”***

Quoting from a report of USDA of December 2007..

***” world rice exports in 2008 are projected to reach record levels. Prices are now the highest since March 1994 (US\$ 478 per tonne). It projects that global prices will remain strong throughout 2008 as global ending stocks in 2007/08 are projected to be the smallest in 25 years. Prices will also be kept high by escalating input costs”***

It reasonable to assume that as demand continues to exceed supply worldwide and as prices increase then so also will claims for damaged rice by cargo interests against the carrying ship.

### **Typical cargo claims - Rice imported to West Africa**

As a consultant marine surveyor, the author has frequently attended vessels in West Africa subject of cargo claims in respect of imported rice from the Far East. These surveys have been in Morocco, Abidjan, Conakry, Guinea-Bissau, Ghana, Nigeria, Cameroon, and Angola. In all of these attendances and on behalf of a ship owners P&I insurance interests, and in dealing with complaints from receivers in respect of the condition of the cargo out-turning from the vessels, there have been a number of common complaints, and these are discussed as follows:-

#### **Wet damage.**

Invariably, there will be bags of rice showing signs of moisture and wet damage. These are often referred to as 'mouldy' or 'caked' by receiving tally clerks. Of course there can be many different causes for such bags to become wet and causing mould to develop. The cargo is invariably presented for loading in woven polypropylene bags. These are almost always of 20/25 kg gross weight for ease of manhandling and stowage in the holds. In almost all cases of the author's experience these woven polypropylene bags are white in colour, and when the contents become wet, over a period of time they will evince dark stains and will give off a rotting smell and the contents will become caked. Obviously this raises the question as to where in the process of transportation the bags or their contents became wet. The appointed surveyor is tasked to determine the cause of the wetting by survey at the discharge port. The client, invariably a claims handler of a P&I club in which the ship owner has entry, requires the surveyor to produce a report with compelling evidence in order to allow the various parties to the contract of carriage to reach a settlement without resorting to legal action and attendant expenses. The collection of such evidence is often difficult and sometimes dangerous and associated problems will be discussed later in this paper. However, turning now to causes of wetting:-

#### **Wetting prior to shipment**

In some of the ports and rivers in China and Vietnam, bagged rice will be delivered either from the quay if the ship is alongside a berth and from barges loading from the outboard side of the vessel, or if the vessel is at anchor within a river, then the cargo will be delivered by barges alone. At this stage it is very important for ships officers to closely monitor the condition of the bags being loaded into the vessel and to reject any which are showing signs of being wet.

The author is aware that at a number of ports in Asia, government regulations require that an Inspector is in attendance during the loading of bagged rice solely with the remit to examine the condition of the bags being offered for shipment and to reject any which the inspector believes to be wet. No reliance can be placed on these inspectors diligently doing what they are supposed to do. The author has experience of one vessel arriving in West Africa with some wet damaged bags and learned that, at the load port, the government appointed

inspector started to reject wet bags which were being offered for loading from barges. In consequence this inspector was seriously threatened with physical violence by representatives of shippers. In response to that threat, the inspector spent the remainder of his time on board the vessel locked within the cabin allocated to him on board the ship. The Master of the vessel was able to provide the author with a statement to that effect however; this was not supported with a formal letter of protest from the Master via his agents to shippers interests (as he should have done).

In this case, the bags of rice were all loaded from barges and when enquiring of the Master as to the condition of the barges, we learnt that the hatch coamings of the barges were over covered by a number of transversely arranged canvas and/or plastic tarpaulins; there were no steel hatch covers to these barges. The vessel was loading in a river in Asia during the local rainy season and clearly, transversely arranged canvas tarpaulins, albeit overlapping, will not prevent the ingress of rain into the cargo within those barges prior to shipment. The author obtained the Master's statement to that effect. What was not obtained by the ship and should have been was photographic evidence of the condition of these barges and the manner in which the cargo was over-covered to prevent damage caused by rain.

