

**HEALTH & SAFETY**

Emotional toll on seafarers for saving lives at sea

**NAUTILUS AT WORK**

Have your say on proposed STCW changes in Nautilus survey

**INTERNATIONAL**

US visas denied for crew of vessels carrying Iranian oil

**COMMUNITY**

Pride in London 2019  
Nautilus joins festival with other unions

the global

Volume 3 | Number 16 | October 2019

# seafarer

## RETURN OF THE TANKER WARS?

As members tell of their experiences under fire in the Middle East, Union pressure wins greater protections for seafarers transiting the Strait of Hormuz

**NAUTILUS**  
Federation

A Federation of Maritime Professionals

the global

Volume 3 | Number 16 | October 2019

# seafarer



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## Shell fatalities in lifeboat drill

Royal Dutch Shell has confirmed two workers lost their lives, with a third sustaining non-life-threatening injuries, in an accident during a routine lifeboat drill at its largest net producing asset in the Gulf of Mexico.

The company said the incident occurred during a routine and mandatory test of lifeboat launch and retrieval capabilities at Auger Tension Leg Platform, located 214nm south of New Orleans in the US Gulf of Mexico.

One of the workers killed was a Shell employee and the other a contractor. The injured worker, also a Shell employee, was treated and released.

The company has launched an internal inquiry and is co-operating with investigations by safety and environmental authorities including the US Coast Guard.

In 1994, Auger became Royal Dutch Shell's first tension-leg platform operating in the deep-water US Gulf of Mexico. It was to be decommissioned in 2010 but continued operations following discovery of the nearby Cardamom field.

## Three die in tanker engine room blast

Three crew members died and three were injured – one with 95% skin burns – in an oil tanker engine room explosion in the southern Russian port of Makhachkala, Dagestan in June.

The explosion happened onboard the VolgaFlot M/V VF Tanker-16 during a crude oil unloading operation.

According to VolgaFlot, of the 12 crew members onboard, nine were evacuated including the three injured who were taken to hospital. Bodies of two seafarers were recovered immediately after the explosion, while the third was found hours later.

The incident occurred when a gas-air mixture ignited while oil was being pumped ashore, causing a fire that covered the ship in heavy smoke, which spread to the accommodation. **i**

# Comms breakdown led to bulk carrier grounding

Accident investigators have called for clearer rules over the deployment of emergency towing vessels (ETVs) following an incident in which a Panama-flagged bulk carrier ran aground off the coast of Germany.

The German accident investigation board BSU found the 77,171dwt Glory Amsterdam had drifted onto a sandbank in hurricane force winds during a storm in October 2017. The ship was refloated three days later.

Investigators said there had been 'considerable communication problems' between the ship's Chinese master, vessel traffic services and the ETV Nordic.

The master was unable to understand the emergency services' plans to deploy a boarding team to connect his ship to the ETV, and 'major linguistic problems' caused confusion over manoeuvring for establishing the tow.

BSU said Glory Amsterdam's master was concerned that the Nordic was a commercial salvage vessel as it lacked any clear markings to show it was an official ETV acting on behalf of the German authorities. It recommends all ships chartered by the federal government to serve as ETVs should be painted in the same colours



Glory Amsterdam drifted onto a sandbank

and markings as other state vessels, and use of the term 'boarding team' should be replaced by 'emergency assistance team' to remove confusion.

The report highlights concerns raised by Nautilus over risks posed by reducing ships' engine power to meet environmental standards. It quotes evidence from a shipbuilding expert showing Glory Amsterdam's main engine and propeller curve arrangements were insufficient to prevent the ship drifting in the circumstances. The evidence warned that steerageway problems are set to increase if engine power is further reduced to cut CO2 emissions. **i**

## India bans seafarers from Gulf of Guinea

India has issued a restriction banning all Indian seafarers from working on vessels in the Gulf of Guinea following the targeting of Indian nationals in the region.

India's Directorate General of Shipping said that, based on two recent incidents, 'foreign nationals, especially Indian seafarers, are being selectively targeted during such piracy/armed robbery incidents'.

A circular sent to ship owners and shipping companies said the move comes on the back of an

increasing rate of piracy and hijacking of crew for ransom in Nigerian waters.

'Piracy and armed robbery attacks in the Gulf of Guinea are becoming more violent with a greater tendency to attack, hijack and rob vessels as well as kidnap crew,' the statement said.

The attacks were reported up to 170 nautical miles from the coast, and many included vessel hijackings, ransacking and theft. The latest incidents resulted in crew members being injured, kidnapped and taken ashore for ransom.

India's maritime unions and the shipping industry have called for urgent action against piracy in West Africa.

The International Maritime Bureau (IMB) said the number of attacks in the Gulf of Guinea region had doubled in 2018, accompanied by a marked increase in kidnapping for ransom and armed robbery.

The International Maritime Organisation reports that the total number of incidents in West Africa in the 10-year period from January 2009 to December 2018 was 555. **i**

# Seafarers' safety takes 'top priority' in Gulf of Oman

UK shipping remains on high alert over safety in the Gulf of Oman following a meeting of the Warlike Operations Area Committee (WOAC) in central London.

WOAC members including the UK Chamber of Shipping and trade unions Nautilus International and RMT met on Tuesday 2 July 2019 to assess security threat levels and recent attacks on vessels in and around the Gulf of Oman.

It was agreed that the overriding priority is to ensure the continued safety of shipping and seafarers in the region.

In a press release statement, the WOAC committee said: 'Central to this aim is maintaining the closest links with the UK Government and agencies to facilitate the timely sharing of information and advice.'

The UK Chamber of Shipping will lead liaison with government and agencies on behalf of WOAC.

WOAC considers areas of the world where special hazards to seafarers may arise because of warlike activity or piracy and makes proposals for appropriate actions. These can include

recommendations on areas of high risk, where these extend to and how much special pay crew should receive above their normal rate while the ship is transiting the defined high-risk zone.

Under WOAC recommendations, Nautilus members have the right to refuse to sail through a designated warlike area.

Some operators may arrange military escorts for their ships, or onboard security teams.

Nautilus members are urged to notify the Union should they experience problems related to safety of maritime traffic in the Gulf to enable it to assist if necessary. **i**



## Contact Nautilus with security concerns

Members are urged to contact the Union with any concerns over safety in the Strait of Hormuz after the UK Department for Transport issued a security warning in the area.

UK ships in the Strait of Hormuz have been put on 'heightened security' after the Iranian Revolutionary Guard tried to intercept BP operated oil tanker British Heritage.

The UK Department for Transport has advised

British-flagged ships to keep alert for Iranian patrol boats 'being aggressive', according to news reports. Isle of Man-flagged British Heritage was in the Strait of Hormuz when it was approached by three Iranian Islamic Revolutionary Guard Corps boats. Royal Navy frigate HMS Montrose, which was believed to be shadowing British Heritage, fended off the Iranian vessels. The move was in response to the arrest of one of Iran's own ships by the Royal Navy in Gibraltar on suspicion of transporting crude oil to Syria in breach of European Union sanctions.

Nautilus first raised concerns about the safety of Merchant Navy crew in the Gulf of Oman, after two tankers were attacked with Exocet missiles in June. 'Our priority is to the seafarers and any members who may be onboard these vessels. Any risk to seafarers' safety is of grave concern,' Nautilus general secretary Mark Dickinson said. **i**



Royal Navy frigate HMS Montrose. Image: Wikimedia



Seatruck Pace: Safety was not followed

## Seafarer died after ignoring safety procedures

A Marine Accident Investigation Bureau (MAIB) report into a death onboard the Cyprus registered ro-ro Seatruck Pace found that safety procedures around falls from height on board were not followed.

Shortly after 08:20hrs on 17 December 2018, the assistant bosun onboard the Seatruck Pace was found on the ramp between the main vehicle deck and the lower hold, having fallen 4.5m, along with a heavy metal trestle.

He was working alone preparing to paint the leading edge of the open ramp hatch cover. He crossed a temporary safety barrier guarding the edge of the open hatch and walked along a narrow deck edge between the ship's side and the open hatch on which trailer trestles were stowed.

Several crew heard the trestle landing, but the assistant bosun's fall was not witnessed. He was treated at the scene by the ferry's crew and paramedics before being taken to hospital. He died three days later.

The MAIB found that, although the risk of falling was apparent, it was accepted by the assistant bosun, who had likely taken similar risks in the past. Work practices by other ratings during hatch cover maintenance two days earlier indicated that safety procedures were more a matter of routine and compliance than conviction, it said.

Seatruck Ferries Ltd, the ferry's manager, has taken actions to prevent similar accidents and to improve the safety culture among its crews. **i**



◀ An Indian coast guard ship fights a major fire onboard the Maersk Honam. Image: Wikimedia Commons

Photo of MS Estonia model at the maritime museum, Tallinn, taken August 2003. Image: Stan Shebs



## French court rejects families' compensation claim for 1994 Estonia sinking

A French high court has rejected the compensation case of the families of the Estonia ferry that sank in the Baltic in 1994 with the loss of 852 lives. The tragedy remains Europe's worst maritime accident in terms of lives lost in the last 30 years.

The court ruled that shipbuilder Meyer Werft and classification society Bureau Veritas would not have to compensate victims' families.

The civil court case opened in France, where Bureau Veritas is headquartered, following the payment of €130m in compensation by Swedish operator Estline in a case for material loss in the Swedish court.

Lawyers brought the €40.8m compensation case in France on behalf of 1,116 mostly Swedish family members of the victims, following a 1997 tripartite international commission report indicating the responsibility of the builder and classification society in technical faults involving the ship's inner bow door unlocking system.

Swedish lawyer Henning Vitte expressed disappointment with the verdict. 'It is totally abnormal that a case of such importance did not pinpoint any responsibility for the disaster,' he said. ⓘ

## Rechristened Maersk Honam back in service

Seventeen months after a fire ripped through the Maersk Honam leading to the deaths of five seafarers, the 15,282teu box ship, rechristened Maersk Halifax, recommenced active service on 5 August, joining Maersk's Asia-Mediterranean AE11/Jade' service with MSC.

