



IFSMA 37th Annual General Assembly
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CRIMINALISATION AND THE IFSMA MASTERMARINERPROTECT BENEFIT SCHEME

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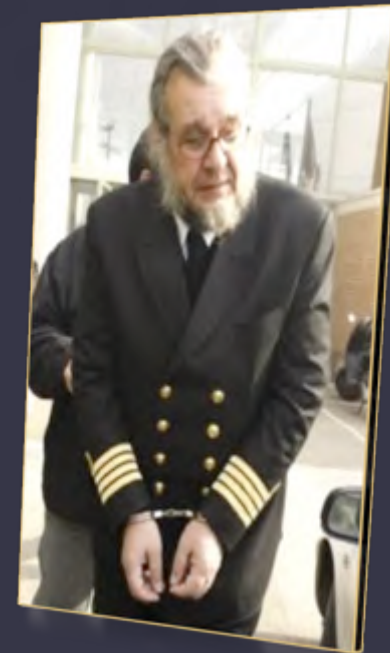
Agenda

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1. Set of problems – Criminalisation of Seafarers

Continuous criminalisation of seafarers by public authorities in case of accidents at sea due to:

- growing environmental awareness
- strict anti-drug and non-alcohol policy
- growing litigiousness
- media influencing/controlling public opinion, politicians, authorities, ...
- sensationalist reporting and media frenzy



1. Set of problems – Criminalisation of Seafarers

What else contributes to the situation?

- Brass-plate-syndrome:
Master often last natural person in a row of Brass Plate Companies – “Hang him high!”
- criminal proceedings are favourite method
- reluctance of countries to take responsibility
- victimising Master and crew if of “suspect” nationality
- ambiguity that Masters are a target for public prosecution despite the fact, that crew shortage/manning is an actual issue
- liability cover (P&I) is not protecting the Master

1. Set of problems – Criminalisation of Seafarers

Capt. Wolfgang Schröder
(*Zim Mexico III, March 2006*)

- 2 months in jail considered a high security risk
- Further 2 months in jail regarded medium security risk
- Bail of USD 500,000
- 10 years prison sentence threatened
- 3 years probation
- USD 60,000 compensation for "victims" families



1. Set of problems – Criminalisation of Seafarers

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Capt. Kristos Laptalo
(*Coral Sea, July 2007*)

- Arrested and detained for one year in high security jail
- Release on bail denied
- Sentenced to 14 years in jail
- Fine of EUR 200,000



2. IFSMA and the Criminalisation of Seafarers

Criminalisation high on the IFSMA agenda

- since 2003 numerous conference papers and publications addressing criminalisation
- manifold resolutions from IFSMA AGA's expressing concern on ongoing criminalisation practice
- 2004 IFSMA initiated with other NGOs development of IMO/ILO Guidelines on Fair Treatment
- 2005 first attempts to develop a legal cost program
- IFSMA interfered in a number of cases involving criminalisation of shipmasters

3. *MasterMarinerProtect* – IFSMA's Answer

MasterMarinerProtect



- Defence & Legal Cost Benefit Program
 - initiated by IFSMA and ZAM in spring 2007
 - first presentation to IFSMA ExCo in autumn 2007
 - first proposed to IFSMA members in summer 2008
 - final approval by IFSMA members in summer 2010
 - Letter of Intend signed between IFSMA and ZAM in December 2010
 - available to members of IFSMA since February 2011

4. What is *MasterMarinerProtect*?

MasterMarinerProtect is ...

- first part of the recently introduced IFSMA *MasterMarinerBenefitProgram*TM
- a special defence and legal cost program for Masters of ocean-going vessels
- only available to members of the National IFSMA Member Associations and to Individual Members of IFSMA



4. What is *MasterMarinerProtect*?

MasterMarinerProtect is ...

- operated by experienced captains and lawyers understanding the master's language and business
- fully backed by the well known and leading international marine insurance market of Lloyd's of London
- operating a worldwide network of lawyers and correspondents

5. Why *MasterMarinerProtect*?

Because ...

- Masters are bearing the focal exposure of criminalisation of seafarers
- contrary to popular belief Masters are not covered by vessel's P&I insurance
- *MasterMarinerProtect*'s network will immediately and directly make available the best criminal and marine lawyers in every port of the world

5. Why *MasterMarinerProtect?*

Because ...

- normal legal cost insurances do not adequately cater for criminal prosecution abroad since
 - scope of cover is not tailored to the actual risks and the treatment Masters may be exposed to
 - landlubbers and land based bureaucrats will deal with cases without being acquainted with seafaring
 - limits of cost and services provided by standard legal cost insurances are too low to really protect the Master's interests and to get Masters out of the „line of fire“ when the going gets tough

6. What is covered by *MasterMarinerProtect*?

MasterMarinerProtect provides ...


- full coverage for defence and legal costs in criminal and civil proceedings up to **EUR 1,000,000**
- bails / securities
- wage continuation in the case of detention while awaiting trial for up to 12 months and a maximum of **EUR 150,000** a year
- employment disputes up to costs of **EUR 20,000**
- IFSMA and specialized criminal and maritime lawyers will protect Master's interests from the first moment

7. Frequently Asked Questions

What are the costs for MasterMarinerProtect?

- A Master gets the full cover for an annual contribution of EUR 530.- only (incl. taxes)

How to reach MasterMarinerProtect?

- 24/7 emergency hotline  +49 40 3890 739 35
- mmp@master-benefits.com
- www.master-benefits.com

Availability of MasterMarinerProtect Services

- Emergency assistance service will become available as soon as the completed application form has been received by *MasterMarinerProtect*, Hamburg

8. How to sign up for *MasterMarinerProtect*?

Just three simple steps ...

1. Check Membership:
Interested Masters have to be either a member of one of the National Masters' Associations forming IFSMA or an Individual Member of IFSMA
2. Download Application Form:
Masters who qualify for participation in the IFSMA *MasterMarinerProtect* Defence & Legal Cost Benefit Program may download the application form at www.master-benefits.com
3. Complete Application Form:
Application form should be completed and send by email, fax or surface mail to *MasterMarinerProtect*, Hamburg

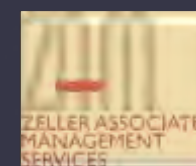


8. How to sign up for MasterMarinerProtect?

What is next after receipt of the application?

- Master will be covered immediately
- Master will receive a preliminary cover note by email, fax or surface mail
- Master will get his individual *MasterMarinerProtect*-Card within three weeks





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THANK YOU
FOR YOUR KIND ATTENTION!