In one example, and by virtue of good records maintained in the deck cargo logbook, the author was able to show that the loading of one particular hold commenced at a certain time from a barge which had not previously discharged any cargo to this, or any other, vessel. Therefore, it was possible to show that what ever was placed on the tank top of this particular hold had originated from the upper tiers of the bags in the barge adjacent that hold. On reaching the tier on the tank top during discharge, a uniform oblong area of bags spanning the full length of the tank top and approximately one third inwards towards the centre line were all apparently uniformly wet stained, back and with rotten contents. These circumstances enabled a robust argument that rainwater had wetted the upper tier of bags in the barge prior to shipment. Interestingly, the locally appointed surveyor in West Africa on behalf of cargo interests was adamant that this damage was proof of ingress of seawater via the hatch covers, even though all the bags directly above were found to be clean, white and dry. Clearly the latter is an unsustainable argument. Additionally, simple tests for the presence of chlorides in the moisture indicated negative results.

The author has seen many examples of wet damaged bags deep within the holds of vessels during discharge and which from the photographic evidence alone could support a robust argument of inherent vice. (The bags being wet prior to loading). It is customary during discharge operations that stevedores will excavate the cargo from beneath the area of the hatch square such that vertical walls in the cargo stow, port and starboard sides and forward and after ends will appear as discharge progresses. In such 'walls' is often found randomly located brown/black stained and wet damaged bags with clean, white and dry bags both above, beneath and on either side. Obviously, such randomly located wet damaged bags could not have become wetted through water ingress either from above or beneath during the loaded passage. Such bags can only have become wet prior to loading. However, the author has experience of arguing such evidence with locally appointed cargo interests surveyor's and the latter being unwilling to accept that logic and arguing vehemently that this could only have occurred by means of sea water ingress via the hatch covers. Clearly, such an argument is not sustainable.

### **Ships staff to collect evidence**

In the author's experience of attending ships discharging rice in West Africa, it is usual for the dispute to have been ongoing for a number of days with the insurance interests of the ship owner (P&I Club) initially relying upon their local correspondent to provide advice and reports. It is often the case that the local club correspondent has difficulty in collecting the necessary evidence and information and were he to do so thoroughly, then his continuing effectiveness working locally with cargo interests 'surveyors' could be highly prejudiced. For this reason, the local club correspondent may not be the most effective collector of evidence for the ship owner's P&I Interests. When discharge has been ongoing for some time and the complaints have been developing for say eight or nine days, and by which time more than half of the cargo in the ship will probably have been discharged, the claims handler of owners P&I Club may conclude that the likely size of the claim has grown to an extent that justifies flying an expert upon whom he relies to the vessel to deal with the problem and collect evidence as to cause. This has always been the case in respect of the instructions the author has received previously. Arriving at the vessel say half way through discharge operations when a lot of the evidence has been disturbed by the act of discharging can present the surveyor with problems in collecting evidence as to cause(s). This is particularly the case if there is more than one cause.

Inevitably, when the appointed P&I surveyor arrives some days after discharge commenced, the evidence of the condition of the cargo at the uppermost tiers in each hold of the ship is no longer available and that evidence is crucial to support an argument that sea water did not ingress the holds via the hatch covers during the voyage. For this reason, it is considered imperative that every ship discharging rice in West Africa or wherever have on board a quality electronic camera and that numerous photographs of the condition of the upper-most tiers

of cargo in every hold are taken as soon as the hatch covers are opened at the discharge port. Ship's staff should obtain the agreement of cargo interests surveyors and chief stevedores or a representative of receivers that the appearance of the cargo on first opening the holds was satisfactory and did not evince signs of water ingress during the voyage. The Master should also back up such agreements with a letter to cargo interests, stating the above and requesting cargo interests agreement and signature.

