

## The Stellar Daisy - some progress on real responsibility



**Who is responsible when a major casualty occurs and should top executives take the rap when the company is found negligent?**

Michael Grey | Feb 23, 2024

It might be hard to believe it, with the level of bloodshed on land at the present, but we might be rather less casual about the lost lives of seafarers than we were in the past.

That thought came to mind reading about the three-year custodial sentence from a court in South Korea on the chief executive of Polaris Shipping which owned the huge ore carrier Stellar Daisy, which sank in the Atlantic in 2017 with the loss of 22 of her 24-man crew. He had been found guilty of professional

negligence, with the court considering that the ship, which sank in a few minutes after falling onto its side, had not been properly repaired.

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We have rather more developed ideas about “corporate manslaughter” than we once had, when the two words “heavy weather” would have been attached to most such losses and be left at that.

But should the chief executive of a large shipping company be judged responsible for what might be described as the “nuts and bolts” of one of his ships; matters which surely would have been properly overseen by the company’s technical staff, rather lower down the ladder? Was not the ship in survey with a respectable society and otherwise thought to be in order?

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“I ought to have known. My advisers ought to have known, and I ought to have been told, and I ought to have asked.” That was Sir Winston Churchill, famously accepting the blame after the Japanese had captured Singapore, with all her guns pointing in the wrong direction. But it is an example of the acceptance of responsibility in a fashion that is rarely observed in this day and age.

So, for what it is worth, the South Korean example is something that very much deserves to be followed more widely, in an era when very senior and hugely rewarded corporate figures swan around from one financial disaster to another. And lost lives are a lot more important than lost money or shareholder value.

In terms of the way in which society might regard the lost lives of seafarers, we surely have progressed. I had discovered, just the other day, while clearing out some files, articles written about these matters 30 years ago, at a time when bulk carriers were taking their crews into the depths with them at an appalling rate.

In February 1994, I attended a conference on marine safety in New York where the Secretary-General of the IMO announced to the shocked attendees that on that very day another 36 lives had been lost in the Atlantic, not far from another ship, which had taken 27 seafarers to their deaths the day before. Inside five years, it was revealed, 97 bulkers, most of them in the autumn of their lives, had sunk, killing 524 seafarers.

Many of those ships had been in questionable condition, with rusty frames adhering poorly to the shell plates. Hatch covers had been arguably too lightly constructed and maintenance, during a period where it was extraordinarily difficult to make a living with these big old ships, was hopelessly neglected. There was evidence that the worst ships were operating in those places where the inspections and surveying were most lax or non-existent, the better maintained vessels being concentrated where the standards were rather more particular.

Eventually, as the sheer frightfulness of these loss statistics were aggregated, in the mid-1990s, and after all sorts of desperate meetings at IMO, in classification societies and with pressure by responsible owners about “quality shipping”, the losses tailed away. But it did not wipe away the tears of all the relatives of those lost seafarers, who had no proper explanation as to why the huge ships had been lost, or even where they were.

Certainly, nobody, whether a chief executive, superintendent, surveyor, or anyone responsible for repairs or maintenance of those lost ships, was ever required to justify his actions before a court. Nobody who ought to have asked the questions ever was prosecuted for neglecting to do so. Thus, with the gaol sentences meted out to the CEO and two other managers judged responsible for the failure of the ore carrier *Stellar Daisy*, we have, in the past thirty years, made some useful progress.