

SUBMISSION TO THE INTERNATIONAL COMMISSION ON SHIPPING

11 JULY 2000

Dear Sirs,

As a port chaplain for the Apostleship of the Sea in the Gulf of Mexico, I am tremendously pleased at the establishment of this commission. I have attended national and international meetings where owners, with justification, have pointed out that the stories and experiences we have as port chaplains may be true, but they are anecdotal. The owners demand that scientific evidence be presented that establishes the scope and impact of the individual instances that we see. Your commission and its work will go far in providing this type of information.

Your task is tremendous, and I must apologize that I cannot offer much in regards to technical suggestions. The issues in your "Information Paper International Shipping" raise important issues, but working with the seafarers and their immediate concerns limits me. However, I believe that I can share a few reflections with the committee that may be of help in understanding the situations "on the dock."

1. Most of the vessels that visit the ports of Port Arthur and Beaumont, Texas carry out their business with no difficulties. The local Marine Safety Office of the Coast Guard can be consulted to the percentage of ships that call in our ports that fail port-state control inspections. This would show that it is around ten percent or less.

However, when there is a problem, it is very difficult to find a regulatory agency that can solve the specific problem. If there is a wage problem, then we must first see if we can find a SOLAS problem for the Coast Guard to hold the ship, so that the ITF inspector can be contacted and travel the 100 miles from Houston to intervene. This situation is brought about because the U.S. and the international shipping community has failed to have an integrated system of enforcement. For instance, the U.S. Coast Guard enforces living condition issues of ILO 147, but the Labor Department is responsible for wages. The Labor Department has never drafted the necessary regulations, and so no wage enforcement under port state control takes place in the U.S. I believe that the beginning of better enforcement in the U.S. will only come when:

- a. The U.S. develops regulations for all aspects of the different conventions, and funds the appropriate departments so that they can carry out their tasks;
- b. The U.S. takes its responsibility more seriously as a member of the international community. That means not only taking a leadership role at the different ILO, IMO conferences, but take a leadership role in ratifying the work that it molded at these conferences.

The second observation that I would like to make has to do with the concept of "substandard ship" or "substandard ship owner." The only difference between a "good" owner and a "substandard" one is the moment that the "good" one chooses to no longer comply with the law. There are not two groups, but just one.

I believe that one of the problems in developing appropriate enforcement mechanisms is because "good" owners want to keep the "flexibility" to delay a repair, postpone a drydocking or fudge on a labor contract without having his or her overall shipping business disturbed. A "substandard" owner wants this same thing, but he makes it his modus operandi. This sliding from "good" to "substandard" can also be determined by whether one is caught or not.

I was a student in Belgium in the 1980's. Thorsen-Townsend was considered far superior to the Belgian and British ferry services. That is until the Spirit of Free Enterprise capsized.

At that point, the investigation was held, and the operating practices of the company, which was found to be "substandard," were exposed. It was not until they lost a ship, that they were "substandard." I believe that the development of flag of convenience shipping has made it even more possible for operators to slide back and forth. When there is not even weak government oversight, then it becomes the owner's prerogative to determine whether today, he or she will be a "good" operator or a "substandard" one.

I want to thank you again for taking on this very important and monumental task. I know and pray that the work that you do will have an effect not only in London, Geneva and Piraeus, but on the dock and in the mess where real men and women live.

Your brother in Christ,

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