

# Callidus News

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## EMPOWERING WOMEN: AN IMPERATIVE PART IN THE MARITIME INDUSTRY

Empowerment is the process that creates power in individuals over their own lives, society, and in their communities. People are empowered if they have an access to opportunities without any limitations or restrictions such as in education, profession and in their way of life.

Similarly women empowerment means accepting and including women who are on the outside of the decision-making process and it includes the action of raising the status of women through education, awareness, literacy, various other trainings such as self-defence, physical and mental development and many more. Women empowerment is all about equipping and allowing women to bring a change to the society without discriminating their gender.

As far as the Maritime Industry is concerned, women are successful here as well; we can find women working as seafarers, navy officers, surveyors, staff at the ports and terminals, brokers, lawyers etc. Since very recently we've all celebrated the International Women's day on the 8th March this year, it is definitely

important to discuss on their impact and success in the shipping industry as well.

### WOMEN IN SHIPPING

Shipping is one of those very few industries that offer the lowest number of women workforce. The share of women in maritime industry varies by region, company, sector and country with most of them employed in passenger ships as hotel staff and 6% employed at cargo ships. Teaching and training in the Maritime institutions across the world is another profession that women choose in the sector. The recruitment of women in maritime industry and their retention does not depend solely on market demand; the marine regulations, trade unions, company policies, by-laws play a vital role in regards with this decision.

Though the statistics in terms of numbers may look huge but in actual it is barely 2% of the entire World Maritime workforce. This is when the question arises as to why women refrain from choosing a career in the Maritime industry in spite of the vastness of the sector. One of the



**THOUGHT**  
for  
the**MONTH**

I love those who can smile in trouble, who can gather strength from distress, and grow brave by reflection. 'Tis the business of little minds to shrink, but they whose heart is firm, and whose conscience approves their conduct, will pursue their principles unto death"

- LEONARDO DA VINCI



main reasons why women are not encouraged to enter the shipping arena is the perception that the jobs offered in the Maritime industry requires skills and strength that only men possess. Harassment and abuse is the second possible reason which keeps women away from the shipping Industry. The International Maritime Organisation has taken a series of steps and made important efforts towards strengthening the role of women in the shipping industry. Having women aboard ships gives a great advantage as it creates a more natural social environment.

However, women working in the maritime industry face issues like developing leadership confidence and having to overcome unconscious bias, as well as having to contend with a lack of prominent role models within the field. The below mentioned bulletins are some of the main reasons stopping women from stepping into this sector.

#### **1. LACK OF AWARENESS AND INFORMATION:**

Unlike other career options, careers in the maritime industry are not very well known to many young people. We are all tutored in such a way that the society prefers IT, computer science, electronics or medicine as the only career options and this is because they have little knowledge or are not aware of the prosperous careers that they can make in the maritime field.

#### **2. MALE DOMINATED INDUSTRY:**

Shipping has historically been a male dominated industry and that tradition runs long. One of the reasons as to why women have never taken this career option very seriously is this fact.

#### **3. NO SUPPORT:**

Women generally do not receive adequate support (both from family and society) to choose seafaring as their career. Women are also deprived of family support which is very essential and crucial for them to establish their own identity in such a sector where women count is very limited.

This is also the reason they are not seen as decision makers in this field.

#### **4. MINIMAL ACCEPTANCE BY COMPANIES:**

The difficulty of getting access to jobs and professional development in the maritime industry is also a reason for less women seafarers in the maritime sector. Lack of workplace support keeps women out of this career. Aspiring female seafarers perceive little chance of advancing in their field. Many women feel that they will be subjected to difficulties such as performance pressures or face a hard time moving up in the company.

#### **5. SOCIAL CULTURAL AND PRACTICAL OBSTACLES:**

Many women are not allowed to choose shipping as a career because of the long stay at sea. Finding a balance between demands of work and family has been a common issue. Staying away from family and friends for so long is not easy for women as well as men. Being on-board for several months might not satisfy the social role of a woman, making it not a very attractive field for women.

#### **6. LACK OF WORKSHOPS AND SEMINARS:**

The absence of organisations and regional networks is yet another reason for less women seafarers. Such organisations can conduct workshops and seminars to help young women exchange their views with experienced women seafarers and to help them develop a strong presence in the maritime sector.

#### **7. JOB SECURITY:**

Most of the private shipping companies provide contractual employment and do not have remarkable retirement benefits. Just like male seafarers, this is a concern for many women seafarers who look for job stability and retirement benefits like pension. Majority of the women prefer jobs with a stable source of income and a planned retired life.

This is also a reason as to why women hesitate to join this industry.

For women to be able to reach their full potential in a career in maritime, the industry needs to work to ensure that the challenges that women currently face in the sector are conquered.

