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SEAFARERS have their say. Crew members of *MSC Savona* show their support for the "End piracy now" campaign which had collected over 900,000 signatures when the petition was handed to the International Maritime Organisation on World Maritime Day at the end of September. Full story on P2

## Tanker owners 'horrified' by ruling on €3m bail Prestige master loses human rights appeal

THERE was no violation of human rights when, in 2002, a Spanish court set bail at €3m for the release from jail of Apostolos Mangouras, the master of the tanker *Prestige*, according to a ruling by the European Court of Human Rights (ECHR).

The tanker broke up in the Bay of Biscay in a severe storm after being refused refuge in Spanish waters, releasing into the sea the 70,000 tonnes of fuel oil it was carrying, causing serious damage to the environment.

The ruling has prompted dismay among shipping organisations. Intertanko, the tanker owners' organisation, said that, faced with Spain's refusal to give the ship refuge, Captain Mangouras courageously did everything he could to save his crew, his ship and its cargo and protect the environment by minimising pollution, ending up forced against his better judgement to take the ship out to sea in a storm.

Intertanko added that, for these actions, described as "exemplary" in the investigation by the *Prestige's* flag state, he had been treated



CAPTAIN Apostolos Mangouras, master of the *Prestige*, leaving jail in February 2003 after payment of his €3 million bail. (Photo: Reuters)

like a criminal. He was jailed by the Spanish authorities for 83 days until the shipowner's insurers voluntarily paid €3m bail, a sum which, Intertanko said, was not justified by the Spanish authorities at any stage and could not bear any relation to his personal circumstances.

Two years later, he was allowed to return to Greece only on condition that the Greek authorities enforced compliance with the periodic supervision to which he had been subject in Spain. At present Captain Mangouras still has

outcry is obvious, as are the fearful implications for every seafarer, who by this decision, loses his right to natural justice," it said.

The International Chamber of Shipping (ICS) and the International Shipping Federation (ISF) described the judgement as "disappointing but not really surprising" in that it confirmed that even the ECHR viewed the case as being about environmental disasters, rather than providing a proper analysis of whether there had been an unlawful violation of the master's human rights.

In their joint statement, the two bodies said that seafarers deserved the security of uniformity and certainty as to how their conduct and actions would be determined by local courts, based on internationally agreed standards. "Sadly, however, it seems that a change in the current political climate will be required, which will be a long term process," they said.

According to the ICS and ISF, the big problem which faced seafarers after a major

## Successful outcome after man overboard

THE importance of wearing a lifejacket and safety harness when working on deck, particularly while engaging in tasks where falling overboard is a risk, was underlined recently when a seafarer fell from a containership as it was approaching the UK port of Felixstowe.

The seafarer was found and picked up by a pilot boat but, said Karen Paradise of Thames Coastguard, which co-ordinated the rescue, not all occasions when crew members fall overboard result in a successful outcome. "Wearing a lifejacket will buy you more time in the water and could save your life."

The incident happened when the seafarer was preparing a ladder for the pilot to board the *MSC Gina*, but the platform collapsed and he fell overboard. He was not wearing a lifejacket or safety harness.

The crew of the containership were able to keep the seafarer in sight so when the pilot boat arrived on the scene he was quickly located.

## Seven-year lawsuit ploughs on

SPAIN has appealed against a US district court ruling that threw out the country's \$1bn *Prestige* lawsuit against the classification society, the American Bureau of Shipping (ABS).

This is Spain's second appeal in the case since 2008, perpetuating the seven-year-old lawsuit. It follows a US court ruling that ABS could not be held legally responsible for the sinking of the tanker in November 2002 which led to large-scale pollution. Spain alleged ABS had been recklessly negligent because a statutory survey carried out six months before the 26-year-old tanker sank failed to detect serious structural problems. The court ruled that the owner had ultimate responsibility for ensuring the seaworthiness of its ship, and a classification society could not be held liable to a coastal state on the basis of "reckless certification-related conduct".

Continued on P3

Support for campaign comes from entire shipping industry

# Anti-piracy petition gets nearly a million signatures

**A** PETITION calling on the world's governments to act to stamp out Somali piracy had 930,604 signatures by the time it was handed to the International Maritime Organisation (IMO) on the UN-designated World Maritime Day on September 23. This was nearly twice the target of 500,000 set in May when the campaign was launched by an action group representing the entire shipping industry.

An unprecedented coalition of seafarers' unions, ship operators, insurers and welfare organisations unveiled the massive response to their "End Piracy Now" petition at the IMO headquarters in London. At the same time, unions and shipping associations around the world presented letters to their governments.

Even after World Maritime Day, signatures kept arriving and an International Transport Workers' Federation (ITF) spokesman said in October that he thought it wouldn't be long before the number would reach a million.

The petition is the centrepiece of a campaign to persuade all governments to commit the resources necessary to end the increasing problem of Somalia-based piracy. Its organisers said that the huge response was proof that immediate action was needed.

In a statement, members of the campaign group pointed out that at a time when 354 seafarers and 16 ships were being held hostage in Somalia, pirates were being released unprosecuted to kidnap, loot and maybe kill again. They also said that it was impossible to use routes via the Suez Canal between Asia/the Middle East and Europe/North America without passing through a high-risk area.

They called on governments to: dedicate significant resources and work to find real solutions to the growing piracy problem; to take immediate steps



IMO secretary general Efthimios Mitropoulos (front) with the boxes of petition signatures and some of the campaign's organisers at the handover ceremony.

to secure the release and safe return of kidnapped seafarers to their families; and to work within the international community to secure a stable and peaceful future for Somalia and its people

International Transport Workers' Federation general secretary David Cockroft said thousands of seafarers were being put at risk daily "by fewer than a thousand AK-47-toting bandits, and world trade is literally being held hostage. The response of nations – and every country in the world is affected – has varied from near-heroinic to hand-washing indifference".

On behalf of all the shipping industry associations, International Shipping Federation president Spyros Polemis said that since the crisis began over 1,500 seafarers had so far been taken hostage, often for months at a time and in truly

awful conditions. He described it as situation which was simply unacceptable.

IMO secretary-general Efthimios Mitropoulos, on receiving the petition, called on governments to do everything possible to protect the thousands of seafarers and the hundreds of ships at risk of attack by pirates. "IMO shares the deep concern of seafarers, industry and the broader community with regard to piracy and I know I can speak for the organisation's entire membership and its partners in stating that it is our strong collective wish to see it eradicated," he said.

He added that the petition would help IMO's efforts to urge governments to take action. He announced that the theme for next year's World Maritime Day would be "Piracy: orchestrating the response".

## Somali attacks increase again

PIRATE activity off Somalia has been picking up in the past couple of months, according to the International Maritime Bureau (IMB). An IMB spokesman told *The Sea* that there had been four incidents in September and a further four by the end of the first week in October.

In September, Somali pirates hijacked two vessels, although one was subsequently recaptured by naval forces after the crew locked themselves inside a secure area. In early October two more vessels were hijacked. But, again, in one case the crew withdrew to a "citadel". The pirates failed to locate the crew and left the vessel after causing considerable damage and a fire.

The IMB spokesman said that whether withdrawing to a secure area was the best policy depended on the circumstances, and that the agency did not have a policy as to whether this was the best approach or not. But he added that if a secure area was to be used to escape from pirates once they had boarded then it should be part of a well-prepared strategy. Ultimately, it was the master's decision as to how to respond in any particular case.

IMB figures indicated that in early October 17 vessels

with 367 crew members were being held off the Somali coast, while an elderly UK couple who had been kidnapped from their yacht last year were also still captive.

Elsewhere in the world there had been increasing pirate activity, with the South China Sea becoming a major concern. The IMB had received reports of 30 incidents during the year up to October, including the hijacking of a tug in April. In September, there were six attacks and four occasions when violent gangs got on board to rob ships. Three crew members were injured.

There had been few reports to the IMB of incidents taking place in West Africa but the agency believed violent attacks were happening but mainly going unreported. However, three boardings which were reported in September and a further one in early October had left seven seafarers injured.

The IMB spokesman said it was too early to know what the effect would be of the World Maritime Day anti-piracy petition, but the agency wanted to see three main things happen. Firstly, and ideally, it wanted to see even more warships deployed; secondly a lot more training of crew in how to

"harden" their vessels and make them more secure so that crews could respond effectively to attacks; and thirdly it wanted navies to make their procedures more effective through more robust rules of engagement.

He also said that more work needed to be done to ensure that pirate suspects could be brought before courts rather than, as often happened, being released. Sometimes, he said, this was because of a lack of evidence, and a database of evidence needed to be established.

He pointed out that when a vessel was held captive for months there was an enormous amount of forensic evidence available. That needed to be gathered and recorded on a database so that if suspects were subsequently caught, their involvement in earlier hijackings could be established.