The 353m vessel, delivered in August 2017 as the third of a series of six sisterships, caught fire on 6 March 2018 between the coast of India and 900nm from Oman while en route from Singapore to the Suez Canal.

The Indian coastguard co-ordinated the rescue operated from the Bombay Assistance Centre,

sending its new patrol vessel from Cochin, 604nm from the vessel.

Maersk Line confirmed the deaths of five of the 27 crew members and sent three of its box ships operating in the area to aid the Honam, which was transporting 7,860 containers.

The damaged ship's bow was cut off at a yard in Dubai and the remainder of the ship was moved by a semi-submersible ship to Ulsan in South Korea, where it was repaired by Hyundai Heavy Industries.

The re-dux vessel now features a re-shaped, less flared bow and an SOx scrubber. ⓘ

## Toddler death blamed on Royal Caribbean Cruises

The lawyer of the family whose 18-month-old daughter fell 150ft from an 11th floor cruise ship window while docked in San Juan, Puerto Rico, is blaming Royal Caribbean Cruises for the death as a 'preventable tragic accident'.

Police in Puerto Rico said Chloe Wiegand apparently slipped from her grandfather's hands while he was holding her out of a window on the 3,634-passenger Freedom of the Seas on Sunday 7 July.

However, the family's lawyer in Miami, Michael Winkleman, said the child 'fell due to an open glass pane that should have been closed securely'.

Despite repeated requests, Royal Caribbean have

yet to hand over the surveillance footage, which Winkleman said was 'certainly the most critical piece of evidence'.

He said that the family needed answers as to why there would be an open window in a wall full of fixed windows in a children's play area. 'Why would you have the danger without any warning, sign, or notice?' he asked. 'Why would you ever in a kids' play area put windows that passengers can open?'

Royal Caribbean called the girl's death a 'tragic incident'.

The Puerto Rico port authority officials continue to investigate whether the window was already opened or if someone had opened it. ⓘ

## Fatigue led to US warship collision

A US National Transportation Safety Board (NTSB) investigation into the collision between the USS John S McCain and tanker Alnice MC found that insufficient training, crew fatigue, inadequate bridge operating procedures and a lack of operational oversight were to blame. Ten sailors died and 48 were injured when the ships collided on August 21, 2017, in the Singapore Strait, one of the world's busiest waterways. It was the second accident involving a US naval vessel in as many months, following the collision of the USS Fitzgerald and containership ACX Crystal off the coast of Japan on June 17. The NTSB said the Navy had no standards for ensuring crew members aboard the ship had adequate rest. ⓘ

## Falmouth foots the bill

Falmouth Harbour has been left to pay for the refloating of a Russian bulker that ran aground in strong winds on Gyllyngvase beach on 18 December 2018.

The 1980-built Kuzma Minin, owned by JSC Murmansk Shipping Company, grounded after dragging anchor in heavy weather. Damage below the waterline included shell plate deformation and breached tanks; but no injuries or pollution.

The UK's Marine Accident Investigation Branch found that a 'significant underlying contributor' to the grounding was lack of investment. Unpaid debts had led to the withdrawal of P&I insurance by American Club and bunkers not being taken in its previous port, Terneuzen. The vessel faced delay in procuring fuel and lube oil in Falmouth. Agency services in Falmouth had also been withdrawn.

The refloating was co-ordinated by the Falmouth harbour master. Kuzma Minin was subsequently arrested and sold to pay debts, and its crew repatriated to Russia. The salvage award had not been paid as the Telegraph went to press. ⓘ

## Relatives of 1979 Whiddy Island disaster victims to take High Court action

50 people died when a series of explosions ripped through the 121,432dwt tanker Betelgeuse while it was discharging a cargo of Arabian crude at the Gulf Oil terminal. Image: Ian Vickery



The families of men killed in the 1979 Whiddy Island disaster in the Bay of Bantry have launched a fundraising drive to cover the cost of a High Court battle in Ireland. They will apply to have the victims' death certificates corrected, to reflect that the deaths were unlawful under Irish law in 1979.

A total of 50 people died when a series of explosions ripped through the 121,432dwt tanker Betelgeuse while it was discharging a cargo of Arabian crude at the Gulf Oil terminal on Whiddy Island in the Bay of Bantry on 8 January 1979.

The deaths of 42 French people, seven Irish people and one Englishman was the worst industrial and maritime disaster in Ireland's history.

At the 40th anniversary of the disaster in January, maritime lawyer Michael Kingston, son of Whiddy victim Tim Kingston and vice-president of The French-Irish Association of Relatives and Friends of the Betelgeuse, called the failures that took place – both on the ship, and at the oil terminal – 'some of the worst derelictions of duty in relation to safety in world maritime history'.

He warned state officials at that event that, should no action be taken to rectify the death certificates, a high court action would be mounted.

The families are also seeking a state apology for the families, workers and rescue services, and the residents of Whiddy Island who were forced into

danger unnecessarily due to breaches of safety and the state failure to ensure safe operations. They are asking for the state to apologise to the people of Bantry and West Cork for these failings and that it carries out a thorough review of Ireland's maritime and energy regulatory framework and implements currently outstanding international maritime regulation.

Mr Kingston said: 'My father and all those who died, including 43 people from other countries who came to work in Ireland, have been denied their final right under the Right to Life provisions of European law, and their death certificates are incorrect.'

'They died unlawfully due to the appalling breaches of safety by Gulf Oil, and the failure to address these issues is a fundamental breach of their European rights by Ireland.'

'They were left to die in atrocious circumstances and the state failed in its duty to ensure safe operations.'

'The leaders of the Irish state have failed to show any compassion to the victims' families, have issued no apology for their clear failings, and have ignored correspondence regarding current safety legislation.'

'Given the failure to address these issues, this action will not only finally establish the rights of our beloved relatives who died but protect the maritime industry and our precious rescue services and other workers today from repeated failings.' ⓘ

# NEWS

## Strait of Hormuz designated high-risk zone following sustained Union pressure

Nautilus International has welcomed a decision by the International Bargaining Forum (IBF) to designate the Strait of Hormuz a Temporary Extended Risk Zone, after 12 weeks of increased aggression towards merchant ships in the Gulf of Oman.

The IBF's decision, announced on 13 August, means that seafarers who are subject to an attack in the zone are entitled to a bonus and doubled death and disability compensation.

It follows discussions by the IBF's Warlike Operations Areas Committee, which has been closely monitoring the situation and the risk to shipping. Nautilus was present, with maritime employers represented by the Joint Negotiating Group (JNG), and unions represented by the International Transport Workers' Federation (ITF).

The UK's Warlike Operations Area Committee (WOAC) earlier in August agreed to temporarily designate the Strait of Hormuz as a High-Risk Area, following sustained Union pressure and government advice to avoid the area unless accompanied by UK naval support.

The committee, comprised of trade unions Nautilus International and RMT, and the UK Chamber of Shipping, met for a series of meetings in July at Nautilus' behest as political tensions in the region intensified.

'Our priority has very clearly been to the seafarers and any members who may be onboard these vessels throughout the discussions. We have sought reassurances from government and from owners over seafarer safety and security. Any risk to seafarers' safety is obviously of grave concern,' Nautilus general secretary Mark Dickinson said. 'We pledge our support to the international efforts to ensure that all



**Strait of Hormuz:** The WOAC agreement applies to all vessels entered into the UK Chamber and the clauses are invoked if flag state and industry guidance is not complied with

seafarers are protected from aggression wherever that risk is evident.'

The temporary agreement applies from 2 August to all vessels entered into the UK Chamber. The clauses are invoked if flag state and industry guidance is not complied with. That includes UK flagged vessels that refuse a military accompanied transit and vessels that do not take account of relevant guidance from industry bodies such as OCIMF, INTERTANKO, BIMCO and ICS.

The agreement gives seafarers the right to refuse to work onboard vessels transiting the Strait of Hormuz. Crew can request to leave the ship at a preceding port.

Seafarers on vessels transiting the area could also receive double basic pay from 2 August, in recognition of the higher risks associated with transiting and operating in the zone. Double basic pay would apply to each day the ship is in the specified zone. The payments are in addition to all other remuneration earned.

The WOAC designation will be reviewed on 2 September or earlier if advice from the British government changes.

The UK Department for Transport raised the Ship Security Level to 3 in July following several attacks on tankers in the Strait of Hormuz and the seizure of UK flagged Stena Impero, which remains off Iran with 23 seafarers onboard.

Britain has joined a US-led maritime security mission in the Gulf to protect merchant vessels travelling through the Strait of Hormuz.

Destroyer HMS Duncan and Frigate HMS Montrose are in the Gulf and will accompany groups of two-to-three ships in convoy as they transit the strait.

Up to 30% of the world's crude oil and gas passes through the Strait of Hormuz and the Gulf of Oman. The incidents are the latest escalation of instability in the region following damage to four other tankers in May. [i](#)

## Nautilus survey to give seafarers a voice on STCW certification changes



The proposed review of STCW has the potential to affect all current and future maritime professionals, so it is vital your voice is heard

Union members are invited to have their say on a proposed review of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) by taking part in a survey launched by the Nautilus Federation. This feedback will help the Nautilus Federation member unions provide the voice of seafarers into the review.

Nautilus technical and professional officer David Appleton urged all seafarers to take part in the survey, as the proposed review of STCW has the potential to affect all current and future maritime professionals.

'At a time when the industry is undergoing huge changes in terms of the technology employed onboard and the skills that are

required to safely operate modern ships, it is vital that the opinions of serving seafarers are fed into the discussions to ensure that the work goes in the right direction,' Mr Appleton said.

The survey asks members their opinion on whether the STCW Convention and Code is out of date, whether in some instances the competencies stipulated in the Code may no longer be appropriate, and if this has led to a situation where STCW qualified officers and ratings do not always hold the skills and competencies that are required for the modern seafarer.

STCW represents the legal minimum training required. There is nothing to prevent

flag states or companies from going beyond the minimum.

