



## THE MARINE BEAST OF BURDEN By Mr. Spyros Ranis, Ranger Marine

### How a fragmented industry would gain harmony?

Life of this nation and in this nation is inextricably and incessantly bound with the sea and the maritime adventure, since prehistoric times.

Legends and tales about sailor-heroes inflamed the spirit and imagination of the populace. – Jason and the Argonauts in search of the Golden Fleece, Agamemnon invading Troy, Odysseus wandering back to Ithaca for years.

In the modern fast-paced age of consumption and uncertainty, marine industry is vital for the survival of the world, seaborne trade stands at 6 bil. tons per year out of which 2 bil. tons is oil, and the public is regularly inflamed by bad press. A staggering 96% of world trade goes by sea and the current bill is \$ 130 billion per year in freight, for the 750 million tons combined cargo capacity afloat.

This makes shipping the single most important industry in the world which, nevertheless, never gets anywhere near the public agenda, save of course, any marine casualty, whereupon the media will mix fact with fiction and make headlines. But no more legends on epic sea adventures. Instead, the public read stories about shady shipping companies, old rustbuckets, unreliable class societies-registries-crews etc. All unworthy of anybody's trust. TV viewers will see the same archive photo of the oil-soaked cormorant. This is how the public is agitated, the celebrated common perception is shaped and the scene is then ready for the old act of politicking.

BIMCO's Lord Kinnock – former European Commission vice president – speaking a few weeks ago in London - praised lobbying "against regulations that might stifle efficiency, without gains to quality and performance" – and promised that, BIMCO would strive "to close gaps which can arise between what may be politically desirable – especially in the short term – and what is effectively doable in the medium and long term". He asked "for greater pragmatism from Brussels in maritime legislation" and remarked: "Much of the world community particularly its elected representatives, very often, appear to be blissfully unaware of the significance of sea-transport to the civilization, production and consumption of

the world". Presently the E.U. turns a deaf ear to what BIMCO's Lord Kinnock, or IMO's E.Mitropoulos say – simply that: regional rules or policies, harm the industry. Theorists, politicians, diplomats, and bureaucrats in any forum, – in Brussels and Strasbourg in particular – will concoct new rules and regulations with the sole purpose to allay the eventual concern of constituents. The voice of Shipping is not heard in these fora.

It's a matter of urgency for the Industry to bring together every shipowners' union and other shipping associations worldwide under one body and voice, and sufficiently fund it. Its thesis will be then respected by the politicians and the media on all the range of issues that shipping regularly deals with.

Efforts to protect the interests of shipping will then – only then – be harmonized on a global scale, lobbying and the public relations will be effective, governments and legislation will be more realistic than demagogic to the benefit of maritime nations and world trade. The shipping world seems to be mature for the advent of an International Maritime Institute as above – Greek owned fleet, being the largest, it holds a substantial stake on the issue and a good chance to hit the mark. This means that our UGS, together with the London GSCC, should take the initiative and map out the course to a goal of strategic importance.

### How the Spanish maritime prestige was officially scuttled?

It was November 14th, 2002, and a forceful gale, with very strong winds and high waves was raging in the Atlantic for days. An old – built 1976 – tankership with 70.000 t. of heavy fuel oil in its tank holds, was in distress, fighting the storm, struggling to stay afloat. It had developed a crack on its starboard outer hull plate, after it was hit by a rogue wave, several hours earlier, and it was only 2,5 miles off the Spanish coast. Some oil was leaking out and calm waters, in a place of refuge, was badly needed to save those onboard, the vessel, the cargo and forestall pollution.

SMIT, the good Dutch expert firm was already on the scene with the proper boat and its vast salvage experience and ... prestige. PRESTIGE was the name of the

crippled tanker, and the stage was set for the Spanish officials to put the drama on. They ordered the ship out to the boisterous Atlantic where it sank several days later, Spanish and French coasts suffered a massive ecological disaster, the master A. Mangouras was rescued and ... thrown in jail, and hundreds of millions are claimed as pollution damages against any suspect, real or fictitious. No prosecutor ever gave a bit of attention to the real and official culprits. Then the drama was transferred to the E.U. where the Confederation has developed a distinct fixation for new, regional, rules and regulations. But Vessels move freely around the world and need unequivocally international regulations by which only they can effectively operate; and IMO is there for the job. Who boycotts it and why?... The E.U. advises shipping people "Think internationally, act internationally", but good intentions and high-pitched proclamations scatter to the winds when they strike the "customary" snag.

Voters are a strictly domestic species, and such the politicians inevitably are, they even may eventually be national, but never international.

Everywhere elections are taking place, politicians need the local votes, they so cannot "think internationally – much less – act internationally", as shipping industry strongly desires and requires. At the critical time, when PRESTIGE was in distress, a simple, apolitical and technically sensible decision should and could be taken – but this was too much for the Spanish, who chose to send Vessel to its doom with everything that followed, on the wake of this horrific "political" decision. It is very important for the industry to always remember that, IMO remains clear of the international political chessboard.