The IMB has submitted a paper to IMO on how to set up such a database, and the international police co-operation agency Interpol is expected to do the same. The two will be considered at a meeting in May next year. The IMB spokesman accepted this meant that nothing would happen until well into 2011 but said it was a step in the right direction.

## Guide to post-piracy care

THE US-based Seamen's Church Institute of New York (SCI) has published Version 2 of its *Guidelines for Post-Piracy Care for Seafarers*, downloadable at [www.seamenschurch.org](http://www.seamenschurch.org)

The guidelines comprise a series of strategic plans which provide a general structure for the care of seafarers affected by piracy. It replaces a preliminary version of the document circulated in January.

The SCI's clinical researcher, Michael Garfinkle, said the SCI wanted to provide seafarers with an appropriate "mental health tool-belt", and to address the fears they have while routinely sailing through high-risk areas. He pointed out that although the second version of the document was no longer labelled "preliminary", the SCI continued to examine the issues attentively.

"The project's continued success depends on open communication with members of the maritime industry, including shipowners, manning agencies, seafarers' unions and relevant governmental bodies."

Seafarers and their family members who would like to take part in this ongoing SCI study by answering a few questions should email [mgarfinkle@seamenschurch.org](mailto:mgarfinkle@seamenschurch.org)

All responses are kept in the strictest confidence.

## Owner fined for master without certificate

MAERSK-controlled tug group Svitzer has pleaded guilty in the UK to employing a master without a valid certificate.

The captain forgot to renew his certificate of competence, which he is required to do every five years, and continued to sail as master without a certificate from 2005 to 2009. The company failed to notice and was fined £3,000, and £4,000 in costs.

The problem had existed before Svitzer took over the company. They were extremely disappointed by the lack of due diligence and that it took two years for them to become aware of it.

David Lee of the UK Maritime and Coastguard Agency's enforcement branch said that although it was the responsibility of all seafarers to renew their qualifications on the due date, all companies should ensure that they only employed properly qualified staff at all times.

## Seafarers rewarded for tip-off

**FOUR seafarers from the Greek-flag bulk carrier *Iorana* have each been awarded US\$125,000 by a US judge for tipping off the authorities about illegal oily waste discharges.**

The shipowner, Irika Shipping, was fined US\$3m and ordered to pay a further \$1m to fund various marine environmental projects. Irika will also have to serve five years probation and submit to a compliance programme that includes audits by an independent firm and oversight by a court appointed monitor.

## Crew pay increases stall

THE steep increases in crew pay, and thus the costs to owners, that occurred prior to the onset of the global economic crisis appear to be over.

Shipping accountants Moore Stephens say that their ship operating costs benchmarking tool, OpCost, shows that crew costs increased in 2009 by 2.2 per cent compared to the 21 per cent recorded for the previous year.

There were variations according to vessel type. Tanker crew costs went up by an average of 2.5 per cent. For bulkers, crew costs for smaller

tonnage increased by 2.9 per cent on average, but those for the bigger vessels – panamax and capesize – decreased by 2.0 per cent. Container-ship crew costs fell by 1.25 per cent for feeder ships and up to 5.2 per cent for larger vessels.

In recent years crew costs have been the single largest contributor to total increases and that remains the case. All cost categories were down in 2009 and overall the firm reports an average fall of 2.0 per cent in total annual operating costs.

This is the first time since 2002 that OpCost has revealed a fall in total operating costs.

## IBF aims for March pay deal

THE International Bargaining Forum (IBF) hopes to have a pay deal for crews on a large part of the world's open register fleet finalised by the end of March next year. At a recent meeting in New York, it agreed that all existing IBF agreements would continue until then.

Following the meeting, International Transport Workers' Federation (ITF) negotiator Steve Cotton told *The Sea* that the ITF was seeking to maintain the pay rates of officers which, before the economic crisis, had exceeded IBF rates. At the same time, he said, there was pressure for extra money to be made available for ratings' pay. So far, he said, the negotiations had been about the IBF pay structure rather than actual pay levels and it was clear some tough negotiations lay ahead.

However, new guidance for all IBF ship operators aimed at assisting seafarers, as well as shipowners and managers in the event of piracy, was agreed. This included recommendations for the protection and welfare of crew members who might become captives, and also the welfare of their families until, and if necessary after, their release.

## Convictions for child pornography

TWO seafarers were jailed in Canada in September for child pornography offences. In one case, a Filipino crew member from the *Queen Mary 2* was jailed for 120 days. He was arrested after a search of his laptop computer found sexually explicit films featuring children. In a separate case, an Indonesian seafarer from the *Carnival Glory* was sentenced to 30 days in jail after child pornography was found on his laptop computer.



THREE of the *Azraq 7*'s crew (above), and the vessel at anchor (below). Photos: Stephen Miller

## Support for crew stranded for seven months

THE crew of the *Azraq 7* have been stranded on their ship off Dubai with no pay for seven months. During their ordeal they have been helped by The Mission to Seafarers in Dubai which has visited them at the anchorage and supplied their basic needs.

Recently, Crown Relocation, which helps to sponsor the Mission's support boat, the *Flying Angel*, collected

15 boxes of supplies and its Dubai regional manager, Andy Marshall, went out to the ship with them on the *Flying Angel*.

"It was a harrowing and humbling trip to make," he said afterwards. "The five seafarers aboard this ship have been left abandoned with no clean clothes, food, medicine, air-conditioning or basic supplies."

He described the *Azraq 7* as rusting, and said the seafarers were in the middle of a battle not of their own making.

Dubai chaplain Stephen Miller has reported that the case has now gone to court. "We are hoping that the crew will be home before long, but it will probably take a year for the court case to be completed. The lawyers



we are using, Fitch & Co, are taking the case more or less pro bono so we are very grateful," he said.

## A number of ships ignored distress calls Evidence of cover-up after fatal collision

THE Singapore-registered bulk carrier *Alam Pintar* did not stop to rescue the crew of a fishing vessel she had collided with, and failed to respond to distress calls, the UK Marine Accident Investigation Branch (MAIB) has found. The MAIB also said it discovered evidence of a cover-up.

Prior to the publication of the report, the MAIB had already issued safety flyers based on lessons to be learnt from the incident. The agency's head had expressed shock that a ship had not stopped after a collision and that Mayday messages had been ignored by a number of vessels.

The MAIB has asked the International Chamber of Shipping and the major fishing federations to help ensure the safety flyers, highlighting the importance of effective bridge teams and the maintenance of proper navigational lookouts, are distributed widely.

The *Alam Pintar* collided with the UK-flag fishing vessel *Etoile des Ondes* 15 miles off the French coast. The fishing

vessel sank and one of her four crew, Chris Wadsworth, died. The bulker was on an east-north-easterly course between the Casquets and the Dover Strait traffic separation scheme on her way to Hamburg. The bridge was manned by an inexperienced officer and an unqualified deck cadet.

The surviving crew of *Etoile des Ondes* were rescued by the ferry *Norman Voyager* which, upon sighting the flares, immediately proceeded to render assistance. Her master and crew were commended by the MAIB.

According to the MAIB, the *Alam Pintar*'s master and officer of the watch were aware of the collision, but failed to stop. It says that they made no attempt to confirm if *Etoile des Ondes* and her crew were safe, and failed to report the incident. "There is evidence to suggest that the crew of *Alam Pintar* subsequently attempted to alter recorded contemporaneous data to mask the vessel's involvement in the accident," said the report.

The officer of the watch had seen *Etoile des Ondes* and realised there was a risk of collision, but his initial alterations of course to avoid collision were rendered ineffective when the fishing vessel also changed course to start shooting her pots. Finally, *Alam Pintar*'s officer of the watch ordered the wheel hard-a-starboard, but this was too late to be effective in preventing the collision.

Following the collision, three of the four crew from *Etoile des Ondes* managed to abandon the vessel and board their liferaft. The other crew member was lost. The surviving crew fired two red distress rockets and activated their emergency position indicating radio beacon. The flares were seen by at least three vessels and the sighting was promptly reported to the nearest Marine Rescue Co-ordination Centre, which then managed the search and rescue operation. Three Mayday Relay messages were broadcast but none of the other vessels in the area responded.

## GPS plotting warning

RELYING solely on global satellite positioning (GPS) without making the right navigational corrections could put ships in danger, the London P&I Club has warned.

Its concern follows the grounding of a containership as a result of a navigating officer's total reliance on GPS and his being wholly unaware that a significant correction had to be applied before GPS positions could be plotted on the chart.

The ship ran aground after the officer commenced a significant alteration of course about half a mile before he reached the intended alter-course position.

The club says a more detailed passage plan would have alerted the inexperienced officer to the danger and required him to cross-check his position by more than one method.

The club emphasises that seafarers must be aware that, on many charts still in use, a correction has to be applied to satellite-derived positions before the position is plotted on the chart. It adds that navigating officers should always check the charts for information about corrections that need to be applied to satellite-derived positions when preparing a passage plan.