#### **UNITED NATIONS AND INTERNATIONAL MARITIME ORGANISATION**

United Nations' theme for International Women's day 2021 is "Women in leadership: Achieving an equal future in a COVID-19 world". This was initiated to celebrate the tremendous efforts by women and girls around the world in shaping a more equal future and recovery from the COVID-19 pandemic and highlight the gaps that remain. Women were also at the forefront of the battle against COVID-19, as front-line and health sector workers, as scientists, doctors and caregivers. Some of the most efficient and exemplary responses to the COVID-19 pandemic were led by women.

In order to support UN's theme for Women IMO had undertaken various activities to make the maritime sector more gender inclusive and to enhance the contribution of women as key maritime stakeholders. IMO announced that it will be sponsoring a number of women from developing countries so as to help them follow a new maritime leadership program. This program was launched under the slogan: Training-Visibility-Recognition. IMO has invited women in the maritime sector to take actions so as to raise awareness showing the diversity of roles they have, thus inspiring other young women to embark on a maritime career. Apart from this, IMO has been making videos on the women in Maritime, conducting surveys, creating a stir through social media to bring in diversity and equality.

#### **SUCCESSFUL WOMEN IN SHIPPING**

1. On the 8th of March 2021, Indian Navy deployed lady officers on warships after 23 years.

2. In the world maritime history, MT SWARNA KRISHNA, a Shipping Corporation of India vessel sailed with all women officers on board.
3. Captain Radhika Menon broke barriers by becoming the first woman captain in the Indian Merchant Navy. She will now also be the first woman captain to receive the IMO Award for Exceptional Bravery at Sea.
4. The team of the INSV Tarini - the first all-women crew from India to circumnavigate the globe by successfully travelling across the seven seas, covering a distance of over 21,600 nautical miles in just 254 days!
5. Elizabeth Marami is Kenya's first female marine pilot and she still remains in the same profession.
6. On 26 August, 2015 Lieutenant Commander Zimasa Mabela took command of the SAS Umhloti, becoming the first woman to take charge of a South African naval ship.
7. Angeliki Frangou who has been characterised as the female 'Onassis', as she is the CEO of Navios Group with a fleet size which counts 70 vessels, of which 36 are owned and with a revenue of approximately \$390 million.
8. Mrs Frangou was placed in second position among the 10 most influential women in the maritime industry on Lloyd's List Top 100 in 2018, thus making Greece and women around the world proud.
9. At the same time, it is not a coincidence that Natasa Pilides, Shipping Deputy Minister of Cyprus, has been placed among the 10 most influential women in the Shipping Industry on Lloyd's List Top 100 for 2019.
10. In 1978, Poland's Krystyna Chojnowska-Liskiewicz became the first woman to sail around the world solo.
11. Maiden, a yacht brought in by Ms. Tracy Edwards to compete in the 1989–90 Whitbread Round the World Race with an all-female crew. They made history and remain unbeaten with Ms. Edwards becoming the first female winner of the Yachtsman of the Year Trophy.

As enumerated above, every industry has both the good and the bad it all depends on how a person belonging to the industry perceives and works on it. We are seeing change, albeit slowly, as there are many opportunities to be capitalised on. The sector needs to adapt to the modern world, and business models need to be agile and progressive enough to attract and retain women. There is some way to go in the shipping, seafaring and broader maritime sector and with the help of the society, its people women should be able to grow, learn and succeed.



## INDIAN PARLIAMENT PASSES THE ARBITRATION AND CONCILIATION (AMENDMENT) BILL 2021

Most of the companies in and around India, in these days opt for Arbitration as an effective dispute resolution method over court litigation due to its characteristics of providing privacy and maintaining confidentiality and their agreements or contracts include an arbitration clause to contain the information about the procedure to follow by the contracting parties, in the event if a dispute arises.

Though India being one of the Arbitration seats opted by the Companies in their Arbitration Clause out of other favourites seats like Singapore and London, there existed a doubt among the contracting parties to select India as their Arbitration seat due to its conservative Arbitration Laws and incompetence of judiciary to deal with the arbitration matters effectively. Though India was not considered as an Arbitration hub

in the yesteryears, the legislature and judiciary have started its work to expand the horizon of Arbitration law, which would attract contracting parties to conduct their Arbitration in the Country.

As an initial step, the Arbitration and Conciliation Act, 1996 ("The 1996 Act") was amended with the Arbitration and Conciliation (Amendment) Act, 2015 ("The 2015 Amendment"). Subsequently, to address the practical



difficulties arising in implementing the amendments carried out through 2015 Amendment, and to promote the Institutional Arbitration in the Country, the Act was again amended by the Arbitration and Conciliation (Amendment) Act, 2019 (“The 2019 Amendment”).