### **Pre-loading hold preparations**

#### Hold Washing

Prior to the vessels arrival at the port of loading the holds should be cleaned of all previous cargo residues and water washed. If possible the water used should be fresh water only. It is normally the case however that ship's staff wash down the holds with sea water and when cleaned, the steel work is rinsed down with fresh water. The latter should be a thorough operation as it is imperative that all chloride residues are removed after the sea water wash. If not, and if condensation forms during the voyage, and that condensation is present at the discharge port, this is likely to be tested by cargo interests surveyor by simple chemical tests to detect the presence of chlorides (silver nitrate). The results are likely to be positive if there are residues of chlorides from the sea water wash and cargo interests surveyor will readily, and happily, conclude that such evidence proves that sea water ingressed the holds during the voyage. Additionally, the presence of chlorides and moisture create ideal conditions for mould growth.

#### Bilge Suctions and Tank Top Openings

These should be thoroughly examined, tested and proved fully operational and the strainer plate over-covered with burlap. Bilge wells should be opened and cleaned. Any openings into the tanks top should be examined and proven to be water tight and properly secured.

#### Sounding Pipes and Other Hold Pipes

These should be examined and cleared of any debris. Any pipes within the holds including ballast pipes or tank air pipes should also be closely examined and ensured that they are in good condition. Ensure that sounding pipe closures on deck are watertight.

#### Hatch Covers

These should be examined and hose tested and proven satisfactory. The hose test should also extend to the hold access covers and any deficiencies corrected.

## Hold Ventilation

Ensure that the ventilation shafts and flaps are in sound condition and the flaps operable and capable of weather-tight closure. In the event the vessel has mechanical ventilation ensure that it is serviced and in good operable condition.

### **Circumstances at the load port**

It is normally the case that the ship's holds are examined prior to loading by cargo interests. Shipper's surveyor will normally request that a hose test is conducted of the hatch covers (or tested by other means such as an ultrasonic test). Ship's staff should cooperate fully with such requests.

If the ship is approved to load then dunnage (timber or bamboo) will be placed on the tank tops of each hold. This is normally in the form of timber planks of cross sectional dimensions 6" x 1" (approximately) which are laid longitudinally in a fore-and-aft alignment on the tank top. Thereafter, kraft paper, or plastic sheeting will be laid on top of the dunnage. ( In some Vietnamese ports bamboo poles and matting are substituted for the timber and kraft paper/plastic sheeting) The objective of this is to separate the bags from the steel work of the holds in order to allow an air gap to:-

1. Permit ventilation.
2. Uplift the lower-most bags from the steel tank top such that if condensation forms on the latter, it will not be in contact with the cargo and thus prevent wet damage.
3. Allow a drainage space for the condensation to flow aft to the bilge suction.

This specification of protecting the bags does not achieve its intended objective as in between the planks the cargo will be separated from the hold tank top steel plates by merely the thickness of the kraft paper or plastic sheeting. In this scenario, any formation of moisture from whatever source will almost certainly result in wet damaged bags above and such moisture will not be able to flow aft to the hold bilge suction. What is needed is a cross pattern of stout timbers, the lower planks arranged fore and aft and the upper planks transversely. Thereafter the upper planks should be covered in either kraft paper or plastic sheeting before loading commences. Similar arrangements should be arranged to prevent contact of the bags with the steel work of the hold at the sides and fore and aft ends of the holds.

This of course is an expense for the account of shippers and/or charterers, which they will usually attempt to avoid. In attending many rice damage claims in West Africa the author has never seen an adequate degree of dunnaging within a ship's holds. In all cases there has only been one tier of planks laid on the tank top (fore-and-aft) and the author believes that this achieves no useful purpose

whatsoever. Master's should formally complain to Cargo Interests/Charterers with a letter of protest when inadequate dunnaging is provided.

Condensation during the voyage to West Africa will often occur as the ambient air temperature and the sea water temperature reduces. Additionally, day and night time air temperatures differ substantially more in non-tropical regions than in tropical regions. This will promote condensation if proper ventilation is impossible. Additionally, when the ship rounds South Africa and passes from the warm southern Indian Ocean waters into the cold Southern Atlantic Ocean waters there will be a substantial drop in sea water temperature. This cooling effect will also promote the development of condensation.