## Too much and too little sleep is bad

BOTH too much, or too little sleep could affect the health of your heart, according to the latest research by a US university team.

The findings come shortly after the International Maritime Organisation agreed rules on hours of work and rest at a conference in Manila in June, which require a minimum of six hours unbroken rest in any 24 hours.

The study, conducted by Anoop Shankar, associate professor at West Virginia University School of Medicine, examined more than 30,000 adults who participated in a health survey. Dr Shankar and his colleagues found that people who regularly slept for fewer than seven hours a day had a higher risk of heart disease. Possibly surprisingly, those who slept for more than nine hours a day were also at significantly higher risk. These findings may reassure those who work a traditional four hours on, eight off watchkeeping pattern.

## Collision closes Mumbai

A COLLISION between Mediterranean Shipping Company's (MSC) 2,134 teu containership *MSC Chitra* and the 41,800dwt Indian bulk carrier *Khalijia 3* closed Mumbai, India's biggest container port for almost a week.

MSC says its preliminary analysis of voyage data recordings clearly show that the *MSC Chitra* was proceeding properly along the channel and the bulker broke the rules. However, the masters of both vessels face charges of negligence. The containership lost over 200 containers, several of its fuel tanks were ruptured, and she went aground, blocking the Mumbai Channel.

## Boost for emission-reducing venture

A LEADING engine manufacturer and a research and development company are to work together to develop a potentially revolutionary emission

abatement system.

The deal between Finnish-based Wärtsilä and Singapore-based Ecospec Global Technology, owners of the potentially revolutionary CSNOx (CO<sub>2</sub>, SO<sub>2</sub> and NOx) emissions abatement technology, represents a significant breakthrough for Ecospec. It has been faced with considerable scepticism about the capabilities of CSNOx, which is the world's first emissions abatement system capable of removing carbon dioxide (CO<sub>2</sub>) from emissions.

If current trials lead to successful installations on merchant ships, this would open up the possibility of effective control of greenhouse gases afloat and ashore and would be a major advance towards curbing global warming.

The companies said that by joining together their expertise, the carbon footprint of both marine and onshore heavy industries could be significantly reduced through the development of clean power solutions. "The aim is to achieve the lowest possible CO<sub>2</sub> emissions, near zero SOx emissions – even when using heavy residual fuel – and to attain the capability to meet future NOx emission requirements."

## Call to combat fire risk

A CALL for action to combat the risk of calcium hypochlorite cargoes in containers catching fire has been made by Anglo Dutch seafarers' union Nautilus.

The substance has caused a number of serious fires on container-ships and concerns have been renewed by a blaze aboard the 8,194 teu *Charlotte Maersk* off the coast of Malaysia in July. The temperature at the seat of the fire was reported to have reached 1,000 deg C, and it took five days to put it out. The *Charlotte Maersk*'s crew were subsequently praised by the owner, Maersk Line, for their bravery and firefighting skill.

Nautilus senior national secretary Allan Graveson said that while banning the carriage of calcium hypochlorite in containers had the potential to result in it being undeclared, an option for a limited quantity to be carried under specific conditions might be the best way forward.

## Prestige master loses bail appeal to dismay of shipping industry

Continued from P1 incident was that political factors took over, rather than the legal process. The local public usually believed that the polluter should be punished and foreign seafarers had nobody to make

their case. However, they said they would continue to explain that pollution would be cleaned up, and that the costs of any damage were covered, regardless of fault, by very efficient international liability regimes.

Governments had to be urged to recognise the supremacy of the International Law of the Sea and the International Maritime Organisation (IMO) anti-pollution regulations and to bring national and regional laws

into line with these internationally agreed standards.

Maritime administrations should also be encouraged to adopt the IMO Casualty Investigation Code into their national law and procedures.

## NEWS

## New PSC rules 'offer choice'

WHEN new port state control (PSC) rules are introduced in January, how often ships are inspected will be up to their owners, according to the Paris Memorandum of Understanding (MOU) general secretary Richard Schiferli. By this, he explained, he meant that owners had to make decisions as to whether their vessels were regarded as high, standard, or low risk.

Speaking at the International Shipping Federation's conference on manning and training in London, he described how the Paris MOU's new inspection regime (NIR) will work. The present regime requires 25 per cent of ships calling at the

Paris MOU states to be visited. This has meant that "practically every ship" has been inspected every year. The MOU had, he said, taken account of complaints that ships were being over inspected.

The new system abandons the 25 per cent target and is also no longer based on ship type or age. It will regard all ship types equally because, Mr Schiferli said, it was apparent that the worst detention records were for general cargo ships and not the types previously targeted. In addition, it will take note of the PSC performance of particular companies.

The NIR will determine how

often a vessel will be visited by PSC: a high risk ship will be inspected every five to six months, a standard risk ship every 10 to 12 months and a low risk ship every 24 to 36 months.

A ship can be assessed as low risk if: its flag state is on the International Maritime Organisation (IMO) "white list"; it has been subject to an IMO audit; its recognised organisation (class society) is recognised and judged to be of high performance; the shipping company itself is high performance, and also if, over a 36-month period, there have been no more than five deficiencies during inspections, and no detentions.

## Safety flyer issued after fatal fall

THE UK's Marine Accident Investigation Branch (MAIB) has produced a safety flyer after a German shore worker was fatally injured on board the oil/chemical tanker *Bro Arthur* in February. *Bro Arthur* had part discharged at Rotterdam before arriving in Hamburg to offload her remaining crude palm oil cargo.

A team of three cargo "sweepers" had been arranged – subcontracted by a German cargo tank cleaning company – under the operational direction of a cargo superintendent. While exiting No 2 cargo tank on completion of the sweeping operation, one of the sweepers fell to the bottom of the tank.

A postmortem found that the man had been under the influence of a variety of prescription and illegal drugs which would have caused severe impairment. The MAIB concluded that all the evidence suggested he had fallen from the vertical ladder as he lost his hand grip on the slippery surface. He had not been provided with a safety harness or fall arrester.

The investigation found that *Bro Arthur's* safety management lacked direction in a number of organisational and equipment areas. There were issues relating to superficial risk assessments, inaccurate atmosphere testing routines, weak control of contractors, an

unwillingness to confront individuals when their condition compromised safety, non-compliance with mandatory safety drills and unsuitable casualty recovery equipment.

The MAIB has made recommendations to the Maritime and Coastguard Agency and the International Chamber of Shipping which are designed to improve the control and safety of shore contractors employed on board in port; highlight the need for the provision of suitable portable rescue equipment that can be used for the recovery of personnel from deep cargo tanks; and ensure ships' staff are trained in the use of such equipment.



## Crew stranded in Spain get their money

SIXTEEN seafarers stranded in a Spanish port have received more than US\$98,000 in back wages owed to them, following assistance from International Transport Workers' Federation co-ordinator for Spain, José Manuel Ortega.

The vessel owner has also promised to pay repatriation costs for the three Russian, one Georgian and 12 Ukrainian crew members on board the vessel, Sierra Leone-flagged *Eastern Planet*.

The crew were left in the southern Spanish port of Algeiras in July when the vessel was detained by the port state control authorities for deficiencies in the ship's condition.

It is expected that repairs will take less than a month to complete, after which the ship will set sail for its final destination, the Congolese port of Matadi.

The seafarers had been refusing to co-operate in discharging the vessel's cargo until they received their wages. The vessel owner has now paid the crew's salaries, stocked the ship with 40 tons of fuel and provided food.

"After 42 days without news of the vessel owner, the case is in the process of being resolved – it's a happy ending," Mr Ortega said.

## MICHAEL GREY

## Too green for our own good

We must protect the environment but there does need to be a balance so that the prevention of pollution does not come at the expense of the safe operation of ships, says **Michael Grey**

**W**E are all green these days, but are we becoming rather obsessive about our environmental credentials to the exclusion of all else? One only has to consider the hysteria which was whipped up over the Deepwater Horizon disaster in the Mexican Gulf this summer to ask whether reason has rather gone out of the window where the environment is concerned. Eleven men died in the blowout on the rig, but this tragedy was barely discernible as politicians, the media and the environmentalists ratcheted up the rhetoric.

There was an interesting observation from the chief executive of Det Norske Veritas recently which seemed to question our preoccupation with the environment, and suggest that such an intense focus might actually be prejudicing marine safety. Speaking at the annual conference of the International Chamber of Shipping, Tor Svensen suggested that such was the concentration on the avoidance of any sort of environmental offence, that the first principles of marine safety were being relegated.