Further on 10 March 2021, the Parliament of India passed the Arbitration and Conciliation (Amendment) Bill 2021. The 2 amendments that were proposed through this Bill are:

**1. To grant unconditional stay of enforcement of arbitral awards, where the underlying arbitration agreement, contracts or arbitral award is induced by fraud or corruption:**

At first the 1996 Act, allowed a party to file an application to set aside the Arbitral Award and the Court had interpreted this provision to mean that an automatic stay on an Arbitral Award was granted the moment, the application for setting aside an Arbitral Award was made before the Court. However, with the 2015 Amendment, this was amended to state that an Arbitral Award would not be automatically stayed merely because an application is made to a Court to set aside the Arbitral Award. With the 2021 Amendment Bill, a stay on the Arbitral Award can be provided, even during the pendency of the application to set aside the Arbitral Award, if the Court is satisfied that (i) the relevant arbitration agreement or contract or (ii) the making of the Award, was induced or effected by fraud or corruption.

**2. To omit Eighth Schedule of the Act which laid down the qualification, experience and norms for accreditation of arbitrators and to specify by regulations the qualifications, experience and norms for accreditation of arbitrators and the said amendment is consequential in nature:**

With the 2019 Amendment, Section 43J and Eighth Schedule was introduced to the 1996 Act, to specify the qualifications, of persons qualified to be an Arbitrator. As per this norms, the Arbitrator shall be (1) either an Advocate with 10 years of practice or (2) a Chartered Accountant with 10 years of experience or (3) a cost accountant with 10 years of experience as per the appropriate Indian laws and likewise there are nine categories of persons specifically mentioned in the Schedule who shall be considered qualified as an Arbitrator. The new 2021 Amendment Bill proposes the omission of this Schedule and thereby lifted the restriction imposed on the foreign individuals to become an Arbitrator in Indian seated Arbitrations. Since only Indian Nationals were allowed to be the Arbitrators, in any Indian seated Arbitration, it was difficult to pave way to the foreigners to opt India as a seat of Arbitration, in their agreements and contracts as most of them would prefer a foreign arbitrator of their choice, for the sake of convenience. The new 2021 Amendment Bill removes the Schedule for arbitrators and states that the qualifications, experience, and norms for accreditation of arbitrations

will be specified under the regulations which shall be issued at a later and presume, it will not mention the Nationality requirement of Arbitrators.

Though the omission of 8th Schedule can be welcomed as it would attract international arbitrators to the Country thus making India a hub of International Commercial Arbitration, which is the ultimate aim when amending the 1996 Act, there lies a potential risk, regarding the amendment to Section 36, which provides the automatic stay of Award, if the losing party allege fraud and corruption and obtain an automatic stay on the enforcement of Arbitral Award. Though the stay on award shall operate only until the disposal of the Application to set aside the Arbitral Award, there are chances of piling up of various applications and cases before the appropriate courts, with the parties approaching court to set the Arbitral Award or to impose stay on the Arbitral Award. Further, instituting so many suits and appeals for adjudication upon a dispute sour the relationship among the parties and hinder the object of resolving disputes in an amicable manner. Though we can say that one of the amendments of 2021 amendment is a boon to the contracting parties, we may have to wait for a while to find out if the second proposed amendment is a boon or a curse, as numerous cases and applications can be expected from the losing party, when there are various application and cases still pending before the Courts awaiting Judgement or Orders.



# India's oil diversification could be good news for tankers

**Diversification of India's oil sources could be positive news for tanker ton-mile demand.**

India's government requested that domestic refiners speed up efforts to find new crude oil suppliers; with

India's crude mostly sourced from the nearby Middle East from Saudi Arabia and Iraq, a diversification will create

new ton-mile demand for tankers.

India is the world's third largest oil importer, and the government's



action comes as the nation suffers the consequences of rising oil prices; India's requests that producers increase production to limit rising prices have been unsuccessful. India's government requested that domestic refiners speed up efforts to find new crude oil suppliers; with India's crude mostly sourced from the nearby Middle East from Saudi Arabia and Iraq, a diversification will create new ton-mile demand for tankers.

India is the world's third largest oil importer, and the government's action comes as the nation suffers the consequences of rising oil prices; India's requests that producers increase production to limit rising prices have been unsuccessful. There are signs that India's refiners

have acted on the government's diversification wishes. The first quarter of 2021 saw an increase in the proportion of oil imports from the Atlantic Americas, and a drop in volumes from the Middle East to around 56% of imports. In the five years up to the outbreak of the COVID pandemic, the Middle East accounted for an average of 63% of India's imported crude oil, according to Lloyd's List Intelligence data

The Middle East accounted for 20% of India's oil imports on a tanker ton-mile demand basis over the five years, due to the proximity of origin and destination. The Atlantic Americas represented 44% of ton-mile over the same period and topped 50% in the first quarter of 2021.

"More crude from the US and a resumption of imports from Venezuela as well as from new sources such as Guyana could further boost India's ton-mile demand," said the report. Switching to more distant suppliers could also incentivise a move to crude oil imports on larger vessels. While the tanker market is currently more attuned to demand movements in China, India's faster-growing population and new appetite for crude on more shipping-intensive routes could make the nation more important for tanker markets

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