### How ancient laws and customs are summarily bungled?

The new E.U brilliant idea is the amendment of recent MARPOL requirements regarding sulphur content of bunker fuel, which will be of three or four varieties, dependent on the region vessel trades. Again the E.U. ignores that maritime trade is a global matter, rather than a domestic affair, and in making rules, forgets the rule of thumb of a medicine man: "First, do not harm". Another

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controversial ambition of the EU functionaries is, to establish a single voice and vote in the IMO, on behalf of all European member nations. This will cripple maritime nations ability to protect their interests the way they consider fit, not to mention that in the Union "all nations are equal but some are more equal"... Decisions in the IMO have a very good chance to be technical and apolitical. - To get down into political waters in Brussels. The "intentional polluter's" criminalisation issue comes next, upon the passive maritime industry – the usual suspect\_ vulnerable and wail as it is.

Margins and definitions on pollution – intentional or unintentional – are rather fluid and ambiguous\_ an "intentional" pollution may be legitimate, and the stoic reader certainly knows the old rule:

"There is a general average act, when any extraordinary sacrifice is intentionally made for the common safety of Vessel, life and cargo".

Intentionally is the key word, and look at a master's sour dilemma when in peril\_ he sheds some cargo overboard (lots of cargoes, dry or wet , are potential polluters), and saves his vessel, most cargo and life, but faces criminal charges , or stays passive praying the God. The master actually faces two perils, the peril of the sea, and the peril of the European prosecutor. The other captain needs to ground his crippled boat to save it from sinking, and he faces the same dilemma. Salvors may also easily commit the European crime of intentional marine pollution, when they ... intentionally try to save the Vessel, but some pollution may inevitably come on the wake of salvage operations. Upon this possibility, nautical and salvage expertise are gone with the wind, together with any on the scene technical appreciation of the peril and its remedy.

The Rhodian Sea Law, provided that losses incurred by the master and merchant mariners, as a result of their efforts to save life, the ship and cargo from peril, have to be shared between stake-holders. This provision was firmly established in Roman Law by the 6th century a.D. , originating on Rhodes – and it was also incorporated in the Byzantine Justinian Code (a collection of rules and laws – a.D. 529-565).

When Britannia ruled the waves, International Shipping Law was clement to the seacarrier, as it was considered a matter of public interest to encourage people to go out to the sea, to risk life and property, and make international commerce possible. One hundred years ago much of the world's tonnage was British-built, British-manned, managed and owned. The British now hold a very strong stake in international shipping providing maritime services – marine insurance,

financing, arbitration, maritime law, surveying, shipbroking etc. – but they own a mere 1.2% of the world fleet. They aren't carriers, and the carrier has lost his mighty ally.

#### How shipping becomes a pariah in its own home turf?

In 1787 a constitutional convention was held in Philadelphia where 55 men prepared a historical document, which, as amended, shapes the way America is governed. A European Constitution is drafted and on test now, the Union is trying to discover its identity, and if it can play a part in geopolitics. But it's a very long way to anything like a United States of Europe, on the formula adopted 218 years ago, by the great men, in Philadelphia. And something never to forget: more than 620.000 soldiers died in the struggle, before the U.S. got united. The great men in Brussels shed now oceans of ink, but no blood...

And its policies muddle even, those paid to understand them.

In shipping, where our strong interests lie – with that of Cyprus and Malta – the European policy on the issue, doesn't seem to be to the benefit of vessels and the seafarers, and it's decided by people who have never seen the ocean or heard the roar of the waves. New rules are set, solicited by strong industrial nations, all soundly set to support their goods-producers / shippers / charterers, and prone to consider the seacarrier little more than a beast of burden. The E.U. is strongly influenced by France, who is steadily unfavourably disposed to vessels and always for tougher rules. But look at the brand new French International open Registry (FIR), which offers incentives and "conveniences" to owners to raise the

national flag.....(of convenience?). Controversy and ambiguity now rule the waves.

#### How our mighty industry could lend a hand to an important institution?

It was a 1948 UN Convention that "invented" the IMO to the purpose that it will provide for international maritime rules and regulations, to be globally and mutually observed by states and parties involved in shipping. The IMO (IMCO, it was its initial moniker) held its first assembly in January 1959, 69 were its member states in 1970, and 162 they now are. And now globalization is a fact in communication, commerce and the economy as, in the sea trade for centuries, the case is. The IMO has done a splendid job, a litany of very important international treaties on critical issues has been reached, on the understanding that they will be globally observed. Now the E.U. deviates from this standard course, ignoring internationally established interests and obligations, and this is a signal for other parties, states or regions to do the same. This simply scuttles the international shipping law.

It's very important for the industry, the IMO to stay strong, technical and apolitical, as its Secretary General E.Mitropoulos strives to keep it.

A body which will unite the fragmented interests and forces in the vast international shipping world, will lend harmony and strength to the industry, and a hand to the IMO, to efficiently play its part, to the benefit of the world commerce and economy. And it will convince people and politicians that vessels – and those who run them – aren't simply beasts of burden, and deserve their diligent attention. It's a clear challenge here for the leaders and potentates of our shipping industry.