'Input from seafarers is essential to ensure any review of STCW takes into consideration the experiences of maritime professionals who will be those most affected by any changes, and to ensure that the training regime remains fit for purpose now and in the future,' said Nautilus head of strategy Debbie Cavaldoro, 'so please do take the time to complete the survey and provide us with your feedback. [i](#)

**Take part in the Nautilus Federation STCW review survey at [www.surveymonkey.co.uk/r/NFedSTCW](http://www.surveymonkey.co.uk/r/NFedSTCW)**

## In brief

### Carnival fined \$20m

A Miami judge has approved Carnival Corporation's settlement with federal prosecutors in which it pleaded guilty to six probation violations related to the illegal discharging of waste water, plastics and other harmful material.

Carnival was on five years' probation from a 2016 conviction for deliberately dumping oil waste from its Princess Cruise Line ships and trying to cover it up.

Under the settlement, which covers over 620 pollution incidents involving 76 vessels dating back to 2005, it must pay a \$20m criminal fine for its vessels that have continued to pollute despite a court-approved and -supervised Environmental Compliance Plan.



### Russia nuke icebreaker

Russia has launched the Ural, a nuclear-powered icebreaker, as part of President Putin's strategic project of opening the Northern Sea Route to all-year activity to tap into the Arctic's commercial potential estimated at about 22% of the world's undiscovered oil and gas reserves. The programme, which aims to renew the fleet to significantly boost Russia's Arctic coast freight traffic, also includes updating ports and infrastructure.

The route from Murmansk to the Bering Strait near Alaska cuts sea transport times from Asia to Europe.



## POLITICS

# ITF SLAMS US PLANS TO DENY VISAS TO CREW ON VESSELS CARRYING IRANIAN OIL

The International Transport Workers' Federation (ITF) has criticised the US government's decision to deny seafarers a US visa if they work onboard a vessel carrying Iranian oil.

It is unfair to expect seafarers 'to have any influence over the destination of a vessel or its cargo', ITF seafarers' section chair David Heindel said. Mr Heindel expressed 'serious concern' over the lack of understanding shown by many governments in relation to international shipping and the role played by seafarers.

The ITF's comments came in response to a statement by the US State Department to the maritime industry in August, invoking anti-terrorism legislation to deny seafarers a US visa.

Seafarers' lives have been put at risk in recent months following a ratcheting up of political tensions in the Strait of Hormuz. Attacks have been made on several commercial vessels including an attempted hijacking of the BP tanker British Heritage by the IRG.



ITF seafarers' section chair David Heindel. Image: ITF

'Seafarers, whether officers or ratings, rarely know where the vessel is bound,' Mr Heindel said. 'If a vessel is directed to an Iranian port, it's common that the captain will be the only one who knows the destination a day or two before.'

'The crew, especially ratings and lower-ranking officers, will not know and have no possibility to refuse or disembark the vessel during the voyage.'

'Seafarers usually have no idea who actually owns the vessel on which they are working, much less who owns the cargo.'

## UNITY

# SEAFARERS INVITED TO 'DROP IN' TO NEW SINGAPORE CENTRE

The Port of Singapore celebrated International Maritime Organisation Day of the Seafarer on Tuesday 25 June by launching a new seafarer drop-in centre and handing out gift hampers to seafarers.

The new drop-in centre, the second at the Pasir Panjang Terminal, will provide a wide range of facilities and services for the 20,000 seafarers who visit the terminal each month.

Seafarers will benefit from free wi-fi, internet access, telephones, light refreshments, reading materials, and



entertainment such as TV, a soccer table and dart boards.

Built by the Maritime and Port Authority of Singapore (MPA), it will be managed by Mission to Seafarers Singapore.

Singapore Maritime Officers' Union (SMOU) representatives attended the launch and, together with the MPA and other

organisations, helped to prepare and hand out 600 gift hampers to seafarers whose vessels were visiting the port.

SMOU Industrial Relations Officer Kelvin Lin delivered the hampers to various vessels including Mathu Bhum, Penang Bridge and Rio Madeira.

International Transport Workers' Federation and SMOU literature was distributed among the seafarers, telling them about the work of the unions in the maritime industry and the benefits of being part of the union.

## CRIMINALISATION

# Masters on high alert over Med criminalisation risk

The general secretary of a French shipmasters' association has slammed the hardline approach to Mediterranean migrant rescue by Italian authorities and warned it could lead to further criminalisation of captains.

Captain Bertrand Derennes of L'Association Française des Capitaines de Navires (AFCAN) said that Italy's actions will shift the problem of rescuing migrants onto commercial vessels, as the humanitarian organisations involved have been deprived of the means to accomplish their mission.

Rescuing people in danger at sea is a 'sacred duty', a principle confirmed by the International Convention on Maritime Search and Rescue, Capt Derennes said.

Despite frustrating administrative red tape, merchant ships have carried out countless rescue operations worldwide, often in difficult conditions. 'Transferring over 100 shipwrecked people on a vessel designed to house and feed 20 is a very difficult operation – and obtaining administrative authorisation for them to land is often more difficult,' Capt Derennes said.

Merchant ship captains are increasingly



faced with dramatic situations and are at 'risk of being seen as smugglers' accomplices' by the authorities of countries where, after many difficulties, they will finally obtain the right to land those they have rescued.

Some leaders now suspect humanitarian organisations of complicity in human trafficking, and it is this charge that shipmasters may have to face for doing their duty in accordance with international conventions.

AFCAN fears that such a drift will inevitably criminalise captains who come to the aid of people in distress. 'Whoever is in peril on the sea must be rescued, and it is our duty as seafarers always to help,' Capt Derennes said.

## INDUSTRIAL ACTION

# CORSICA STRIKE WINS AGREEMENT OVER LIFELINE ROUTES

Unions at Marseilles-based shipping company La Méditerranée have called off their strike action which started on 21 June after the Corsica regional assembly awarded the new public service lifeline contract between the French mainland and the island of Corsica's three main ports to Corsica-based ferry company Corsica Linea.

The CFE-CGC officers union and the CGT, CFTC and STC seafaring unions, concerned at the future of 500 jobs at La Méditerranée, undertook industrial action following the operator's failure to clinch the contract to serve the Corsican ports under the terms of the 15-month lifeline contract that carries subsidies.

The arrangement comes into effect on 1 October this year ahead of finalisation of a new 10-year lifeline contract from 1 January 2021.

The strike halted traffic between Marseilles and



The strike halted traffic to the Corsican port of Bastia. Image: Getty

Bastia (Corsica) and with Italian flagged ferries to Genoa.

The agreement with La Méditerranée management is to maintain employment levels for 15 months and to confirm it will seek to renew its previous partnership with Corsica Linea in a new agreement with the Corsica maritime authority.

### Rotterdam LNG bunker

Europe's first inland-waterway liquefied natural gas (LNG) bunker vessel has performed its first bunkering operations in Rotterdam. The LNG London refuelled the vessels Containerships Polar and Containerships Nord. Owned by LNG Shipping and on long-term charter to Shell, the LNG London will be used for LNG bunkering in Amsterdam, Rotterdam and Antwerp, to help meet the growing need for cleaner-burning fuel.



### Record-breaking yacht

The largest yacht built in the Netherlands was launched in July at the Zwijnenburg shipyard in Capelle aan den IJssel. With a length of 117 meters, this yacht, which according to insiders is made for an American buyer, beats the previous record of 107 metres. The hull now goes to Oceanco in Alblasterdam to be timbered and all the interior built in, which will take about a year and a half.

## Nautilus shows solidarity with Greek seafarers

Nautilus International has expressed solidarity with the Pan-Hellenic Seamen's Federation (PNO) over a 24-hour strike held on Wednesday 3 July at 00.01 hours when all ships and ferries in Greece remained in port.

PNO members protested the failure of collective bargaining discussions with Greek Shipowners' Association of Passenger Shipping. It covers a 2% pay increase and proposals on the size and composition of crews.

Nautilus joined the European Transport Workers' Federation in supporting PNO's longstanding demand for Greek passenger vessels to be adequately crewed.

## In brief

### ITF slams second preventable port death in Karachi

The International Transport Workers' Federation (ITF) has branded the July death of a dock worker at Hutchison Ports' container terminal in Karachi 'shameful'. It is the second death in less than a year at the site. 23-year-old Muhammad Imran Ali was killed when a container was lowered onto the truck in which he was sleeping. ITF president Paddy Crumlin challenged Hutchison to 'sit down and listen to the personal cost that the families and friends of these workers have been forced to bear because of their loved ones dying preventable deaths at the terminal'.

### Amnesty urges humanitarian action for blocked rescue ship

Amnesty International has called for a Spanish rescue ship caught in a stand-off between the Italian, Maltese and Spanish authorities to be allowed to dock. As of 11 August, the Proactiva Open Arms – with 121 people onboard, including 30 children and two babies – was stranded at sea in sweltering heat and overcrowded conditions 30 nautical miles from Italy, between Malta and Lampedusa. The refugees have been on the vessel since they were rescued in international waters on 1 and 2 August. The first rescue took place near the coast of Libya and the second close to a Maltese search-and-rescue zone.

### New rescue vessel launched

French NGO SOS Méditerranée and Médecins sans Frontières have chartered a new rescue ship to replace the Aquarius, which was refused flag registration last year. The Norwegian flagged Ocean Viking is equipped with an onboard hospital, four semi-rigid rescue crafts and a helicopter landing bay, and can accommodate 200-300 rescued people. SOS Méditerranée said Ocean Viking would work in strict respect for maritime law but would not let migrants die in the Libyan zone and would convey them to a safe port.

## MARITIME EMPLOYERS

# K-Line slapped with 'largest ever' criminal cartel fine in Australia

Japanese operator Kawasaki Kisen Kaisha Ltd (K-Line) has been convicted of criminal cartel conduct and ordered to pay an A\$34.5m fine by Australia's Federal Court for fixing prices on the transport of cars, trucks, and buses to Australia between 2009 and 2012.

K-Line's fine is the largest-ever criminal penalty imposed under Australia's Competition and Consumer Act, according to the Australian Competition and Consumer Commission (ACCC).