The solution is adequate ventilation and the provision of an air gap between the hold steel work and the cargo and adequate ventilation channels within the cargo stows. Most of the ships the author has attended with imported Asian rice in West Africa did not have mechanical means of ventilation. It is known that some carriers elect to open the hatch covers during the voyage as much as possible and when conditions permit. It is not the intention of this paper to discuss in detail when and how to ventilate cargo holds as the science is well established and accepted in the industry.

In every vessel the author has attended in West Africa there has been wet damaged cargo to varying degrees in the lower most tier in every hold caused by condensation arising out of the factors outlined above. Further, and in all such cases, a locally appointed cargo interest's surveyor has, on every occasion, insisted that irrespective of the fact that tiers above the lower most tier in each hold were in a sound condition, the wet damage to the lower most tier can only have been caused by sea water ingress via the hatch covers. Clearly, this is an irrational and unsustainable argument which can be defended albeit at considerable cost both to the ship owner's P & I interests and to cargo underwriters. Most of these problems and costs can be avoided merely by adequate separation of the cargo from the hold steel work and by the methods mentioned above.

It is the author's opinion that it is the interests of cargo shippers, receivers, charterers and the shipowner, that the minor additional expense of providing adequate dunnaging to the tank top and ships sides during loading, as noted above, would considerably reduce cargo damage claims and survey costs incurred in investigating same.

### **Loading The Cargo**

Ships staff should record details of superintendents attending the vessel, who they represent and record their loading instructions. If Charterers appoint a superintendent ensure that the ship retains an original copy of charterer's loading

instructions. If the Master is in any doubt he should take advice from his owners and express that doubt in a letter of protest.

Ventilation channels within adjacent block stows should be arranged in a manner consistent with the direction of ventilation air flow within the holds. Individual stows should be 'tied' together with transversely arranged bags usually at each fifth tier spanning the ventilation channel. (It is usually the case that 'natural' ie, non mechanical, ventilation is arranged such that the air flow is fore-and-aft).

Ship's staff should ensure that the cargo is tested for moisture content. The maximum humidity content for rice to be shipped is accepted as 14%, above that figure and problems can be expected at the discharge port. Obtain cargo quality certificates but do not rely upon them. As noted above herein, if at some Asian ports where rice is loaded, a government inspector can be physically threatened by cargo interests for attempting to reject wet bags, then cargo interests are capable of producing cargo quality certificates which state what is in their best interests and which may have little relevance to fact. The agent may not be the best person to approach in obtaining such analyses as his allegiance is very likely to be with Charterers. Masters should approach the P&I club local correspondent for such advice, or via his owners, the club directly. It is frequently the case that the load port ship's agents are appointed by charterers upon the recommendation of shippers.

If the cargo is loaded from barges it is essential that ship's officers go down into those barges and check the cargo for signs of wetness **before** each and every barge commences discharge to the ship. Any bags showing signs of being wet or having wet contents should be rejected and if necessary joint samples taken with cargo interests for humidity analysis. Those analyses should not be done at a laboratory customarily used by cargo interests, the laboratory needs to be entirely independent and the local club correspondent will be able to advise which laboratory would be most appropriate for this work.