It takes a brave person these days to risk the wrath

of the environmental crusaders, but Mr Svensen could just be on to something. There is a lack of balance in attitudes towards environmental protection, as every avenue is explored in the crusade to protect the earth, and important people emphasise "zero tolerance" of any form of pollution. And if you set about terrifying people with the disproportionate penalties for environmental crimes, you should not be surprised if people go to inordinate lengths to ensure that they stay on the right side of the law, perhaps to the detriment of other important elements of safety.

It has been observed that the operation of the oily water separator, once a task carried out by a junior engineer or even a rating, is now undertaken under the fierce scrutiny of the chief or second engineer, so important has this small piece of auxiliary machinery become. There will be blood sweated over the oil record book and tank sounding records, with full supporting paperwork, lest there be any fault which will attract the attention of a Coast Guard inspector on a visit to the United States. It is no exaggeration to say that there is now real fear over the arrival of the port



**ELEVEN people died when the Deepwater Horizon oil rig exploded in the Gulf of Mexico earlier this year, but it was the environmental impact of the disaster which dominated the subsequent news coverage. (Photo: US Coast Guard)**

state control inspector in a US port. The huge, and arguably disproportionate penalties inflicted upon those judged to have "lied to the authorities" in the shape of inaccuracies in documentation, or "magic pipe" incidents, have focused people's minds, just as the authorities intended. But it is relevant to ask whether such furious attention has been diverted from the other important work that senior engineer officers once did

to ensure the maximum efficiency from the power plant?

The prosecutions in France for pollution offences under the Perben law seem to have become less frequent recently, but there was a great deal of concern about the conviction under criminal law of masters whose ships had been judged to have polluted while off the French coast. At the time there were concerns expressed that people were looking so

carefully at their own wakes, or at any discoloration of the sea in their vicinity, fearing the attention of the oil-spotting aircraft, that they were neglecting collision avoidance.

It is some years since the nearly calamitous collision between the cruiseship *Norwegian Dream* and an Evergreen containership in the southern part of the North Sea, an accident which was at least contributed to by the preoccupation of

the cruiseship watchkeeper with the ship's garbage return documentation. That, perhaps, was an early warning that while the environment was important, it should not divert attention from the prime job of navigational safety.

The marine environment is important, but now it seems to have become all-embracing in the way that environmental regulation intrudes into ship operation. Small wonder that seafarers

sometimes wonder whether both the authorities and those running shipping companies regard the prevention of pollution as more important than anything else – even safety.

On most ships there will be huge piles of paper containing orders, advice, recommendations and rules on every conceivable aspect of the marine environment. The garbage must be accounted for and properly classified. The ballast must

be exchanged and strict attention paid to the mud on the anchor cable. There will be rules about the amount of oil that can be used to lubricate the springs, lest these wires be dropped into the harbour and pollute. The decks may be piled high with spilled coal, iron ore, grain or other bulk cargo, but nobody should dare to sweep the decks until the ship is hundreds of miles out to sea. Don't think of sending a couple of sailors over the side on a stage to chip paint – paint chippings are a noxious pollutant and will attract huge fines. Fuel and emissions will give engineers major headaches. Huge areas of sea are now being classified as "marine reserves" where ships must treat marine mammals with due respect. They get very annoyed by echo sounders, apparently.

We certainly should not hark back to the bad old days, when the sea was treated as a sewage tank and garbage dump (as much by shore-side dwellers as sea people), and we do indeed need assiduously to protect the world. But perhaps we need a little balance, less fanatical concentration on the importance of the environmental agenda. That may help people get back to basics and safer ship operation.



**THE preoccupation of the watchkeeper with the ship's garbage return documentation contributed at least in part to the nearly calamitous collision between the cruiseship *Norwegian Dream* (above) and a containership in the North Sea. (Photo: Reuters)**

## THE SEA INTERVIEW

## Keeping up the standards for ships and crews

**O**LD Broad Street in the heart of the City of London is a bustling part of the capital. Situated a stone's throw from the palatial Bank of England, workers rush in and out of the offices, coffee shops, clothing stores and gyms which line the street. The noise of building work clangs above as builders tend to the skyscrapers reaching for the sky.

That bustling scene, however, is a far cry from the peaceful office of the Bahamas Maritime Authority. Inside, the cool air conditioning provides a welcome breeze after the humidity of the streets, and for a moment, I imagine myself lazing on a sunny sandy beach – like those in the glorious pictures which adorn the authority's literature and walls.

The Bahamas flag state is one of the shipping industry's most respected. Committed to ensuring ships on its registry meet tough industry standards, the flag registers all types of vessels

from cargo ships to much of the world's cruise fleet. Its assistant director, Dr Phillip Belcher, has worked for the Bahamas Maritime Authority since 2008, following a ten-year career at sea and time spent with the Seafarers' International Research Centre and the Honourable Company of Master Mariners.

"The role of a flag state is to ensure that the ships on its register maintain international standards so that they are safe and seaworthy," says Phil as we sit down for the interview.

"That means that our inspectors carry out regular assessments on the vessels to ensure, for example, that they carry the appropriate anti-pollution equipment, and that all the gear on board is up to date and working correctly. Shipping is probably one of the most highly regulated industries in the world and it is right that we as flag states take our responsibilities seriously in ensuring ships are safe and efficient – after all, we rely on

Dr Phillip Belcher, assistant director of the Bahamas Maritime Authority, talks to Ben Bailey about the role of the flag state and his work at the International Maritime Organisation



**PHILLIP BELCHER of the Bahamas Maritime Authority**

them so much for our every day needs that it's right we encourage their proper maintenance."

The Bahamas registry has been taking vessels on to its books for over 30 years. Phil says that there is a strict set of criteria which have to be met in order to register. "We pride ourselves on only taking vessels which are 12 years old or younger," he says. "Older vessels

can register but they have to meet a tougher set of standards. This means that seafarers working on Bahamian-flagged vessels are on some of the youngest and most technologically advanced vessels operating anywhere in the world. We insist that vessels meet standards set down by bodies such as the International Maritime Organisation (IMO)."

I am meeting Phil during the week that includes World Maritime Day. This international day celebrates the continuing commitment of seafarers and the dedication they have in keeping the world's economies moving despite the threat of piracy, isolation and a life spent away from family and friends. It's also an opportunity for IMO to promote its Go to Sea campaign, designed to encourage young people to consider a life on the ocean waves.

"The shipping industry isn't very good as a rule at telling its story," says Phil. "It is so easy to forget the men and women who go to sea for a living, and the industry doesn't push the positives of a career at sea. I decided to go to sea after reading an advert which offered me the chance to see the world. The life of a seafarer is obviously more pressured than when I went, but there are some beautiful sights on offer. I remember only too well the first time I saw a humpback whale

jump out of the water, or a school of dolphins. These are things you never forget and which will stay with me for a lifetime."

As well as its role in operating a ship registry, the Bahamas has long played an important part in shaping the industry's regulations at IMO. As assistant director of the register, Phil regularly attends IMO meetings and offers technical and operational advice in order to effectively shape forthcoming regulations.

For example, in the week before we met, Phil attended IMO's sub-committee on dangerous goods, solid cargoes and containers at its headquarters in London. He chaired a working group which, throughout the week, updated and issued new guidance for seafarers working in enclosed spaces.

"During our work, we decided among other things that there needed to be mandatory provisions put in place for a low pressure audible alarm on breathing apparatus. We also looked into the

possibility of having mandatory safety drills to minimise accidents."

Much of the work of flag states recently has been the issuing of advice to shipowners about the forthcoming Maritime Labour Convention, the object of which is to standardise the working and living conditions on all ships over 500gt working in international trade.

"Here at the Bahamas authority, we are actively encouraging shipowners on our register to comply with the regulations before they come into force and to speak to us about getting early inspections of their vessels. The Bahamas was involved in writing the Maritime Labour Convention at the International Labour Organisation and this piece of legislation will be vital to ensuring seafarers and shipowners are protected. The convention reminds seafarers that they do count, that their work is important and that we as a regulator take them and their role seriously."

## Support for seafarers in Seattle

**PRINCESS Cruises has been a long-time supporter of The Mission to Seafarers in Seattle. It holds an annual fundraising lunch, makes donations towards better facilities for visiting seafarers, and Seattle-based staff of Princess Cruises and Tours volunteer as shuttle bus drivers for cruiseship crews between Seattle's Pier 91 and the seafarers' centre. Pictured at the most recent lunch are David Musselwhite of Princess Cruises and Claudia Eberly of the Seattle Mission to Seafarers (centre front) along with crew members of the *Golden Princess*.**

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# Crimes and seafarers

SEAFARERS' exposure to criminal prosecution is a frightening occupational hazard. Recent cases have shown that seafarers can be unfairly singled out as convenient scapegoats when things go wrong in ports. In addition, because their work takes them from country to country, seafarers are exposed to criminal laws and procedures that are unfamiliar to them.

Criminal law is intended to protect society by prohibiting conduct that threatens public safety and welfare, and by punishing offenders to deter crimes. Governments create criminal laws and procedures based on their

views of justice and societal values. Because of this, there can be very big differences in criminal laws from country to country.