K-Line pleaded guilty following an extensive criminal investigation by the local



▲ ACCC chair Rod Sims: Cartel conduct cheats consumers and other businesses

competition authorities. The cartel operated from at least February 1997 and impacted

the transport prices of cars, trucks, and buses to Australia from the US, Asia and various European countries.

K-Line, and other shipping lines transported these vehicles on behalf of major car manufacturers including Nissan, Suzuki, Honda, Toyota and Isuzu and others.

'Cartel conduct, such as that engaged in by K-line, not only cheats consumers and other businesses through inflated prices and costs, but also restricts healthy economic growth and discourages innovation,' ACCC chair Rod Sims said. ❶

## LEGAL

# TRIBUNAL RULES NIGERIA SHOULD RELEASE SWISS TANKER AND CREW

The International Tribunal for the Law of the Sea (ITLOS) has ruled that Nigeria should immediately release the Swiss-flagged tanker M/T San Pedro Pio, held with 17 crew members and cargo for almost 18 months.

In its ruling of 6 July, ITLOS said 'it appears that the rights claimed by Switzerland in the present case ... are plausible' and upholds its demand that Nigeria release crew members detained in prison for conspiracy to distribute and deal with petroleum products without lawful authority.

Switzerland maintains that the 2012-built vessel, operated by ABC Maritime, was not in Nigeria's territorial waters when arrested while engaged in ship-to-ship transfers of gasoil in the country's exclusive economic zone on 23 January 2018.

The crew was detained for 'unauthorised entry into Nigerian waters and illegal fuel trading' but were released and returned to the vessel, which is still held at Port Harcourt. The charges were later amended to apply only to



Swiss-flagged tanker San Pedro Pio has been held in Port Harcourt for over 18 months. Getty Images

the master and three officers who were held in prison before they were released on bail and also returned to the vessel.

The tribunal said that Nigeria should release the ship, its master and crew and ensure that under the bail conditions set by the Federal High Court, the officers are allowed to leave the territory and maritime areas under Nigeria's jurisdiction. ❶

## POLITICS

# Unions back US Energy export bill

TTD, a coalition of 32 unions for transport workers across America, has called on Congress to support the Energizing American Shipbuilding Act, a bill introduced by Democrat John Garamendi and Republican Roger Wicker to make more cargo available for transport by US ships and crews.

The bill would require that ships built in the US transport 15% of total seaborne liquefied natural gas (LNG) exports by 2041 and 10% of total seaborne crude oil exports by 2033.

The US is projected to become a net crude oil exporter and the top LNG exporting nation in the coming years, according to the Energy Information Administration. Currently there are no LNG carriers registered under the US flag.

'Congress has neglected the maritime industry for too long' and is short of several dozen merchant ships and 1,800 seafarers, the senators



▲ Bipartisan bill could kick-start investment in America as a maritime nation, according to its sponsors

said in a joint statement. They support the Jones Act, which requires cargo shipped between two American ports be transported on US-built, owned and operated ships.

The bill would kickstart long-term reinvestment in the idea of America as a maritime, seafaring nation and counters similar requirements in other export countries, according to the sponsors. That includes the Russian-flagged vessel requirement for Arctic oil and natural gas exports announced in December 2018.

If enacted, the Energizing American Shipbuilding Act would result in the domestic construction of 50 new ships including 28 LNG carriers by 2041 and 12 oil tankers by 2033, boost domestic vessel component manufacturing and maritime industries and create thousands of jobs, according to the bill's sponsors. ❶

## SECURITY

# CREWS REPORT GPS JAMMING IN GULF

The US Maritime Administration (Marad) has warned of GPS interference and bridge-to-bridge communications spoofing in the Arabian Gulf following several reports from crew.

Since May 2019, Marad has recorded six attacks against commercial vessels, seizure of two vessels including the

UK-flagged Stena Impero, and detention and release of Liberia-flagged Mesdar.

In at least two of these incidents, vessels reported GPS interference, according to Marad. One vessel reportedly shut off its Automatic Identification System (AIS) before it was seized, complicating response efforts. Vessels have also

reported spoofed bridge-to-bridge communications from unknown entities falsely claiming to be US or coalition warships.

Marad recommended that vessels operating in the Gulf review security measures, ensure AIS is always transmitting, and monitor VHF Channel 16. ❶



▲ Marad warned that bridge communications could be spoofed

## In brief

### Unions cheer Jones Act waiver defeat

US maritime unions MM&P and MIRAID have applauded the US Senate Commerce Committee's rejection of a new Jones Act waiver plan. The proposal, introduced by Republican senator Mike Lee, was defeated by a vote of 22-4. Under existing law, administrative waivers of the Jones Act can only be granted in the interests of national security. Senator Lee's proposal would have allowed administrative waivers for economic reasons, a significant departure from the current test.

### Blumenthal FOC released in Belgium

A flag-of-convenience ship targeted by the International Transport Workers' Federation (ITF) for forcing crew to drink rainwater has been released from a Belgian port after addressing serious safety deficiencies relating to poor maintenance and working conditions. Union dockworkers had previously picketed the MV Lita, owned by German shipping company Blumenthal, over reports that the crew had been forced to collect rainwater with tarpaulins to survive while the vessel was off the coast of Brazil in May. Belgian port state control inspectors who boarded the vessel at the port of Ghent in July found 36 deficiencies, including: non-functioning emergency lighting, batteries and switches; unusable life-saving appliances; incorrectly maintained lifeboats; inadequate fire extinguishers; insufficient fire training; and problems with general safety policy and onboard procedures.

### Fine particle study

France will study the effect of the emission of fine particles emanating from ships in the national fleet. The study is backed by France's national officers' training academy and the Brittany/Loire Atlantic Engineering University. The three-year programme, called Capnav, starts in September. Brittany-based coastal and island ferry operator Penn ar Bed and Western Channel operator Brittany Ferries have volunteered to accommodate research teams on their vessels.



◀ DP World  
London Gateway  
container port  
iStock.com/LeeGillion

# STUCK ONBOARD

Nautilus member claims that a rule forbidding children to disembark at a DP World port is forcing families travelling with crew members to cancel shore leave and even miss flights home. **HELEN KELLY** reports

**A** 'draconian' rule banning children from disembarking at DP World London Gateway container terminal is taking away the right to shore leave from crew members and their families – and has been branded grossly unfair by Nautilus member and deepsea pilot Ian Andrews.

In one recent case, the blanket ban forced a master and his family to cancel their leave entitlement, forcing them to stay onboard for an additional three weeks. Capt Andrews warns that Nautilus members could easily fall foul of the same rule.

Melroy D'souza came into London

Gateway aboard a 58,200 tonne container ship in June. Capt D'souza was travelling with his wife and two children aged 10 and 2.

He alerted the ship's agent Jamie Brian from Denholm Port Services Limited of his family's intention to disembark at the container port for onward journey into London and eventual flight back to Mumbai.

The family had hoped to do some sightseeing before returning home. They were holders of valid British visas, and while the ship was alongside the vessel was inspected by Border Force immigration officers, the MCA and Port State Control. Border Force stamped the family's

passports and confirmed that there are no rules or regulations for sign-off as they were passengers onboard.

However, in an exchange of emails with Mr Brian, which Nautilus has seen, Capt D'souza was advised that 'terminal rules' did not allow children under the age of 16 to disembark.

Despite repeated requests for clarification and contact with the port security officer or manager in charge of the terminal, the agent refused to take the matter further.

As a result, Capt D'souza had to cancel his leave, and remained onboard with his family while berthed in London. They all stayed on the vessel for the remaining rotation – an extra three weeks that took in Rotterdam, Hamburg, Le Havre and New York – before disembarking and returning to Mumbai on an 18-hour flight home instead of a nine-hour flight from London.

By that time, his 10-year-old had missed the start of the new school term, having been unable to fly home from London on the planned date.

Capt D'souza remains at a loss for why access to the port was not allowed. 'My family has been sailing with me for the last 10 years now and we have not come across a single port in the world that has refused to allow children of less than 16 years of age to step ashore,' he said in an email exchange. 'There would definitely be some waiver or exemption which could help family and kids step ashore or sign off, especially when the Border Force have no issue at all and the family members all have valid UK visas.'

Nautilus spoke with both London Gateway harbour master Colin Hitchcock and ship's agent Jamie

● ● ●  
**'My family has been sailing with me for the last 10 years now and we have not come across a single port in the world that has refused to allow children to step ashore'**

Brian and found several discrepancies in their responses that could have sealed the family's fate.

Mr Brian claimed he had been advised by the harbour master that all children under the age of 16 in the UK must use a child car seat when being transported by vehicle. The port would not provide child seats. The agent chose not to provide them himself because he 'didn't have the time'.

'It would open up a can of worms,' Mr Brian said. 'What if the ship came in at 04:00hrs? Would the captain want to take his kids off [the vessel] then? Will the agent have to get out of bed to provide child seats?'

Nautilus has subsequently discovered that Capt D'souza had anticipated the UK car seat regulation and had provided his own for the journey – but due to the lack of information from the agent, was not granted the opportunity to inform them of this.

London Gateway harbour master Colin Hitchcock denied that the decision had anything to do with car seats, and further clarified that the ruling applied to children under the age of six only – not 16.

The reason was, he said, that a security audit at the port had identified a high tidal range which could result in an acute range of gangway angles. It was stated that children under the age of six would not be safe using the gangway at certain tides, and that carrying babes in arms or assisting young children could put both the adults' and children's safety at risk.

Mr Hitchcock said he was not aware that the family were to disembark the vessel at London Gateway and he was sorry that the Captain's leave had been cancelled. However, he believed – as a father of three daughters himself – that the ruling would prevent accidents involving young children at the port.

Nautilus member Capt Andrews has now written a letter to Mr Hitchcock requesting details of the risk assessment under a freedom of information (FOI) request.

'This rule is over-prescriptive or is being inappropriately applied to further restrict the diminishing rights and privileges of seafarers who have less time and access to their families than those who drafted this rule,' he told Nautilus in an email.