At many West African ports where rice is discharged the author has experience of receivers claiming that the bags and contents are damaged even if the cargo is sound but the bag has but a small cut no longer than say 1 cm long. (More about this in a subsequent section concerning Corruption). Clearly if stevedores use hand hooks, which they do in some loading ports, then every bag perforated by such a hook during loading will be deemed damaged at the discharge port. The Master must issue letters of protest to cargo interests, the mate's receipts should be suitably claused and the agents given written instructions only to sign bills of lading in accordance with the clauses on the mates receipts. Additionally, take many, many photographs and for each make a note of date, time, and specific location and also what the problem is that the photograph is attempting to portray. Such evidence is extremely valuable for Owner's P&I surveyor when attending at the discharge port. (The author has never had the benefit of such evidence from ship's staff when attending a ship discharging rice in West Africa)

Ensure that owner's have appointed an independent firm of tally clerks and that there is one at each hold tallying the cargo during loading. It is inadvisable to rely on charterer's tally clerks. From time to time ships staff should check that the tally clerks are correctly counting the bags loaded. There is a practice at both the loading and discharging ports for tally clerks to count only the net slings loaded into the ship assuming that each has the 'standard' number of bags loaded into the sling. This may not be the case and often this is not the case in West Africa during discharge.

Take general photographs of all stows within the holds as the cargo compartments are progressively loaded. These should also show the dunnaging and the ventilation channels. All photographs should be captioned with date, time and location (ie, which hold and where within that hold). As most ships now have computer systems, deck officers taking these photographs should be instructed to establish a computer record of all such photographs and captions and this record must be committed to computer record daily. The intention is to have a good photographic record of the loading in each hold upon completion. It is adequate for evidential purposes for these photographs to be of 5 mega-pixel quality and each should be reduced in memory size to about 50Kb. This enables them to be transmitted relatively easily by electronic mail. In an ideal world, and from the point of view of the P&I surveyor at the discharge port, if a copy of the completed photographic record is given to the agent (or better the club correspondent) on a computer memory stick for transmission to owners when the ship has sailed, then this can easily be sent electronically to the P&I surveyor who is to attend the vessel in West Africa before he gets there and also to the P&I Club claims handler when problems first arise at the discharge port.

### **Fumigation & Empty Rice Bags**

All rice cargoes are fumigated after loading is completed. The fumigation instructions need to be fully understood by ships staff and the ventilation system needs to be able to accommodate the fumigation requirements.

The most commonly used fumigants release the fumigant gas as a result of contact between the active agent in the fumigant and moisture in the atmosphere. The resulting vaporization generates heat. In one case the author attended a vessel with an Asian rice cargo where the cargo in one hold had been on fire. This was in the hold forward of the engine room bulkhead which immediately raised the speculation that heat transmission from the engine room may have been contributory. In fact empty rice bags only had combusted. In this hold a few thousand empty polypropylene bags had been loaded on top of the cargo after cargo loading in that hold had been completed. This is customary in the trade and allows for the rice from spilt or broken bags to be repackaged during discharge in order for them to be considered acceptable by receivers. In the event it was possible to show that those empty bags must have been

markedly wet when loaded. This argument sustained as the chemical reaction in vaporizing the fumigant is rapidly accelerated by wetness and similarly the heat generated by that chemical process is markedly increased and sufficiently so in this case to ignite the empty rice bags. The conclusion here was that the person doing the fumigation triggered the solid fumigant capsules and threw them onto the cargo from the hold access hatch, the hatch covers having of course being previously sealed. One or more of the capsules must have landed on top of the empty bags which were wet. As the cargo hold fire/smoke detection systems had been isolated as a necessary and essential precaution prior to the fumigation, ships staff were unaware that there had been a fire in this hold for some days after departure.

Therefore make sure that the empty bags are loaded in a clean and dry condition.

### **The Loaded Passage**

The cargo must be ventilated whenever it is possible to do so and in accordance with accepted industry guidelines. Maintain a ventilation record along with a record of weather conditions including wet and dry bulb temperatures (dew point) of external air and air within each individual hold. Observe and record sea water temperatures.

The cargo hold bilges should be sounded twice daily and a record maintained and any unexpected findings investigated and acted upon with appropriate records maintained. Record any hold bilge pumping operations, dates and times etc.

Prior to arrival at the discharge port the Master is recommended to confirm from Owners that an independent tally firm are appointed at the discharge port on behalf of and paid for by Owners. It is unadvisable to rely upon the tally clerks appointed by Charterers and or receivers as their commercial interests are at odds with that of Owners.

