

## Need for maritime disaster management centre for X-Press Pearl, says Sri Lanka

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At a virtual roundtable hosted by Sri Lanka's Ministry of Justice on June 29th at which local stakeholders and several international organizations were present, Justice Minister Ali Sabry explained to the participants the action taken so far to seek compensation as a result of the damage caused by the burning out and sinking of container ship **X-Press Pearl** (IMO 9875343) some 10 miles off the coast of Sri Lanka.

Minister Sabry said that he had requested the assistance of foreign experts to further the claims process and to appraise the short, medium and long-term impacts of the incident. He highlighted the need for a 'maritime disaster management centre'.

The Indian Navy's **INS Sarvekshak** had mapped 54 submerged objects during a survey in the vicinity of the wreck. The Sarvekshak was surveying the wreck site jointly with the Sri Lanka Navy and National Aquatic Resources Research and Development Agency (NARA).

Sabry said that the P&I insurers of the vessel had agreed to pay a part of the initial settlement claim, the equivalent of \$3.6m. The rest of the claim was reportedly being processed.

State Fisheries Minister Kanchana Wijesekara said that the amount would be distributed next week to the local fishermen affected most by the incident.

Sri Lankan authorities are seeking \$40m to compensate for the environmental damage caused by the ship's sinking. The ministry also plans to seek compensation for costs incurred as a result of fighting the fire on the vessel, which burned for two weeks before the vessel finally sank in 21 metres of water.

X-Press Feeders, operator of the X-Press Pearl said last week that discussions on the initial compensation payment for the incident were underway, noting that "ashore discussions are underway to provide an initial payment of funds to help

compensate those affected by the consequences of the fire and resulting pollution and help cover clean-up costs”, adding that it was continuing to make machinery available for shoreline clean-up, but remained limited in deploying manpower because of the current Covid-19 lockdown.

A considerable number of containers with chemicals in them were believed to have ended up in the sea. Reports of dead turtles, sea mammals, seabirds, and fish been washing up on the country’s beaches have been widespread. There has also been several tons of debris from the vessel, which Sri Lanka is currently storing for eventual disposal elsewhere.

One result of the fire was that most of the chemicals and materials on the ship were likely released into the atmosphere as a chemical vapor, rather than into the sea as a liquid or solid. Marine Environmental Protection Authority (MEPA) of Sri Lanka had requested National Building Research Organization to conduct an impact study into the air pollution impact from the X-Press Pearl’s fire. That impact assessment found that between 8,000 and 13,000 metric tons of air pollutants were released into the atmosphere.

A UN team of oil spill and chemical experts from the EU was working with the Sri Lankan Government to determine the incident’s impact on the environment. The group is set to produce an independent UN report on the incident, with recommendations on short-term response measures and longer-term recovery planning.

A specialist salvor tug has arrived from Malaysia to take over caretaker duties by the vessel. Drones are to be deployed to help with ongoing monitoring activities. Collaborative cleanup efforts on local beaches remain underway.

X-Press Feeders has said that the seafarer injured during the vessel’s evacuation was set to be released and to join fellow crewmembers at a local hotel. Some crew members are assisting Sri Lankan police with the investigation into the incident.

The Russian skipper of the X-Press Pearl, Vitaly Tyutkalo, appeared in court without charge in the middle of June, supported by the company’s lawyers. He was released on bail.

Sri Lanka’s Attorney General told the Colombo Magistrate’s Court on June 30th that they were continuing to make progress, but they have encountered some problems in the recovery of data leading up to the vessel’s arrival off Colombo on May 19th and the origins of the fire. Investigators have been focusing on the communications between the ship’s captain, the port agents, and the harbourmaster.

Deputy Solicitor General Madhawa Tennakoon charged in court that the captain, local representative of the shipping company, and the shipping operator had all concealed the truth about the situation on board the vessel from Sri Lankan authorities.

Addressing the court, the attorney general's office said that they continued to believe that three representatives of the local agent of the shipping company had deleted all the emails they received from the master of the vessel before its arrival and after the fire was discovered on board.

Lawyers for the shipping company said in court that the investigation seemed to be one-sided and questioned why individuals from the agents had not been named as suspects.

Sri Lanka's CID said that it was reviewing information taken from the captain's mobile phone, as well as those of the crew and other material from the ship sent to shore. However, they reported to the court that the device for recording ship-to-shore communications at the pilot station in Colombo apparently had malfunctioned. The police said that they had brought in experts to retrieve the communications, but in a report filed with the court they said they had been unable to retrieve information from the device.

There was no mention as to whether they had been able to recover information from the vessel's data recorder, which was retrieved and brought ashore for review.

The attorney general's office also provided information to the court on the extent of the environmental damage. They said that a committee of 39 experts had determined after reviewing the carcasses of 200 sea mammals that washed ashore that all the animals died from pollution related to the X-Press Pearl. They said that the cause of death for the 176 sea turtles, 20 dolphins, and four whales was determined to be marine pollution.

X-Press Feeders has determined that there were 81 containers aboard declared as transporting dangerous goods. The operator said that it was working with experts so that a plan could be implemented to recover the cargo that had fallen overboard.

The owners and the P&I Club will also draw up an Invitation to tender for the removal of the wreck. However, due to the exposed nature of the anchorage to the prevailing South Westerly Monsoon, they cautioned that it was likely that the wreck removal phase would not begin before late 2021, but that caretaker services would remain on site.

Sri Lanka government officials said they would appoint an international legal firm to pursue their claims. They reported that eight international legal firms with experience in dealing with claims involving such incidents have responded to the government's requests.

Sri Lanka's Justice Minister Ali Sabry also announced that he has been in discussions with the Minister of Law for the Republic of Singapore in response to an offer of assistance from the Maritime and Port Authority of Singapore, which was the flag state of the vessel. He said that the discussions with the MPA included efforts to reduce the risk of further pollution, a response if oil were to leak from the

vessel, and further efforts to identify and remove containers and debris on the seafloor.

2021-built, Singapore-flagged, 31,629 gt X-Press Pearl is owned by Eos Ro Pte Ltd care of manager Sea Consortium Pte Ltd (X-Press Feeders) of Singapore, ISM manager is Eastaway Ship Management Pte. It is entered with London Club on behalf of Killiney Shipping Pte Ltd.