'This sort of thing is the domain of tinpot regimes, and had this happened in some God-forsaken part of the world it might be dismissed with a shrug of the shoulders, but for it happen in our own country and in a port of our capital city is nothing short of outrageous. Capt D'souza is not a member of our union yet but this policy could well inflict serious injustice to those of us who are.' **!**







# HIGH STAKES

Rescuing people in distress at sea comes naturally to seafarers. But Italy has led a growing resistance and often outright hostility from port states to receiving rescued migrants – leaving seafarers caught in the middle. **FELICITY LANDON** looks at the impact on masters and everyone onboard

**A**t the end of July 2019, up to 150 people attempting to make the dangerous sea crossing from Libya to Europe drowned when two boats capsized. It was just the latest in a series of tragedies on the Mediterranean.

The instinct and responsibility under international law of seafarers is to help wherever they can. And yet... There are stories of ships changing their course in the Mediterranean to avoid meeting refugees in distress; of ships turning off their AIS; of officers being instructed by their employers to 'look the other way' and find something important to do on the other side of the bridge; of masters who have done their heroic best later being penalised for changing track and delaying a voyage; and of extreme pressure on masters from shipowners, charterers or cargo owners to keep to time.

Last year Italy started to turn away rescue vessels bringing migrants into its ports. This year it fined rescuers who brought migrants into port without authorisation. Then it arrested Carola Rackete, captain of SeaWatch 3, after her vessel carrying rescued migrants docked at Lampedusa. The charges against Capt Rackete were subsequently dropped by Judge Alessandra Vella for being non-applicable; however, the case shows that the stakes for sea rescue are getting higher.

Seafarers involved with migrant rescue can find themselves coping with the physical demands and psychological effects of rescuing and caring for hundreds of exhausted and traumatised migrants, in difficult and dangerous circumstances, with little support at the time or in the aftermath.

Seafarers involved with migrant rescue can find themselves coping with extreme situations (Images: Judith Buethe)



## Human impact

Working on pipelines off the Libyan coast in January 2017, the Deep Vision received a call from the Maritime Rescue Co-ordination Centre (MRCC) in Rome about a boat in distress. The situation escalated and Deep Vision, a subsea inspection, maintenance and repair and survey vessel, ended up helping to rescue more than 900 migrants from nine boats over three days. Some had run out of fuel – others had no engines and had been towed out and left to drift.

Captain Jamie Wilson, a Nautilus member who was honoured with the Merchant Navy Medal for his part in the rescue, recalls the horrific situation in the first overloaded dinghy. There were 132 people on the boat,



including two pregnant women. A rescue boat was launched, life jackets were distributed, and the migrants were eventually transferred to a French navy ship. The bodies of two children were found under a blanket.

'Obviously the law of the sea states that I must help – and of course I would always help,' Capt Wilson says. 'But there is also the safety and security of my ship to consider. We had about 70 marine and specialist crew onboard. If I had brought 132 additional people onto my vessel, how could I secure them on deck? How would we have fed them? We did have extra provisions and lifejackets but certainly not enough for more than 900 people in three days.'

The Deep Vision provided a lee for the boats and assisted with the transfer of the people to navy and humanitarian ships.

A lot happens in a concentrated period in such a situation, the master notes. But an issue sometimes forgotten, and which he hadn't previously given much thought to, is the effect on the crew.

'I asked my rescue crew to take a boat and go across the open sea to the raft – we didn't know the situation there, whether the people were angry or injured or had weapons. It isn't until afterwards that you think about it all and have to deal with the emotion and how you pick yourself up from that.'

The crew didn't hesitate to perform extra duties; the stress, worry, nerves and extra workload were all put on the backburner while they did what was asked of them, says Capt Wilson.

'A big part of the master's role was trying to return the crew's attention back to "normal operations" whilst maintaining the highest focus on safety and security.'

This was not easy, he says. Morale was low, the extra workload had affected everyone, the rescue boat crews had had to deal with situations in each raft and the stress of the whole operation took its toll.

'The extra pressure on masters and on shipping companies from a hardening stance by EU states and →



## Be prepared



Vessels should have blankets onboard Image: Judith Buethe ▲

Ships that operate on well-known migration routes should be better equipped with life rafts, food, clothing and medical equipment, while masters and crew should be well prepared, including psychologically, says migrant rescue campaigner and photographer Judith Buethe. 'It is important to remember what a rescue operation is in terms of physical and mental exertion and the impact it has on the crew,' she says.

Ms Buethe, who has crewed several NGO rescue vessels, says rules, agreements and regulations should not unsettle seafarers and limit them in their humanitarian action, she insists; they need to know there is external support in worst-case scenarios. 'Seafarers must – without many trains of thought – be able to intervene humanly and effectively and save lives.'

Albrecht Beck is managing director of Prepared International (PPI), a consultancy firm specialising in disaster management. He agrees that ships need to be prepared and crew trained for this sort of situation. He suggests having blankets onboard, chemical toilets, simple food stocks such as rice, and a supply of medical equipment for basic coverage.

Dr Beck, who has also spent time onboard a rescue vessel in a support role in the Mediterranean, worries that 'bad behaviour' could be rewarded.

'Some companies are rerouting ships to avoid the zone, while other ships were called upon to support – but didn't and continued on their way. I can imagine the pressure on them from their bosses,' he says of his experience on the rescue vessel.

'On the other hand, we had many ships that did help. A large tanker from Thailand stayed for nearly three days and took onboard more than 1,000 people brought to them by different ships. They gave up their last drop of drinking water and had all these people on the deck. They brought blankets to give them shade and worked through the night to support them.'

'For a tanker company, the loss from such an action is huge. The shipping companies that don't respond and don't care for the people will in the end be the winners on that route. There is a need for some form of insurance – you can quickly kill a good company if the ship isn't making money.'

Dr Beck is also concerned for captains who carry out rescues. 'By international law you have to help; but that is no security afterwards against the repercussions that captains may have to go back to.'

Judith Buethe has been in the situation where a merchant vessel provided the only help and support for her NGO rescue boat and the several hundred rescued people onboard.

'Our capacity onboard was exhausted. The possibilities to bring people aboard the commercial ship were very difficult. We gradually brought people – with the help of a rope ladder – on to a tanker, including those who were injured, weakened or pregnant. In the end, they were well protected and supplied by the professional crew onboard until the support of a naval ship came, one day later.'

## Tragedy in the Mediterranean

Wilko Beinlich witnessed tragedy at sea when he was volunteering onboard the Luventa – a rescue vessel operated by NGO Jugend Rettet. He had been serving as a second officer with Hapag Lloyd Cruises, using his leave to work onboard the rescue vessel.

Easter 2017 brought a sudden spike in migrant numbers, with several thousand in danger in the Mediterranean. 'We had more than 300 people onboard, there were 3.5 metre waves washing over people on the open deck, the boat was pitching badly, and we couldn't guarantee their safety. There were hundreds more people behind us in the water and we had no more assets to save them,' he says. 'After that, I had a complete emotional breakdown and needed help. I had seen 400 people die in front of me. A 26-year-old from central Europe has never seen what it means to really suffer and that was something I was definitely not prepared for.'

The trauma was such that Beinlich gave up his seafaring career. He is now studying for a master's degree in crisis and disaster management, hoping for a career in the humanitarian sector.

While he never encountered a migrant rescue situation while onboard a commercial vessel, Mr Beinlich says: 'Ship's officers go through a lot of training in order to deal with numerous situations onboard. But being in a situation like that, full of emotion, fatigued because you hadn't slept in 70 hours – it's not what someone from the commercial shipping world should be facing.'

'I would compare this to dealing with the threat of piracy, when commercial ships take a lot of precautions; you train so you are safe, you have armed guards onboard, you mentally prepare yourself and you physically prepare the ship when you go into such areas. There are guidelines, and everyone is prepared. There is no such thing for the refugee crisis. I believe shipping companies have an obligation to prepare the crew, to sit down and talk it through and to have regular drills. Seafarers want to rescue people – it is a moral code of honour and good seamanship.'



▲ Second officer Wilko Beinlich was traumatised by migrant deaths



The Luventa rescue vessel in operation

possible refusal to accept migrants picked up on merchant ships cannot be overstated,' says Capt Wilson. 'But any master would say saving life at sea has to take priority over anything else.'

### Eye-opener

Patrolling the Aegean looking for migrants in distress at sea has been an eye-opener for another Nautilus member, who wants to remain anonymous.

He says: 'Those trying to cross the Aegean are generally from war-torn countries, primarily Syria and Afghanistan. These people have malnutrition, have had next to no healthcare, have endured horrible journeys.'

The government-run patrol boat is not allowed to approach migrants' boats unless they are deemed to be in distress.

'But what do you deem distress? You can look at a boat and say it's OK but know that in half an hour it likely will not be OK. We are talking about 80 to 90 people in boats designed for 20, with no lifejackets, babies onboard, and no one can swim – it only needs one rogue wave. They are in 40-degree heat, they have no cover and no water or supplies.'

He believes there needs to be collective, official advice rather than individual countries taking their own position over migrant rescue both in the Mediterranean and elsewhere.

'It should be clear: if you operate in this area where you are likely to come across this problem, this is what you need to do. No master wants to get arrested but also no master is going to not pick up people in distress.'

The 1979 International Convention on Maritime Search and Rescue (SAR Convention) defines the 'distress phase of emergency' as: 'a situation wherein there is reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance.'

A master can face a situation where the 'grave and imminent' danger is not perfectly established, or not yet (in comparison to a situation where people are struggling in the water far from safety).

Nautilus director of legal services Charles Boyle says that discussions have taken place in recent years to try to define further 'distress at sea', for instance in International Maritime Organisation plenary meetings and during Maritime Safety and Legal Committees, with no final conclusions regarding possible new parameters allowing a better measure of the distress.