### **The Discharge Port**

It is customary for tally clerks in West Africa to describe themselves as surveyors and it is usual for three firms of tally clerk/surveyors to attend, one each representing either Owner's, Charterers and Cargo Interests. These surveyors should bring with them original formal letters of appointment without which the surveyor should be asked to leave the vessel and return when one such has been obtained. Record the names of these surveyors, their company detail and which party in the venture they represent.

The surveyors will want to jointly conduct what is termed an 'opening survey' meaning when the holds are first opened. A ships officer should be present

during this survey and observe and agree whatever is found. If the surface of the stows reveal clean dry bags with no evidence of ingress of water in way of the hatch covers the Master should confirm this in writing and assuming that all surveyors agree then they should be encouraged to sign that letter or statement. Whatever is seen during that opening survey should be photographed by the vessel and those captioned photographs recorded to computer for later reference. Any apparently wet damaged bags in the upper tier of the stows and the conditions of adjacent bags, and their position relative to the hatch coamings should be recorded and photographed. The wet damaged bags should be set aside for joint sampling and the Master should inform his Owner's/Manager's immediately. If a group of adjacent bags are found to be wet damaged then the location and size (measurements) of that group should be recorded.

In the authors experience the three different firms of tally clerks will produce three different out-turn reports each day. On these out-turn reports they will number clean, torn, wet damaged, cut, stained, and caked, bags discharged during that day or shift. These reports are almost always in conflict and the Master is recommended to sign these 'for receipt only'. If possible and dependent upon crew numbers, a crew member should be posted to each cargo hold and tally with the Owner's appointed tally clerk. If there is no tally being conducted by the ship's staff or on behalf of the ship (solely) then receivers can be expected to take advantage of this and claim for a shortage.

It is usual, and good practice, for the Ship's tally and Charterers tally to be conducted from onboard the ship and the receivers tally done on the adjacent quay. For this reason differences in the tallies are inevitable and it is usually impossible to get all three tally firms to agree figures for each day or shift.

As noted earlier herein, these tally clerks can be expected to tally the number of slings offloaded and assume that the standard number of bags is uplifted in each because this is easier than counting each bag. A close watch of the tally clerks by ships officers will quickly reveal if this practice is on going and if so, this should be supported by a letter of protest from the Master.

Receivers tally clerks may conduct their tally at a receiving warehouse some distance from the discharging vessel. In this circumstance the Master must strongly protest that receivers are not tallying the cargo on the quay and therefore they are not counting the bags discharged from the ship. This practice also encourages the sale and/or theft of cargo after discharge from the ship and before receipt at the warehouse.

### **Corruption and Theft**

Petty theft by stevedores can be expected at every West African port. Stevedores will take blades into the holds and deliberately cut the bags open and use various means to secrete small packages of rice under their clothing. The

author has seen violent outbursts between ship's staff and stevedores when the former are trying to search the latter by the gangway at the end of a shift. The extent to which such personal searches are made is a matter for ship's staff to determine, however, photographic evidence of theft can and should be obtained by ships staff, but this must be done discreetly. In many West African states and on numerous occasions the author has been threatened by customs or immigration or cargo interests with various sanctions and 'ordered' not to take photographs when such a restriction was without authority. The response, of course, has been to politely agree, but to continue to discreetly take photographs, and in these situations the very discrete and disguised photography equipment available to purchase today can be very useful.

### **Organized theft.**

The author has experience at one West African port where the local 'independent' surveyor appointed by cargo underwriters was controlling the stevedores and all three firms of tally clerks. He was also controlling the sale to the public for cash of rice on the quay, openly, in the evenings after discharge had stopped for the day. Ship's staff advised the author of this but they were frightened to take photographic evidence of this having been threatened with violence by stevedores. Ship's staff claimed that they witnessed this 'market' taking place every evening. The author was being followed on returning to the hotel in the evening and the open public sale of the cargo from the warehouse adjacent the ship would usually begin thereafter. It was necessary to return to the ship in the evening surreptitiously to discretely collect photographic evidence of this. Seemingly, the stevedores, tally clerks and cargo interest's surveyor were all involved in this organized theft.