For seafarers, the most important laws are the laws of their ship's country of registry. Flag state law governs activities on ships flying its flag, even when in another country's territory. Although port states have jurisdiction over people within their territory, port states do not normally enforce their criminal laws on foreign flag ships in their waters except in cases where conduct on the foreign ship upsets the peace, tranquillity or security of the port state.

When seafarers are on shore leave, they are subject to the criminal laws of the port state. Some countries' criminal laws apply to their citizens wherever the crimes occur.

Seafarers can reduce their exposure to criminal prosecutions by becoming familiar with the local laws and penalties of the countries they are visiting, especially in the following types of crimes:

- Drug cases: some countries treat drug cases very seriously, including imposing the death penalty in situations that might be a minor offence in another country. Do not take drugs with you on your ship or

ashore. When travelling, make sure that you pack your own luggage and don't carry packages for anyone else. Never carry anything through customs for anyone else. If you have prescription medications, make sure that you have a doctor's prescription with you. Be aware that some prescription drugs, especially those containing opiates, might be illegal in some countries even with a prescription.

- Child sexual exploitation: crimes involving sexually exploiting children are vigorously prosecuted in many countries, including acts that occur in other countries. Engaging in sexual activities with a child, regardless of local cultural practices, can lead to a conviction in other

countries. If you are in doubt about a person's age, err on the side of caution. Making a mistake about the person's age will not be an excuse. Make sure that you do not have any photographs that could be considered child pornography on your computer, camera or mobile telephone.

- Environmental crimes: coastal nations, especially the USA, vigorously enforce marine pollution laws. Many of the cases involving illegally discharging oil at sea are actually prosecuted for falsifying oil record books and lying to enforcement officers. Keep accurate records and, if you talk to officials, be truthful.

If you are arrested and detained in a foreign country you should take the following actions:

- Try to stay calm, maintain your dignity, don't lose your temper, and don't provoke the arresting officer.
- Be polite with the authorities, but don't make any admission of wrongdoing, don't confess, don't sign any documents, don't volunteer anything, and don't give any explanation until after you have spoken to a lawyer.
- Ask the authorities to notify your country's consulate. The Vienna Convention requires arresting officers to inform consulates when their citizens are arrested. Although your consulate probably cannot get you released, it can provide various forms of assistance, including contacting your family and employer if you request this.

# Delitos y marineros

LA posibilidad de que los marineros se vean involucrados en procesos penales es un riesgo laboral muy preocupante. Se ha visto en casos recientes que los marineros pueden ser señalados, de forma injusta, como chivos expiatorios cuando pasa algo en un puerto. Además, dado que su trabajo los lleva de un país a otro, los marineros están expuestos a leyes y procesos penales que desconocen.

El derecho penal tiene el objetivo de proteger a la sociedad al prohibir conductas que supongan una amenaza para la seguridad y el bienestar público, y al castigar a los transgresores para evitar delitos. Los gobiernos crean leyes y procesos penales con base en sus ideas sobre la justicia y los valores sociales. Es por eso que puede haber grandes diferencias en las leyes penales de distintos países.

Para los marineros, la legislación más importante

es la del país de registro de su barco. La legislación del país de abanderamiento rige las actividades que se realicen en los barcos que lleven su bandera, incluso si se encuentran en el territorio de otro país. A pesar de que el estado del puerto tiene jurisdicción sobre las personas que se encuentran en su territorio, normalmente no imponen sus leyes penales en los barcos de bandera extranjera que estén en sus aguas, salvo en los casos en que la conducta del barco extranjero perturbe la paz, tranquilidad o seguridad del país del puerto. Cuando los marineros disfrutan de un permiso en tierra están sujetos a las leyes penales del estado del puerto. Las leyes penales de algunos países se aplican a sus ciudadanos dondequiera que ocurra el delito.

Los marineros pueden reducir sus riesgos de verse envueltos en un proceso

penal al familiarizarse con la legislación local de los países que visiten, en particular con la relativa a los siguientes tipos de delitos:

- Delitos relacionados con las drogas: algunos países tratan con mucha severidad los delitos de drogas; en algunos lugares se puede llegar a imponer una pena de muerte por cosas que en otros países se consideran delitos menores. No lleves drogas contigo en el barco ni en tierra. Al viajar, asegúrate de hacer tu propio equipaje y no lleves equipaje de otras personas. Nunca lleves nada de otras personas al pasar por aduanas. Si usas medicamentos con receta, asegúrate de llevar la receta contigo. Debes saber que algunas medicinas, en especial las que tienen opiato, pueden ser ilegales en algunos países si no están acompañadas de una receta médica.
- Explotación sexual de niños: los delitos

relacionados con la explotación sexual de niños se castigan severamente en muchos estados, incluyendo los actos que se realizan en otros países. Participar en actividades sexuales con niños, independientemente de las costumbres culturales locales, puede conducir a una condena en otros países. Si no estás seguro de la edad de alguien debes actuar con cautela. Un error al juzgar la edad de una persona no podrá ser una excusa. Asegúrate de no tener en tu ordenador, cámara o teléfono móvil ninguna fotografía que pudiese clasificarse como pornografía infantil.

- Delitos medioambientales: las naciones costeras, en particular Estados Unidos, tienen leyes estrictas sobre la contaminación marina. Muchos de los casos relacionados con el vertido de combustible en el mar se procesan por falsificación de los libros de registro de combustible y por

mentiras a los funcionarios de seguridad. Asegúrate de que los libros de registro sean correctos y sé sincero al hablar con los funcionarios.

Si sufres una detención en un país extranjero debes hacer lo siguiente:

- Trata de mantener la calma y tu dignidad, no pierdas los estribos y no provoques al agente que te está deteniendo.
- Sé educado con las autoridades, pero no admitas ningún acto indebido, no confieses, no firmes ningún documento, no te ofrezcas

a nada y no des ninguna explicación antes de hablar con un abogado.

- Solicita a las autoridades que avisen al consulado de tu país. La Convención de Viena exige que los funcionarios que lleven a cabo la detención informen a los consulados cuando sus ciudadanos sean detenidos. Aunque el consulado probablemente no pueda ponerte en libertad sí que puede ofrecer diversos tipos de ayuda, como contactar a tus familiares y tus jefes si lo solicitas.

## 犯罪与海员

遭遇刑事起诉的风险, 是海员面临的一种可怕的职业危害。近期案例显示, 当港口发生问题时, 海员可能被不公平地挑出来, 当作便利的替罪羊。此外, 由于海员的工作意味着他们要在各国之间流动, 他们可能暴露于陌生的刑法和司法程序。

刑法的意图是禁止那些威胁公共安全福祉的行为, 并惩罚犯罪者以吓阻犯罪, 从而保护社会。政府根据各国的正义观和社会价值观创建刑法和司法程序。因此, 各国的刑法可能存在很大不同。

对海员来说, 最重要的法律是他们的船籍国的法律。船籍国法律适用于船上的活动, 即便船舶是在另一个国家境内。虽然港口国对于该国领土上的人员具有管辖权, 但港口国一般不能在该国领水内悬挂外国旗的船舶上执行本国刑法, 除非是在外国船上的行为破坏了港口国和平、安宁或保安的情况下。当海员上岸休假时, 他们受到港口国刑法的管辖。对有些国家而言, 无论犯罪行为发生在哪里, 其刑法均适用于本国公民。

海员了解自己要访问的国家的当地法律和处罚, 可降低遭遇刑事起诉的风险, 尤其是对于以下类型的犯罪:

- 毒品案件: 有些国家非常严肃地对待毒品案件, 包括判处死刑, 而同样情形在另一个国家也许只构成轻微犯法。不要在船上或岸上携带毒品。旅行时, 确保你整理自己的行李, 而且不要为别人捎带物品。绝不要为别人捎带任何东西通过海关。如果你有处方药, 确保你随身携带医

生的处方。应当留意的是, 有些处方药, 尤其是那些含有鸦片制剂的处方药, 也许在有些国家是非法的, 即使有处方也不行。

- 对儿童的性剥削: 许多国家对涉及性剥削儿童的犯罪行为积极提起公诉, 包括在其它国家发生的行为。无论当地文化习俗为何, 与儿童进行性活动都可能在其它国家导致被判有罪。如果你对某人的年龄有疑问, 应谨慎为上。误判对方的年龄不能当作借口。确保你的电脑、照相机或手机上没有任何可能被视为儿童色情的照片。
- 环境犯罪: 沿海国家(尤其是美国)积极执行海洋污染法律。在许多涉及在海上非法排油的案件中, 公诉依据其实是在油类记录簿上造假, 或者对执法人员说谎。应当保持准确记录, 并在与官员交谈时诚实陈述。

如果你在某个外国被捕并遭到拘留, 你应当采取下列行动:

- 试图保持镇静, 维护自己的尊严, 不要发火, 也不要激怒逮捕你的警官。
- 礼貌对待当局, 但在你与律师交谈之前, 不要承认任何过错, 不要坦白供认, 不要签署任何文件, 不要主动提议任何事, 也不要提供任何解释。
- 请当局通知你的国家的领事馆。《维也纳公约》(Vienna Convention) 要求警方在逮捕外国公民时通知相关的领事馆。虽然贵国领事馆很可能无法让你获释, 但它能够提供各种协助, 包括根据你的请求联络你的家人和雇主。

# Моряки и преступность

НЕЗАЩИЩЕННОСТЬ моряков перед возможностью привлечения их к уголовной ответственности — это один из пугающих профессиональных рисков. Недавние случаи показали, что моряки могут совершенно несправедливо стать козлами отпущения, в случае, если что-то непредвиденное случается в порту. К тому же, в силу того, что их работа предполагает перемещение из одной страны в другую, моряки попадают под действие уголовных законодательств и процедур, с которыми они совершенно незнакомы.