'In practice, it appears that if the maritime expert (search and rescue authority or master) has "reasonable certainty" that "grave and imminent" danger exists and that "immediate assistance" is required, then that must suffice', Mr Boyle says. **t**

# SEA RESCUE: A TRADE UNION STATEMENT

In 2018, Nautilus International and France's CGT maritime union co-signed an agreement calling for greater protections for professional seafarers who become involved in rescues at sea

**S**ea rescue is an international obligation. There have never been so many ships at sea. However, since 2014, the number of casualties at sea has been extremely high: figures from the United Nations High Commissioner for Refugees (HCR) are very revealing: (2018: 1,408; 2017: 3,139; 2016: 6,038; 2015: 3,538). Nevertheless, due to the specificity of the marine environment, the law requires any ship master to render assistance to any individual in distress at sea, regardless of that person's nationality, status or of the circumstances he/she was found in.

We, the trade unions and seafarers from various European countries, hereby emphasise our attachment to the tradition and age-old ideals of our profession: rescue is a fundamental obligation, regardless of the person and his/her circumstances. We take pride in rescuing whoever is in distress in the vicinity of our ships. Rescue, being an obligation, is not part of migration policy and must not be fashioned by it.

We refuse any criminalisation of the masters and crews of ships acting so. On the contrary, we insist upon the fact that they are acting pursuant to the obligations of international law. Those violating International law are the governments which refuse to provide sufficient resources to rescue people.

### United Nations Convention on the Law of the Sea of 1982

(UNCLOS Convention) states that 'Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:

- to render assistance to any person found at sea in danger of being lost;
- to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such



action may reasonably be expected of him.' (art. 98(1))

### Safety of Life at Sea Convention of 1974

The (SOLAS Convention) provides for the 'master of a ship at sea which is in a position to be able to provide assistance on receiving information (2) from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so...' (Chapter V, Regulation 33(1)).

The purpose of amendments to the SOLAS Convention regulation 33 and the SAR Convention chapter 3.1.9 is to secure the continuity and integrity of SAR services, to make sure people in distress at sea are rescued while minimising the damages those interventions may cause to the ships concerned. Therefore, they require that the contracting States:

- agree and cooperate so that ship masters rendering assistance by taking people in distress on board be exempted from their trading obligations with a minimal deviation compared with the initial route;
- organise for rescued people to be disembarked as soon as possible.

Despite the clarity of such obligations, criminalisation of sea rescue is increasing. Many legal proceedings – on the grounds of illegal traffic of migrants – have been

▲ The law requires any ship master to render assistance to any individual in distress at sea  
Image: Judith Bueth

initiated against sea masters and crews, fishermen or NGO engaged in rescue operations. After years of proceedings, they have all been acquitted, which proves their abusive nature and dissuasive purpose.

We call upon the European Union and its member states to anchor into law a clear exception on grounds of solidarity, to prevent such criminalisation. This is essential to ensure proper implementation of the Palermo Protocol against the smuggling of migrants (2000), which has been ratified by the European Union and its member states. As was recalled at the 2015 Conference of states parties to the Protocol: 'States should ensure that the legislative frameworks in place provide sufficient clarity to ensure that charges may not be pressed against those who fulfil their obligation of rescue and preservation of life'.

We ask shipowners to provide masters and crews who save lives with assistance, legal backup and defence, should on-land authorities question them.

The attending trade unions demand that States granting flags and States coordinating rescue operations honour their obligations under international Law and as required by these conventions and commit to co-operating with one another to ensure effectiveness by all means necessary. Faced with the increasing number of persons to be rescued at sea, seafarers from the merchant navy cannot compensate for the lack of national governments' failing to honour their legal obligations. Governments need to take all measures necessary to ensure every single person seeking rescue is taken care of.

We demand that Government public services for sea rescue be appropriately staffed, trained and equipped to fulfil their obligations, especially given the increasing numbers of people needing rescue.

We ask that European governments facilitate flag acquisition for ships coming within the scope of humanitarian actions to rescue migrants in high seas.

Beyond that, we consider it a State's obligation to organise search and rescue operations, such as Mare Nostrum used to be, rather than reinforce security measures, such as Frontex and NATO patrols. **t**



◀ Nautilus International director of legal services Charles Boyle: new law has significantly raised the stakes for involved seafarers

## Union condemns new Italian laws criminalising masters for sea rescues

Nautilus has condemned as ‘draconian’ new laws passed by Italy on 5 August which could see masters of private rescue ships fined up to €1m for disembarking refugees or defying refusals to enter Italian waters.

The text, adopted by Italian lawmakers in a confidence vote, gives hard-right interior minister Matteo Salvini more authority to block ships carrying rescued migrants from entering Italian waters.

Vessels involved in humanitarian work can be confiscated and masters thrown in jail.

‘It is very concerning that Italy has passed such a draconian law, which sharply increases the sanctions against masters of ships belonging to private rescue organisations,’ Nautilus International director of legal services

Charles Boyle said.

‘Many of these missions will be of the type anticipated under the general international obligations (which apply to all ships) under UNCLOS to rescue persons found at sea in danger, and the SOLAS duty to proceed to rescue on receiving information about persons in distress at sea.

‘The EU Facilitation Directive (2002/90) gives member states power to exclude from liability for illegal transit of non-EEA citizens, cases in which humanitarian assistance was provided. Italy has not acted within the letter or spirit of this exception and has significantly raised the stakes for involved seafarers.’

The UN’s refugee agency voiced concern over the law demanding that

humanitarian work ‘not be criminalised or stigmatised’.

‘Imposing financial or other penalties on shipmasters could deter or impede sea rescue activities by private vessels at a time when European states have largely withdrawn from rescue efforts in the Central Mediterranean,’ the United Nations High Commissioner for Refugees said in a statement.

The UN migrant agency says at least 840 people have gone missing so far this year trying to cross from Libya’s coast to Europe, most of them in the central Mediterranean.

Nautilus urged any member who finds themselves being detained for involvement in such matters to contact the union immediately, through Nautilus 24/7 if necessary. [t](#)

# CAUGHT IN THE CROSSFIRE

As the Strait of Hormuz is declared a ‘warlike zone’ and the UK joins a US-led maritime security mission, following an escalation of violence aimed at commercial shipping, a Nautilus member spoke of their recent experience of transiting the Strait. The member’s identity has been withheld due to security concerns in naming the vessel, crew or company. **HELEN KELLY** reports



**J**uly 2019 was a normal month just like any other for Captain X, who has overseen large tankers ferrying gas from Middle Eastern production hubs for many years.

The big ships kept up the steady flow of liquefied natural gas (LNG) to energy-hungry consumers in Asia and Europe with barely a blip in their well-honed routine.

Except for the newly acquired private security guards onboard, armed to the teeth with semi-automated weapons, and the short pause in transit just after the Strait of Hormuz to check if any mines had been attached to the ship's hull.

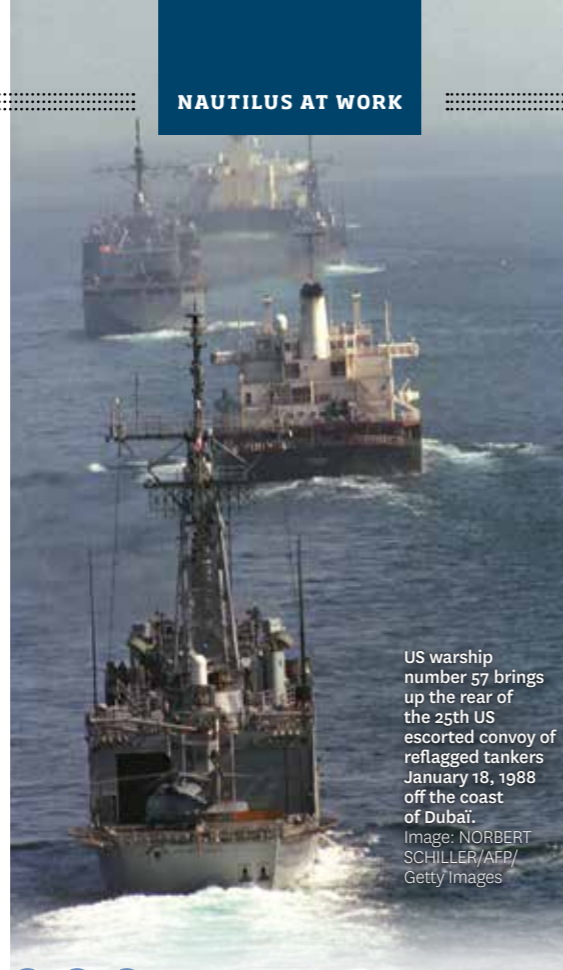
Captain X had just arrived back in the Arabian Gulf, site of the world's largest LNG exporting facility. To get there they transited the Suez Canal, a 'nightmarish' journey with 'the pilots probably being the most difficult we have contact with'.

Three private security guards were boarded in Suez at the south side of the canal. The massive tanker then made a rendezvous with a floating armoury in the Red Sea to take on weapons for use by the guards.

The armed guards performed bridge lookout duties from the start of the designated High-Risk Area (HRA) in the Red Sea. They disembarked as the vessel exited the HRA close to the Gulf of Oman.

The crew of 30, made up of six nationalities, were basically on their own from the Gulf of Oman to the Strait of Hormuz and through the Arabian Gulf to the load port – the exact area where the Marshall Islands-flagged oil tanker Front Altair and Panamanian-flagged Kokuka Courageous were blown up in June.

While Captain X gets weekly updates from security agencies, including UK-based Warlike Operations Area Committee (WOAC), the crew usually hears about it first from international news agencies such as America's CNN or the UK's BBC.



US warship number 57 brings up the rear of the 25th US escorted convoy of reflagged tankers January 18, 1988 off the coast of Dubai. Image: NORBERT SCHILLER/AFP/Getty Images

## Captain X doubts the crew would ever refuse to transit a Warlike Area, as they are afraid of being blacklisted – even though blacklisting is forbidden under the MLC

### Stressful and scary

Captain X describes transiting the Gulf of Oman as 'stressful' and 'scary'. At the time it had not been designated a warlike zone, but tensions were high following the capture of UK-flagged Stena Impero. The international crew are acutely aware of the imminent danger of attack, seizure and arrest by Iranian and other regional forces.

