

Criminalization of Seafarers By Governments In Light of Unintentional Pollution Incidents

WHEREAS merchant sailors transport needed commodities and goods to peoples around the world in very hostile and dangerous environments;

WHEREAS merchant sailors must be responsible stewards of the oceans and the environment.

WHEREAS in the course of performing their duties, accidents may occur that cause environmental pollution;

WHEREAS disturbing reports from Spain (*M/V Prestige*), Korea (*M/V Hebei Spirit*), the United States (*M/V Cosco Buson*) and Norway (*M/V Full City*) show a strong tendency to prosecute mariners under criminal pollutions legislation;

WHEREAS experienced merchant sailors are reevaluating their continued work in certain areas of the marine industry, and moving toward retirement to avoid potential criminal prosecution;

WHEREAS Efthimios Mitropoulos, Secretary-General of the International Maritime Organization, predicts a world-wide shortage of 40,000 mariners in 2011, and 53,000 mariners by 2013.*

WHEREAS the world maritime industry struggles to recruit and retain experienced merchant mariners, the criminal prosecution of unintended pollution acts will only exacerbate these shortages;

WHEREAS shipping companies, maritime labor unions, seafarer welfare agencies, and mariners interpret the recent prosecution of mariners as a stereotyping that assumes mariners are dangerous criminals, of whom authorities must take exceptional action, exercise special caution, and target special practices;

BE IT RESOLVED THAT after competent investigation, criminal prosecution of the merchant mariner be limited to pollution that is proximately caused by an intentional act or omission on the part of the merchant mariners.

AND THAT government agencies (local, state or federal) recognize the need for greater understanding of the uniqueness of the maritime industry.

AND THAT governmental efforts be focused on determining the cause of the accident, the development of procedures that could prevent future accidents, and the improving of response methods and response time.

AND THAT a case of negligence to duty shall not be prosecuted in a criminal manner;

AND THAT as an alternative to pursuing individual merchant mariners, government agencies (local, state or federal) may pursue civil penalties against the responsible vessel owners, business entities, and individuals.

AND THAT when there is criminal intent, the full power of the law should be applied.

**Bahamas Maritime Authority Secretary General Call for Seafarers*, by Genea Noel. The Freeport News, Freeport, Bahamas, February 12, 2010.