Уголовное право необходимо для защиты общества путем запрета на поведение, несущее угрозу общественной безопасности и благополучию, а также для вынесения наказаний нарушителям в целях сдерживания преступности. Правительства создают уголовное законодательства и процедуры, основываясь на собственных взглядах на правосудие и общественные ценности. По этой причине в различных странах могут наблюдаться большие различия в уголовном праве.

Для моряков наиболее важным является соблюдение законов страны регистрации своего судна. Законы государства флага регулируют все происходящее на судах, плавающих под его флагом, даже на территории другой страны. И хотя юрисдикция государств порта распространяется на людей, находящихся на их территории, государства порта обычно не применяют свое уголовное право к судам под иностранными флагами, находящимся в их водах, за исключением случаев, когда поведение моряков на иностранных судах нарушает порядок, спокойствие или безопасность государства порта. При нахождении моряков в береговом увольнении, на них распространяются

нормы уголовного законодательства государства порта. Уголовное право некоторых стран предусматривает ответственность своих граждан независимо от места совершения преступления.

Моряки могут снизить риск подвергнуться уголовному преследованию, ознакомившись с законами и мерами наказания, применимыми в странах их пребывания, в особенности в отношении следующих преступлений:

- Дела о наркотиках: В некоторых странах отношение к делам, связанным с наркотиками, очень серьезно, включая вынесение смертного приговора в тех случаях, которые могут считаться мелким правонарушением в других странах. Не имейте при себе наркотиков, находясь на судне или на берегу. Путешествуя, сами накупите свой багаж и не соглашайтесь нести какие-либо вещи за кого-то другого. Никогда не проносите через таможенные чехлы-либо вещей. Если вам необходимы рецептурные медицинские препараты, позаботьтесь о том, чтобы выписанный доктором рецепт находился при вас. Необходимо знать о том, что некоторые рецептурные медицинские препараты, в особенности те, что содержат опиаты, могут быть противозаконны в других странах даже при наличии рецепта.
- Сексуальная эксплуатация детей: Преступления, вовлекающие сексуальную эксплуатацию детей, решительно преследуются во многих странах, и это распространяется на действия, совершенные в других странах. Вовлечение в действия сексуального характера в отношении детей, независимо от местных культурных обычаев, может привести к обвинительному приговору в других странах. Если у вас есть сомнения

относительно возраста партнера, действуйте с наименьшим риском. Ошибка в определении возраста не может служить оправданием. Убедитесь, что на вашем компьютере, камере, телефоне нет каких-либо фотографий, которые могут рассматриваться как детская порнография.

- Экологические преступления: Прибрежные страны, в особенности США, со всей решительностью обеспечивают исполнение законов, запрещающих загрязнение морских вод. Обвинения по множеству случаев нелегального сброса нефти в море фактически базируются на фальсификации книг учета нефти и обмане лиц, обеспечивающих соблюдение закона. Ведите точный учет, и в беседах с официальными лицами говорите правду.

Если вы арестованы и задержаны в чужой стране, необходимо предпринять следующее:

- Старайтесь оставаться спокойными, сохраняйте достоинство, не выходите из себя и не провоцируйте того, кто производит арест.
- Будьте вежливы с официальными лицами, но не делайте никаких признаний в совершении правонарушений, не подписывайте никаких документов, не делайте ничего по собственной инициативе и не давайте никаких объяснений до тех пор, пока не побеседовали с адвокатом.
- Попросите официальных лиц информировать консульство вашей страны. Венская конвенция требует от лиц, проводящих арест, информировать консульства в случае ареста их граждан. И хотя ваше консульство, скорее всего, не сможет освободить вас, оно может предоставить различные виды помощи, такие как связаться по вашей просьбе с вашей семьей или работодателем.

# Integrity counts

IT was depressing to read about Jenny Thompson, who sold the newspapers her story about her alleged affair with Wayne Rooney, the famous Manchester United and England footballer, during his wife's pregnancy.

Whenever someone in public life has an affair it usually makes the news. And then we hear the same old platitude that it doesn't matter how people behave in private as long as they do a good job in public. The public, which probably includes me and maybe you, will then spend an amazing amount of time devouring the stories, pondering later why we wasted valuable time reading such nonsense.

On the one hand we have this kiss and tell culture in the tabloid newspapers, while at the more sophisticated end of newspaper sensationalism are the autobiographies that

have recently flooded the market, especially those of well-known politicians such as the former British Prime Minister, Tony Blair. It would appear that to increase sales the biographer has to say something unkind about the character of a colleague, especially if that person is still alive.

Integrity is something that is not only important in the private lives of famous sportsmen, but also in the playing of the game. For example we have the recent allegations about individuals and members of a team being offered money to play in a certain manner that would bring lucrative rewards to those who bet on their style of play.

I wonder what God makes of it all. He is probably not surprised that people cheat on one another or that they sell each other's secrets. But my guess is

that he cares more about the details that people say don't matter. The God who declares in the psalm that "I require truth in the inner parts" is, I would imagine, more interested in how we treat one another than how good we are at our jobs. He probably cares less about a footballer's performance on the field than a hidden decision to be unfaithful, or the decision of a man or woman to sell his or her story at the expense of someone else. We may say none of this matters, but the fact is someone, somewhere, is getting hurt, being betrayed and, perhaps worst of all, betraying themselves.

It is this betrayal of self that bothers Jesus moments after Judas has delivered his own "kiss and tell". His reaction is not to worry for his own safety or reputation, or to have a go at his accuser

and offer a counter denial. Instead he looks at Judas with compassion and asks why someone he loved and who loved him could sell his soul so cheaply.

Jesus tells us that when we die and face God all of us will have to give an account, not just of the things we have done, but of the words that we have said and even the thoughts we have had. Jesus is very clear on the question of integrity when he says: "Let your yes be yes and your no be no". He also goes on to show us that God our judge will neither be fault finding nor seeking out gossip, as happens on the internationally known Big Brother reality show. Nor will he be a God as Bette Midler sings "watching us from a distance", but one who is alongside us in our daily lives, who loves us even when we sell ourselves, and others, short.

## 诚信很重要

读到有关珍妮·汤普森 (Jenny Thompson) 的消息令人郁闷。她将自己与曼联和英格兰国家队知名球员韦恩·鲁尼 (Wayne Rooney) 的风流韵事卖给报纸, 而鲁尼的妻子正在怀孕。

公众人物若发生婚外情, 通常都会成为新闻。然后我们会听到同样的陈词滥调, 称只要相关人士在公共场合正常履行职责, 他们在私人生活中的行为是无要紧要的。随后, 公众 (可能包括你我) 将花费大量时间阅读这些故事, 只是在事后纳闷自己为什么浪费宝贵时间去读那些废话。

一方面, 我们的小报充斥着这种“泄露与名人私情”的文化, 另一方面, 比较高端的报纸则利用近期上市销售的一批自传——尤其是英国前首相托尼·布莱尔 (Tony Blair) 等知名政界人士的自传, 进行耸人听闻的炒作。为了增加销量, 自传作者似乎必须对一名同事的性格发表一些刻薄的言论, 尤其是在对方仍然在世的情况下。

诚信不仅在知名运动员的私人生活中是重要的, 而且在他们投入比赛时也是重要的, 比如近期有指控称, 有人向某些人士和某个运动队的成员提供金钱, 让他们以某种方式进行比赛, 使那些作出相应押注的人得到丰厚回报。

我纳闷主会如何看待这一切。对于人们相互欺骗, 或者出卖对方的秘密, 他很可能不会感到意外。但我猜想, 对于人们所说的无关紧要的枝节, 他的关心程度超出人们的想象。既然主在《诗篇》中宣称他要求“内里的