There is perceived commercial pressure from the operating company to ensure each charter is completed, Captain X says. The crew do not receive any extra payment for transiting the Warlike Area or designated High Risk Areas. They have not been asked if they agree to continue onboard.

Under the Maritime Labour Convention (MLC), seafarers who do not want to go to a war zone for which the ship is bound should be repatriated by the shipowner at no cost to themselves.

Captain X doubts the crew would ever refuse to transit a Warlike Area, as they are afraid of being blacklisted – even though blacklisting is forbidden under the MLC.

The stress involved in this most recent transit was made worse by last-minute instructions from security agencies to increase manning on the bridge and to introduce increased 'hardening', Captain X says. That included putting razor wire around the deck areas and deploying water cannons for protection against illegal boarding.

The crew were ordered to proceed at full speed from the Gulf of Oman, through the Strait of Hormuz into the Arabian Gulf.

The captain was also ordered to call the operating company's headquarters and The Royal Navy-operated United Kingdom Marine Trade Operations, UKMTO, to confirm the vessel was OK whilst transiting the area of Hormuz.

Captain X describes seeing lots of coalition warships in the area asking ships to report any unusual

activity via radio communications. Moments of black humour surfaced while listening to the Iranian Navy asking US warships to divulge fleet numbers and details, including whether they have helicopters and submarines in tow.

In late May the Joint War Committee (JWC) in London extended the list of waters termed 'high risk' to include Oman, the United Arab Emirates and the Persian Gulf after attacks on four vessels off Fujairah.

That means Captain X is required to report to the vessel's insurance provider when it enters an area ranging from Hormuz to territorial waters of the load port. This is in addition to the previous areas identified by JWC. It adds to the volume of paperwork he has to deal with.

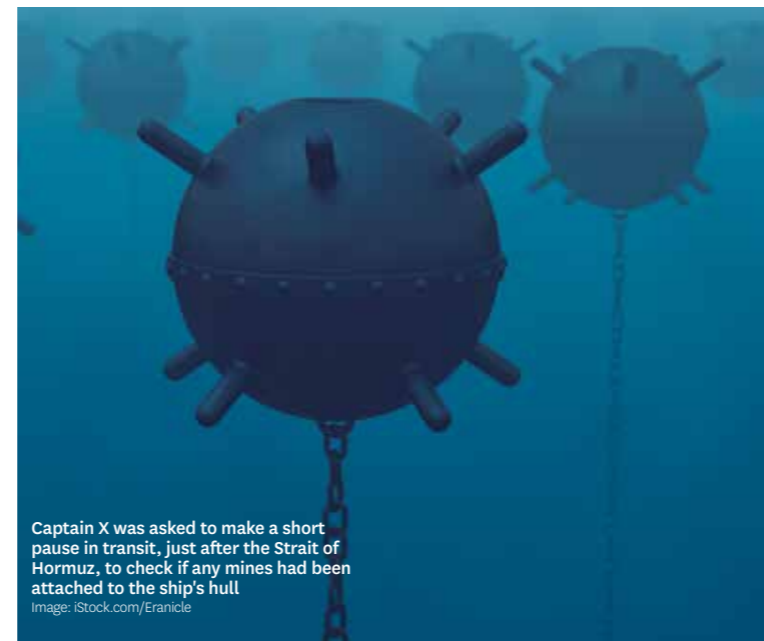
### International cooperation

Captain X reckons close protection by international naval forces and continued diplomatic dialogue would improve safety for Merchant Navy crew transiting the Gulf of Oman and other High-Risk Areas.

Those sentiments are backed by Nautilus, which has lobbied the UK government to commit 'significant naval resources' to the region to protect British ships and seafarers, and to reduce risks in other areas of the world.

General secretary Mark Dickinson underlined the importance of multinational co-operation in the region, with many Nautilus members working on ships flying non-British flags.

Waiting to load yet another high-value energy cargo, this time bound for Southeast Asia, Captain X says: 'If given a choice I would not sail onboard a vessel transiting the Arabian Gulf or the Strait of Hormuz at this time.' His wish is that international diplomacy will resolve the political tensions quickly, so that future generations of seafarers do not have to risk their lives to feed their families.



Captain X was asked to make a short pause in transit, just after the Strait of Hormuz, to check if any mines had been attached to the ship's hull. Image: iStock.com/Eranielce

# Warlike Operations Area Committee

A guide to the UK body with the power to declare international waterways a 'warlike zone'

There's a very long history of merchant seafarers being thrust into the front line of conflict at sea, and maritime unions have sought for many decades to ensure that members are not exposed to excessive risks.

With merchant vessels once again facing threats in the Arabian Gulf, the Warlike Operations Area Committee (WOAC) has agreed to temporarily designate the Strait of Hormuz as a 'warlike zone' from 2 August, following government advice to avoid the area unless accompanied by UK naval support. That designation gives seafarers the right to leave ships bound for the area, as well as additional 'war risk' payments and special insurance protection.

The roots of WOAC can be traced back more than a century – and its existence serves to underline the scale of the dangers that seafarers have been exposed to over this time.

More than 12,600 British merchant seafarers lost their lives during the First World War, with the introduction of U-boats adding a new dimension of danger to maritime warfare. Yet during the early stages of the war, seafarers serving on ships which had not been chartered by the government went off pay as soon as their vessel was sunk, and they received no compensation for lost possessions.

Although the Admiralty had agreed to pay a £1 a month bonus to seafarers on ships 'taken up from trade', along with compensation for those killed or injured because of 'warlike operations', it took two years for an industry-wide war risk scheme to be introduced giving torpedoed seafarers a minimum payment of one month's wages.

Worried about the country's ability to continue crewing its ships, the government established a special Board of Arbitration – which was to become the National Maritime Board (NMB) in 1917 – with representatives of owners, officers and ratings to regulate the supply of seafarers and fix their terms and conditions.

War risk payments and compensation were high on its agenda right from the outset, and in what

turned out to be the last month of the war the Board agreed to pay a £3 per month bonus for seafarers.

A total of 26 British merchant ships were lost during the Spanish civil war between 1936 and 1939, and seafarer unions had to fight to get owners to agree to pay a 50% bonus – later increased to 100% – for the crews of ships trying to beat the blockades.

When the Second World War broke out, merchant seafarers were given a special 'war risk' payment amounting to almost one-third of basic salary. By 1943, with profound concerns about seafarer shortages, the bonus was more than trebled, and agreement was reached that every shipwrecked seafarer would be guaranteed full pay – including the war risk bonus – until they returned to the UK or found a job on another vessel.

The NMB was abolished by shipowners in 1990 as part of a wider move away from centralised industrial negotiations, but they agreed to continue with the operation of several joint bodies – including WOAC – to bring both sides together to discuss important issues.

The committee is now comprised of the trade unions Nautilus International and RMT, and the UK Chamber of Shipping. It still provides a forum for shipping companies and seafarer unions to consider threat levels and monitor 'warlike activities' to determine whether war risk service clauses in collective agreements should be invoked.

The interpretation of 'warlike operations' has been a consistent source of debate – not least during the 1980s 'tanker war' in the Gulf and in relation to other security threats, such as piracy and terrorism. But in a politically unstable world, the need for WOAC has been repeatedly demonstrated and its value has been underlined by the fact that it has served for a model for similar schemes in other countries, as well as at a global level for the International Bargaining Forum and the Maritime Labour Convention provisions for 'war zone' service by merchant seafarers.



Image: werbeantrieb

# LOVE IS IN THE AIR AT PRIDE IN LONDON 2019

A few years ago, members came forward urging Nautilus to take part in the annual Pride in London festival alongside other trade unions – celebrating the contribution of LGBT+ workers to the maritime industry. Now the event is firmly fixed in the maritime calendar, with a fantastic turnout of members and Union staff. **HELEN KELLY** reports on a day of awareness-raising (but mostly fun)

**N** autilus has marked its fourth consecutive year at the Pride in London festival with its biggest ever presence – and its first ever marriage proposal.

Some 70 people marched in the Nautilus group, in solidarity with LGBT+ maritime professionals, through central London on Saturday 6 July.

Nautilus members and staff were joined by V.Ships cadets, Seafarers UK, UKSA, the International Transport Workers' Federation (ITF) and the ITF Seafarers' Trust.

'Taking part in Pride in London is a small part of the ongoing work done by the Union with our partners to improve diversity and inclusion for LGBT+ people in all areas of maritime,' said international organiser Danny McGowan.

'Attending the event is an essential part of that work, as it

allows the Union to demonstrate to the maritime world that consideration must be given to the issues faced by LGBT+ people – and all groups vulnerable

to discrimination – throughout their working lives.'

Nautilus has been working hard to support and assist LGBT+ members for many years, alongside other unions. In 2018 the Union backed a motion at the International Transport Workers'



nautilusfederation.org 22 October 2019

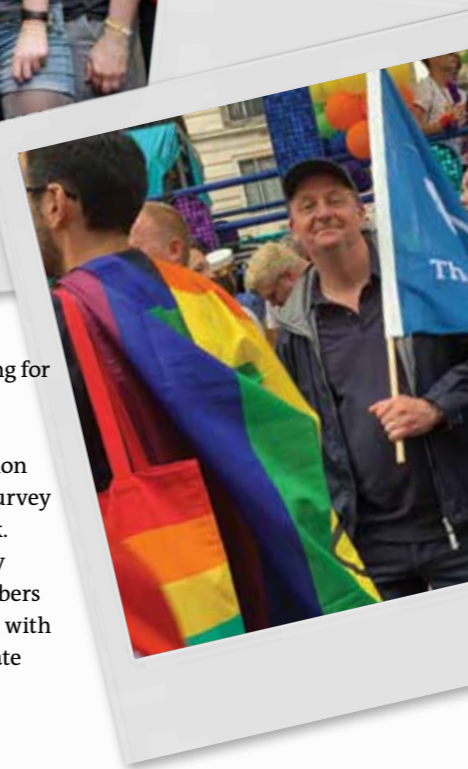


Federation (ITF) Congress calling for more work to promote diversity across workplaces worldwide. The Union has also supported the TUC's survey into LGBT+ harassment at work.