## **Summary**

Ship's staff are recommended to follow the under noted guidelines

### **Before Loading**

- Wash hold steel work and rinse thoroughly with fresh water.
- Clean and test hold bilge suctions, cover strainer plate with burlap.
- Ensure bilge sounding pipes, and other pipes in the hold are in good condition.
- Ensure openings in the tank top are secure and with effective rubber washers.
- Examine and hose test the hatch covers. Make good deficiencies if possible. Advise Owners if not.
- Ensure that the system of ventilation is in good condition.

## **During Loading**

- Monitor bags for wetness on the quay, in the cargo holds and in the barges.
- Send samples of apparently sound cargo to a laboratory for moisture analysis. 14% is the accepted maximum. Seek the advice of the P&I Club and local club correspondent as to which laboratory should be appointed.
- Do not accept, at face value, shipper's declaration as to the moisture content.
- Issue letters of protest to shippers and charterers if a locally appointed government inspector is prevented from rejecting wet damaged bags by shippers or their servants.
- Issue letters of protest to shippers and charterers if the dunnaging and kraft paper or plastic sheeting is inadequate.
- Record the details and instructions of charterers cargo superintendent.
- Issue letters of protest if the stevedores use hand hooks and clause the mate's receipts accordingly and instruct agents to clause the bills of lading in accordance with the mate's receipts.
- Monitor tally clerks during loading and check that they are counting the bags into the slings and not just the slings.
- Officers to take photographs of the loading in each hold daily and record these to computer at the end of each day. These should be captioned. Thus, a photographic record for each individual cargo hold is made. Additionally, photograph barges and their hatch covers or taupaulins, and any use of hand hooks by stevedores.
- Arrange for an electronic copy of the photographs, with captions, to be sent to ship owners/managers after loading has been completed.
- If sufficient crew are available they should tally the cargo.

## **The Loaded Passage**

- Ventilate the cargo holds whenever it is both appropriate and possible. Maintain a ventilation record in which both internal and external wet and dry bulb temperatures are recorded (dew point). Open the hatch covers when appropriate.
- Sound and record hold bilges twice daily.
- Maintain a record of any cargo hold bilge pumping.
- Before arrival, Master to confirm that owners/managers have appointed and independent firm of tally clerks to represent owner's interest only.

## During Discharge

- Upon first opening of the hatch covers an officer to attend with local surveyors and photograph the surface of each stow and agree whatever is seen with attending surveyors. If damage is seen, immediately contact owners/managers to request the attendance of a P&I surveyor.
- If the surface of the stows are apparently sound, Master to produce a letter to that effect addressed to receivers and the agent requesting their agreement and counter signature. That letter should state that there was no evidence of water ingress via the hatch covers.
- Make sure that the attending tally clerk firms have a letter of instruction from their clients and record which firms are working for charterers, receivers and the vessel.
- If wet damaged bags are apparent take photographs and make a record of their position within the hold relating to a reference point. If the apparently wet damaged bags are randomly located, record that this is the case. If a number of adjacent bags are found apparently wet damaged make a similar record.
- Sign tally clerks daily reports 'for receipt only'.
- Issue a letter of protest to charterers and receivers if tally clerks are counting slings and not the number of bags.
- Issue a letter of protest to receivers and charterers if receiver's tally clerks are counting the bags received at a location distant from the vessel.
- If petty theft or organized theft and sale of the cargo is evident take discrete photographs of this and issue a letter of protest to receivers and Charterers and advise your owners.
- If sufficient crew members are available they should be instructed to tally the cargo.

Capt T.M Grime,

Version dated 25 June 2008