诚实”, 我想, 他更感兴趣的是我们如何相互对待, 而不是我们如何出色地完成工作。他很可能不那么关心一名足球运动员在赛场上的表现, 而更关心其悄悄作出的对妻子不忠的决定, 或者一名男士或女士以牺牲别人的利益为代价、出售自己的故事的决定。我们可以说, 这些事都无关紧要, 但事实是, 在某个地方有人正受到伤害, 被出卖, 以及 (或许最糟糕的是) 出卖自己。

正是这种出卖自我的行为, 在犹大作出他的“泄露”举动片刻之后, 让耶稣感到不安。耶稣的反应不是担心自己的安全或名声, 也不是对指控者提出斥责, 并发布一项予以否认的声明; 相反, 他以同情的眼神注视犹大, 问道, 为什么他所爱 (也爱他) 的人会如此轻易地出卖自己的灵魂。

耶稣告诉我们, 当我们死后面对主时, 我们都必须作出说明, 这不仅包括我们所做的事, 也包括我们所说的话, 甚至我们曾经有过的念头。耶稣在诚信的问题上非常明确, 他说: “你们的话, 是, 就说是; 不是, 就说不是”。他接着还向我们说明, 主作为我们的评判者, 将既不会找岔子, 也不会像国际知名的《老大哥》电视真人秀那样寻找八卦。主也不会像贝蒂·米勒 (Bette Midler) 的歌声中所唱的“从一段距离外注视着我们”, 而是在我们日常生活中陪伴着我们, 爱着我们——即便在我们做出对不起自己以及别人的事的时候。

# La integridad es importante

FUE deprimente leer la historia que Jenny Thompson vendió a la prensa sobre el lío que tuvo con Wayne Rooney, el famoso jugador del Manchester United y de la selección inglesa, mientras su mujer estaba embarazada.

Normalmente, cuando algún personaje público tiene una aventura amorosa la historia salta a los medios de comunicación, y después empezamos a oír el mismo tópico según el cual no importa cómo actúen las personas en su vida privada siempre y cuando hagan un buen trabajo en su vida pública. El público, en el que probablemente me incluyo, y tal vez tú, dedicará entonces una increíble cantidad de tiempo a devorar esas historias y después nos preguntaremos por qué hemos desperdiciado un tiempo valioso en leer esas tonterías.

Por un lado tenemos la cultura de la prensa amarillista y del corazón, mientras que por otro lado está el periodismo sensacionalista más sofisticado con autobiografías como las que han estado inundando el mercado, en particular las de políticos famosos como el antiguo primer ministro británico Tony Blair. Da la impresión de que para potenciar las ventas el biógrafo tiene que decir algo malo sobre el carácter de un compañero, en especial si esa persona todavía está viva.

La integridad es importante no solo en las vidas privadas de deportistas famosos sino también cuando se juega al deporte en sí. Tomemos como ejemplo unas acusaciones recientes relacionadas con personas y miembros de un equipo a los que se

ofreció dinero para jugar de forma que se beneficiasen otras personas que habían realizado apuestas sobre esos jugadores.

Me pregunto qué piensa Dios de todo esto. Probablemente no le sorprendería que la gente engañe a otras personas o que venda los secretos de los demás. Pero yo creo que le preocupan más los detalles que la gente dice que no son importantes. El Dios que dice en el salmo «Necesito la verdad en lo íntimo» está, me imagino, más interesado en cómo tratamos a nuestros semejantes que en lo bien que realizamos nuestros trabajos. Probablemente le importe menos el rendimiento de un futbolista en el campo que una infidelidad secreta

o que la decisión de un hombre o una mujer de vender su historia a costa de otra persona. Podemos decir que nada de esto importa pero el hecho es que alguien, en algún lugar, está sufriendo, ha sufrido una traición y, tal vez, pe or aún, se está traicionando a sí mismo.

Es esta traición a uno mismo lo que molesta a Jesús momentos después de que Judas hubiese «vendido su historia». Su reacción no es preocuparse por su propia seguridad o reputación, ni increpar a su acusador y defenderse negando lo que ha dicho; Jesús mira a Judas con compasión y pregunta por qué alguien a quien amaba y que le amaba pudo vender su alma por tan poco.

Jesús nos dice que en el momento de nuestra muerte tendremos que enfrentarnos a Dios y dar cuenta no solo de lo que hemos hecho sino también de lo que hemos dicho e incluso de lo que hemos pensado. Jesús es muy claro sobre el asunto de la integridad cuando dice: «Que tu sí sea sí y que tu no sea no». También nos dice que Dios, nuestro juez, nunca buscará cotilleos, como el programa de televisión conocido mundialmente El Gran Hermano. Tampoco será un Dios que, como canta Bette Midler «nos observa desde la distancia» sino uno que está junto a nosotros en nuestras vidas cotidianas, que nos ama incluso cuando nos vendemos y vendemos a otros por muy poco.

# Порядочность — не пустой звук

Было горько читать о Джени Томпсон, продавшей бульварной газете историю о своей любовной связи с Уэйном Руни — знаменитым английским футболистом Манчестера Юнайтед, случившейся в то время, когда его жена была беременна.

Если кто-либо из находящихся у всех на виду заводит любовную интрижку — это обычно попадает в газеты. И при этом мы слышим одну и ту же старую банальность, что совершенно неважно, как люди ведут себя в личной жизни, если они приносят пользу обществу. Общество, в которое, возможно, входим и мы с вами, будет поглощать эти истории,

позже удивляясь, зачем было истрачено столько драгоценного времени на чтение такой ерунды.

С одной стороны мы имеем культуру «поцелуй и рассказы» в бульварной прессе, с другой стороны, на более утонченном конце газетных погонь за сенсациями, находятся автобиографии, которые в последнее время заполнили рынок.

Особенно таких хорошо известных политических деятелей, как бывший премьер-министр Великобритании Тони Блэр. Видимо, для увеличения продаж биограф должен обязательно сказать что-либо неприглядное о характере коллеги, в особенности, если этот человек еще жив.

Порядочность — это то, что имеет значение не только в частной жизни знаменитых спортсменов, но также и в ведении спортивной борьбы. Например, недавние обвинения в адрес отдельных личностей и членов команды в том, что им были предложены деньги за игру в определенной манере, что сулило большие выигрыши тем, кто сделал ставку на эту манеру игры.

Я удивляюсь, что Бог думает обо всем этом. Возможно, он не удивлен тем, что люди обманывают друг друга или пытаются продать чужие секреты. Но я полагаю, его больше волнуют те мелочи, которые, как говорят,

не имеют значения. Бог, который, как провозглашается в псалме «возлюбил истину в сердце моем», мне кажется больше заинтересован в том, как мы относимся друг к другу, чем в том, как хорошо мы справляемся со своей работой. Скорее всего, он меньше заботится о качестве игры какого-либо футболиста, чем о принятом им тайном решении изменить жене. Или о решении человека продать свою историю в ущерб кому-то другому. Мы можем сказать, что все это ничего не значит, но все дело в том, что кому-то где-то причиняется боль, совершается предательство, а,

возможно, что хуже всего, — человек предает сам себя.

Именно это предательство человеком самого себя и волнует Иисуса спустя несколько мгновений после того, как Иуда исполнил свой собственный акт «поцелуй и рассказы». Его реакция — это не беспокойство о собственной безопасности или репутации, и не желание отомстить своему обвинителю и выдвинуть опровержение. Иисус смотрит на Иуду с состраданием и задает вопрос о том, как мог человек, которого он любил, и который в ответ любил его, так дешево продать свою душу.

Иисус говорит нам, что когда мы умираем и предстаем перед Богом,

каждый из нас должен будет держать ответ не только за свои поступки, но и за слова, сказанные нами, и даже за наши мысли. Иисус очень четко определяет свою позицию по вопросу порядочности, когда говорит: «Но да будет слово ваше: да, да; нет, нет» Он дает нам понять, что Бог — наш судья, никогда не опустится до собирания сплетен, как всемирно известное реалити-шоу «Большой Брат». И не будет он Богом, который как пост Бетти Мидлер «смотрит на нас со стороны», но будет тем, кто находится рядом с нами в нашей повседневной жизни, кто любит нас даже тогда, когда мы за бесценок продаем себя и других.

If you have any questions about your rights as a seafarer, or if you want more information or help, you can contact:

Douglas B Stevenson, Center for Seafarers' Rights, 241 Water Street, New York, NY 10032, USA. Tel: +1212 349 9090 Fax: +1212 349 8342 Email: csr@seamenschurch.org or

Canon Ken Peters, The Mission to Seafarers, St Michael Paternoster Royal, College Hill, London EC4R 2RL, UK. Tel: +44 20 7248 5202 Fax: +44 20 7248 4761

Email: justice@missiontoseafarers.org

## Crew rescued after rescue boat accident

THREE seafarers were injured and six seafarers were thrown into the water when a line snapped and capsized the rescue boat during a boat drill on board the UK tanker *British Cormorant*.