The Nautilus 24/7 emergency service is available for all members to contact should they be faced with an issue that requires immediate assistance (see page 58).

Diversity recently became a standing item on the agenda of the Nautilus Young Maritime Professionals Forum, open to all members aged 35 and under, which has also led to people feeling more able to speak about matters that they may have felt uncomfortable with sharing before.

'We have seen a growing number of members approaching us reporting issues they have faced relating to identifying as LGBT+,' Mr McGowan said. 'We don't believe this to



be a result of an increase in issues, but an increased willingness to talk about such issues following our push on speaking out about LGBT+ rights.'

One Nautilus member wowed the crowd at Piccadilly Circus with a public proposal of marriage to his partner. The lovebirds have been dating for three years, he told the crowd when he popped the question. And the answer: 'Yes!'

See more on social media using the hashtags #PrideInMaritime, #PrideInNautilus and <https://youtu.be/1G5q3gBKPwo>

## TUC LGBT+ Conference comes out in support of international transport workers

London's Congress House, the headquarters of the Trades Union Congress (TUC) saw trade union members gather for the organisation's annual LGBT+ conference on 4 and 5 July.

With trade unions from across the UK present, motions debated were on topics including sexual harassment, hate crime, PrEP (Pre-Exposure Prophylaxis, used to prevent contraction of HIV) and so-called 'gay cure therapy.'

A motion in support of NUJ union member Lyra McKee, the journalist and LGBT+ activist brutally murdered in Northern Ireland in 2019, was passed unanimously, and delegates held a moment of silence in respect for her.

For the first time, Nautilus was also present at the conference, presenting a motion calling for support of LGBT+ maritime, transport and other cross-border workers which the organisation raised in June 2019.

In his speech to introduce the motion, international organiser Danny McGowan said: 'Every day, LGBT+ people go to work under the threat of violence, bullying and harassment because of their sexuality or gender. International workers – those who work in a globalised industry or work across borders such as Nautilus members and cabin crew – face further issues.

'With around 70 countries criminalising same-sex consensual activity, and 11 of these with the death penalty imposed or a possibility, international transport workers can face severe challenges to their human rights in their ports of call, and we call on the TUC to intensify efforts in support of LGBT+ workers facing these issues.'

A cabin crew worker from the Unite union spoke in support of the Nautilus motion, reiterating the fact that there is no single place where LGBT+ cross border workers can seek information on the local laws of the jurisdictions they visit. The motion was seconded by the University and Colleges Union, and further supported by ASLEF and GMB.

The motion was unanimously supported by all attendees.

# LISTENING EXERCISE

A major survey of seafarers' views has been carried out to inform company policies on shipboard recreational facilities and mental health support. **ANDREW LININGTON** reports on an all-too-rare attempt to find out what crews think about their own lives at sea

**S**eafarer wellbeing has been a hot topic within the shipping industry for some time now – but it's sadly unusual to hear the voice of actual seafarers when the subject is debated.

In an effort to address that absence, the Seafarers International Research Centre (SIRC) at Cardiff University has carried out an extensive project to gather crews' views on issues such as mental health, stress, anxiety and depression.

SIRC director Professor Helen Sampson and researcher Neil Ellis sought to identify the aspects of life at sea which either support or undermine wellbeing and the policies that could be implemented by operators to improve the situation.

The findings, presented in a SIRC symposium at the university, were based on feedback from more than 1,500 seafarers, more than 40 shipping company HR managers, and representatives of employers, maritime charities and P&I clubs.

The research revealed that employers do not consider mental health and welfare to be as important an issue as it is regarded by maritime charities, P&I clubs and other stakeholder organisations – and that employer and P&I club records do not provide evidence of an increase in suicides among seafarers or of a rise in repatriation because of mental health problems.

However, feedback from seafarers showed that they are significantly happier when they are at home. Only 4.2% admitted to being always or very often lonely while they are on leave, against 20.2% who said they were always or very often lonely at sea.

The survey identified the factors which make seafarers happiest at work – with the top three being leaving the ship to go home, going ashore with colleagues, and talking with shipmates.

By contrast, the things that caused seafarers to feel unhappy at work included family-related problems (when these were experienced), too much work, being unable to take shore leave, and poor food.

Other negatives were experiencing discrimination, falling out with superiors or colleagues, and getting tired or bored.

The symposium heard that seafarers had identified the provision of free internet access as the most significant way to improve their mental wellbeing. Decent working conditions, good shipboard relationships, and access to facilities for physical health and recreation were also considered vital.

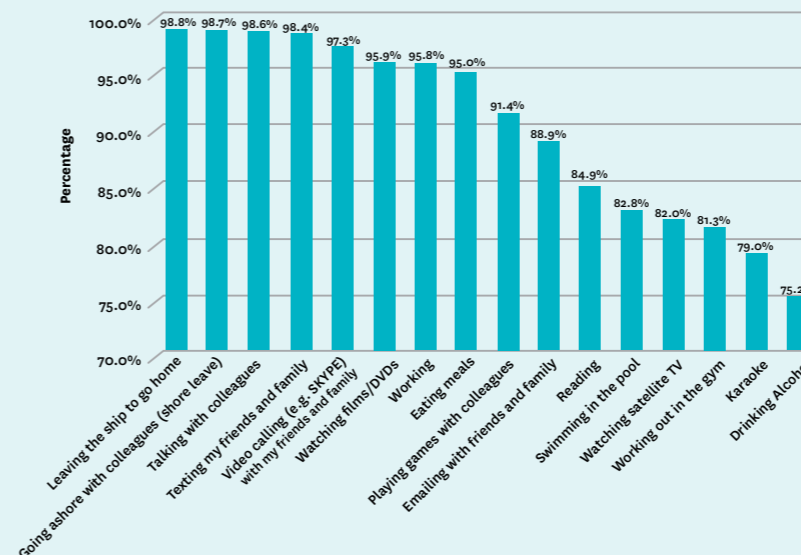
The SIRC researchers said the study had shown the need for strategies to foster good social interaction onboard and to improve opportunities for seafarers to relax and recharge. They recommended measures and facilities such as:

- free and unlimited onboard internet access for all seafarers
- a varied menu of interactive recreational activities
- the facilitation of basketball, swimming or squash onboard, with opportunities for table tennis, or darts, barbecues, karaoke, and cards and board games

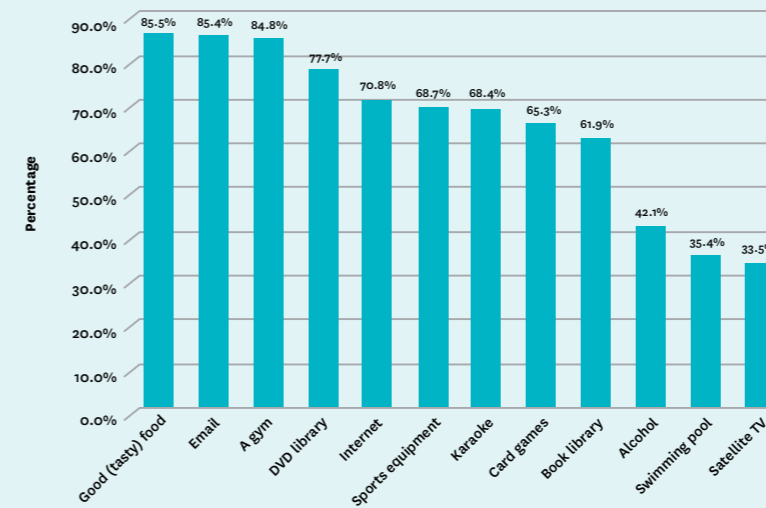
- a dedicated and well-maintained shipboard gymnasium with three different pieces of equipment
- a book and DVD library
- comfortable mattresses and cabin furnishings to promote quality rest and sleep
- regular access to shore leave
- a maximum tour length of six months
- work and leave ratios of at least two to one for all crew
- implementation and enforcement of anti-bullying and harassment policies
- confidential counselling services available to all seafarers

The researchers stressed the importance of good food and called for a feeding rate of at least US\$11 per person. They also recommended that officers should be trained in ways to create a positive atmosphere onboard, with all seafarers being given self-help guidance on improving mental resilience.

## Things that made seafarers happy on board



## Things that seafarers could access on current ship



Marked reductions were reported in the provision of facilities such as book and DVD libraries, games and karaoke machines. 11% of respondents said they were never able to take shore leave

On the plus side, other research by Mr Ellis has shown an increase in the number of seafarers who are happy with their cabins – with those rating the standard of their shipboard accommodation as good or very good rising from 51% to 74% over a five-year period.

The proportion with tour lengths over six months fell from 55% to 34% over the same period, and satisfaction with the quality of food onboard also rose. However, around one-third of respondents described the food they were given as unhealthy.

While onboard internet access had also improved, Mr Ellis said he had uncovered a significant increase in the number of seafarers complaining that their access was time-limited or that they had to pay for it.

The proportion of seafarers stating that they were unable to get adequate rest all the time rose from 35% to 53%, with 60% complaining of being disturbed by noise some or all the time and 59% being disturbed by vibration in their cabins.

Marked reductions in the provision of recreational facilities such as book and DVD libraries, games and karaoke machines were also reported, and the proportion of seafarers stating that they were never able to take shore leave rose from 7% to 11%.

'Although there have been some improvements in terms of seafarers' accommodation and recreational facilities, many aspects have not improved, or have actually got worse,' Mr Ellis concluded.

'Indeed, there is still much scope for improvement to accommodation and recreational facilities onboard. This is worrying, especially given the increasing concerns about seafarers' mental health that is currently being raised within the industry.'

Simple steps, such as improving lighting, increasing opportunities for shore leave and providing recreational facilities onboard would go a long way to improving the mental wellbeing of seafarers, reducing their isolation and loneliness, and helping to give them a better quality of rest.

In turn, Mr Ellis argued, shipping companies who invest in such measures will get a significant payback in terms of better work performance, improved health and safety records, enhanced crew retention rates, and fewer repatriations. **i**

the global  
**seafarer**



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