A UK Coastguard rescue helicopter recovered the six seafarers from the water (pictured right), while two of the injured had to be airlifted to hospital. At the time of the incident, the *British Cormorant* was at anchor at the Nab anchorage off Portsmouth waiting to berth to discharge at the Fawley terminal.

It is the latest in a long line of boat drill accidents and is being investigated by the Marine Accident Investigation Branch. Solent Coastguard's watch manager, Lucy Tanner, said that the Coastguard rescue helicopter provided a swift recovery for the seafarers in the water. "Fortunately all were wearing lifejackets, which ensured that they all remained afloat and visible to the aircraft crew," she said.



(Photo: Maritime & Coastguard Agency)

Lawyers claim chief engineer was made a scapegoat

## Seafarer sues company in 'magic pipe' case

A GREEK seafarer is suing his former employer in a US\$23m lawsuit because, he says, he was made a scapegoat in a US "magic pipe" pollution criminal case.

In May, a US court cleared Ioannis Mylonakis, former chief engineer of the tanker *Georgios M*, of involvement in the illegal use of hoses and pumps to send oily-water waste directly into the sea. There have been many such prosecutions of seafarers and shipping companies in recent years, but this was the first acquittal of a seafarer in a case in which an employer had pleaded guilty. A Texas jury rejected the evidence given by "whistleblowing" crew members on the chief engineer's ship.

The ship's operator, Mami-

dakis Group, pleaded guilty and admitted intentionally polluting the sea over a three-year period and agreed to assist the prosecution with the case against three officers, including Mr Mylonakis.

The latter's lawsuit against Mamidakis claims compensation for a 14-month period of detention, lost personal income and medical expenses. His lawyers claim he was the victim of a plea bargaining agreement.

The Mamidakis subsidiary which owns the *Georgios M*, Styga Compania Naviera, paid a \$1.25m fine and agreed to a three-year probationary environmental-compliance inspection programme as part of the plea bargain.

Mr Mylonakis's lawyers, Chalos & Co, said the legal

action was aimed at "restoring the chief engineer's dignity and obtaining just compensation for the ordeal he and his family were forced to endure as a result of the company's 'scapegoat strategy'."

"We are going to do everything humanly possible to get justice for the Mylonakis family," said lawyer George Chalos. "Beyond that, we hope the result will be a lesson and a serious deterrent for anyone who ever even thinks about trying to opportunistically blame the little guy. The defendants made a major mistake in how they handled the case and the strategy has backfired miserably."

He added that he was sure a Texas jury was not going to look kindly on "rich, admitted polluters who tried to scape-

goat the last man on the ship in order to save a few bucks".

Meanwhile, "magic pipe" cases continue to come before US courts. Another chief engineer, Dimitrios Dimitrakis, of the Marshall Islands-flagged bulk carrier *New Fortune*, has been fined US\$5,000 and sentenced to three years' probation. He admitted a series of charges relating to the overboard disposal of oil residue, sludge, oil and oily mixtures into the ocean and his attempts to conceal the discharges. The ship's second engineer received two years' probation, a \$500 fine and a \$100 special assessment. The ship's owner, Greek based Transmar Shipping, had already been fined \$750,000 and ordered to make a community service payment of \$100,000.

## Concern as four officers are jailed in Venezuela for alleged drug offences

FOUR ship's officers have been sentenced to long jail sentences in Venezuela for alleged drug smuggling. Two more crews and their vessels have been detained this year and remain unable to sail from Lake Maracaibo.

According to shipping weekly magazine *Fairplay*, Venezuelan courts are repeatedly imprisoning officers and arresting bulkers and tankers after smugglers attach drugs to hulls – despite the apparent innocence of the ships and crews.

In May, two Greek officers, the master Georgios Koutikas and first officer Athanasios Ntoustias, from the Anangel Shipping-owned tanker *Astro Saturn* were sentenced to eight years in prison. Cocaine had been found attached to the ship's hull in Puerto La Cruz in October 2008.

Then, in August, Ukrainians Volodymyr Ustymenko and Yuriy Datchenko, master and second officer respectively of the B Navi-owned bulker *B Atlantic* got nine years in jail.

Cocaine had been found attached to the ship's hull in Lake Maracaibo. The ship is still in Venezuela and the owner has given up hope of recovering her.

The law firm Clyde & Co told *Fairplay* that owners should tell their masters and crews of the prosecution risk before sailing to Lake Maracaibo. It also advised a number of precautions, including contracting a private underwater inspector to search the hull and then requesting an official government inspection after the hull has been privately cleared.

Jon Whitlow, secretary of the ITF's seafarers section, told *The Sea* that the ITF was gravely concerned about the criminalisation of seafarers and what seemed to be a growing presumption that if drugs were concealed on the hull then the senior officers were involved and guilty. "It is generally accepted that criminal law requires there to be knowledge and intent and that seems to be missing in these cases," he said.

## Unions campaign to protect EU ferry jobs

TRADE unions across Europe are mounting a campaign to protect EU seafarers' jobs on ferries on international routes within the EU. The European Commission put forward proposals to this effect a decade ago but these were rejected by EU member countries in response to shipping industry concerns. Ship operators opposed the original proposals and are likely to resist any attempts to revive them.

Campaign co-ordinator Norrie McVicar said the launch of the campaign reflected the frustration of 10 wasted years since the European Commission

proposed a directive for passenger services that would have guaranteed equal working rights and conditions for EU and non-EU crews, and addressed safety concerns raised by the employment of multilingual and multinational crews.

"The result has been a decade of job losses, with long-serving crews cut and then cut again, to be replaced, if at all, with cheaper non-EU personnel, many of whom are now even being encouraged to carry out cargo handling work that has always been the preserve of safety-trained dockers," he said.

## Initiative to navigate future challenges

A NEW project, the Sustainable Shipping Initiative (SSI), has been launched by major shipping companies to examine the challenges and opportunities which face the industry over the next 30 years and what it needs to do to ensure that, by 2040, it is robust and profitable with a strong record of social and environmental responsibility.

The initiative operates under the auspices of Forum for the Future, a UK non-governmental organisation. It has been founded by Maersk Line, Gearbulk, BP Shipping, Lloyd's Register, ABN Amro and WWF to ensure the industry successfully navigates climate change, rising fuel costs, new patterns of global trade and other challenges of the future.

The founder members aim to bring other leading organisations from across the industry into the SSI, including global shipping firms, shippers and financiers. Members will identify the key trends which will affect shipping, explore how best to react to them, and prepare a case for action as a resource for the entire industry.

## Reduced speeds to continue

DANISH shipowner giant AP Moller – Maersk's main container operation, Maersk Line, says that slow steaming will continue even when the market recovers. A statement from the company indicates that Maersk has reduced speeds by 20 per cent, which would mean service speeds for the large vessels on the long-haul routes of about 19 knots. As well as saving fuel, the line says schedule reliability improves because slower speeds allow vessels to continuously adjust speed in order to deliver the cargo exactly on time.

## New rights centre launched

THE International Transport Workers' Federation (ITF) has funded the setting up of Seafarers' Rights International which is intended to be "a unique and ground breaking resource dedicated to advancing

the legal protection of seafarers worldwide".

Seafarers' Rights

International will use high level research and analysis to raise awareness of the legal concerns of seafarers, and will work to improve the protection of seafarers in national and international laws. It has been funded by a start-up grant from the ITF Seafarers' Trust charity but is an independent organisation.

Its launch took place at the International Maritime Organisation (IMO) on World Maritime Day. IMO secretary-general Efthimios Mitropoulos said it would undoubtedly help seafarers through research, education and legal training concerning seafarers' issues.

The new centre will be led by international lawyer Deirdre Fitzpatrick in the role of executive director. She will be supported by an advisory board made up of experts from the shipping industry and the legal world.

## Boost for defibrillators campaign

A CAMPAIGN by a seafarers' union Nautilus International to have defibrillators carried on all vessels received a boost with the news that all French shipowner CMA CGM's containerships are to carry Martek Marine's Lifeforce defibrillators for treating heart attack victims.

"Defibrillators are used during a cardiac arrest to shock the patient's heart back into a regular rhythm," says the union. "They do not offer a guaranteed cure, but can be particularly effective when a normally fit and healthy person has a sudden heart attack caused by an accident." So far, however, the Lifeforce defibrillator is the only type currently approved for use at sea.

## Warning on immersion suits

SOME immersion suits being sold for use on ships are not being made of fire-retardant material, which is required by International Maritime Organisation regulations, according to the August issue of *Safety at Sea International* magazine.

Tests showed some suits would keep burning after being set alight even though the rules say that the suits must not stay alight for more than six seconds or continue to melt. *Safety at Sea* says inflammable suits would be a major risk if there was burning oil on the water, for example after a tanker collision.