

DAILY SHIPPING NEWSLETTER 2003 – 194



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Telephone: (+31)105018000

(+31) 105015440 (a.o.h.)

Fax : (+31)105013843

Internet & E-mail

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The **P&O NEDLOYD MERCATOR** enroute Antwerp passing Terneuzen

Photo : Johnny van de Velde ©

EVENTS, INCIDENTS & OPERATIONS

Fincantieri plays down Westerdam fire



A picture of the fire onboard the **WESTERDAM** with clearly visible the part of the vessel what was effected by the fire, the fire started at the aft on deck number six and spread to decks seven, eight and nine **Photo : via Willem van der Leek ©**

ITALIAN shipbuilder Fincantieri today sought to play down the impact of a fire at the group's yard in Marghera which ripped through three decks of the Holland America Line vessel Westerdam.

After initial inspections damage did not appear extensive, a Fincantieri spokesman said. While stressing that a full evaluation would be required, the spokesman said Fincantieri was "optimistic" the Westerdam's April delivery schedule would be respected.

One person was treated for smoke inhalation following fire fighting operations on Friday morning. The blaze began shortly after the start of the 8am shift and was brought under control before midday.

Damage was reported to passenger decks seven, eight and nine. Smoke plumes were visible from neighbouring Venice. "We can only advance hypotheses at this stage but it seems that damage has not been substantial," said the spokesman, who asked not to be named.

"We are optimistic there will be no delays to our construction programme." The fire will tarnish the reputation of Fincantieri's cruise division, which leads the world in terms of the size of its orderbook.

Holland America Lines is part of the US cruise giant Carnival Corporation, which has built exclusively with Fincantieri in recent years. Fincantieri did not venture an explanation for the cause of the fire.

Shipbreakers agree safer practices

EMPLOYER and worker delegates from the main shipbreaking countries yesterday adopted new International Labour Organization (ILO) guidelines for safer working conditions. The meeting in Bangkok brought together representatives from Bangladesh, China, India, Pakistan and Turkey, with officials from the ILO, the International Maritime Organisation, and the Secretariat of the Basel Convention, plus international experts. Although the guidelines, which cover health and safety, are voluntary and therefore unenforceable, they represent a first step in providing a framework for safe working practice, procedures and regulations where they do not already exist. Paul Bailey, the ILO expert on shipbreaking told Fairplay that there was a high level of consensus among the participants and "a commitment to improve the situation". He said that if asked, the ILO would provide technical assistance to those "who cannot abide by it fully at present." The ILO guidelines compliment IMO's standards for ships and Basel's guidelines on carriage of hazardous waste. Bailey said an inter-agency project was planned to provide technical assistance in implementing the guidelines and that the ILO, IMO and Basel have been asked to form a Joint Working Party 'towards making the guidelines into a code and eventually mandatory law.

Boten vervuild na lekkage Shell Moerdijk

Donderdag 16 oktober 2003, MOERDIJK - Ruim zeshonderd boten in de jachthaven van Noordschans (gemeente Zevenbergen) zijn met olie besmeurd door een lekkage dinsdagmorgen bij Shell Nederland Chemie in Moerdijk. Dat bevestigde het bedrijf donderdag.

De olie ontsnapte door een kapotte afdichting van een afsluiting in de eerste styreen- en propylenoxidefabriek van Shell.

De bedrijfsbrandweer sloeg de hete olie met waterkanonnen neer waardoor olienevel ontstond.

Volgens een woordvoerder van Shell heeft de wind die nevel in westelijke richting meegenomen en is die als druppels op de schepen terecht gekomen.

Directeur R. Venhuizen van Shell Nederland Moerdijk betreurt het incident ten zeerste. Het bedrijf zal gedupeerde booteigenaren tegemoet komen. Het overweegt de vaartuigen op zijn kosten te laten schoonmaken.

Pakistan under fire over Tasman Spirit Karachi response

INSURERS and owners of the grounded tanker **Tasman Spirit** have hit back at Karachi Port Authority, claiming that investigations into the causes of the accident in July "have revealed significant shortcomings in all aspects of port conservancy and operations".

The American Club, which insures the 87,584 dwt Malta-flagged vessel, said it "had been severely restricted in its ability to make progress due to political difficulties and obstruction in Pakistan" in dealing with environmental, humanitarian and commercial issues following the accident.

For its part, the International Tanker Owners' Pollution Federation said that recent press articles quoting Pakistan's foreign minister on the shoreline clean-up following the accident "regrettably do not acknowledge the international response effort mobilised by the American P&I Club on behalf of the owner of the vessel".

Shortcomings in the port's management had "directly affected the response operations", the American Club claimed.

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The Tasman Spirit, now split in two sections, is lying on the eastern side of the channel into the port.

The club said that while the Pakistani authorities had issued a wreck removal order, the ship was under arrest by cargo interests and this situation needed to be resolved before work could go ahead.

“A further impediment is that salvors likely to remove the wreck cannot commence until Tsaviris’ salvage master, Nikos Pappas, and his company’s equipment, currently held hostage, are released,” the club said.

Seven members of the Tasman Spirit’s crew were arrested earlier this month on criminal charges brought by Karachi Port Trust.

The American Club, on ITOPF’s advice, funded resources from four separate organisations — Oil Spill Response, East Asia Response, RAW Consulting and Le Floch Depollution — to respond to the accident in July which caused Pakistan’s worst pollution incident, with 29,000 tonnes of oil spilt.

The club has also settled such claims that have been presented so far by government authorities and agencies in response to the spill, ITOPF said.

“Contrary to the assertions of the foreign minister, there are no regulations which obliged the owner and American Club to respond proactively to the spill in the way they did,” the federation added.

Pakistan has not ratified either the 1992 Civil Liability or Fund Conventions.

A proposal is being prepared on a framework for compensation in co-operation with IMO consultant John Maxwell, the American Club said.

It added that, while it had offered to fund the first phase of an environmental impact assessment on what further steps needed to be taken over the clean-up, this had been rejected by the Pakistani government.

Sea Elegance toxic box search

THE hunt is on for more undeclared hazardous cargoes on the badly burned [Sea Elegance](#) after a second container wrongfully loaded with toxic substances was found.

Pacific International Lines’ 1980-built Sea Elegance caught fire near Durban at the weekend following an explosion that has seriously damaged the ship. The South African authorities believe that highly volatile calcium hypochlorite self-ignited, destroying the rest of the cargo in the number six hold and leaving one crew member missing, presumed dead.

Calcium hypochlorite is classified as a dangerous cargo that must be properly stowed. The chemicals, which had been loaded in China, were not declared on the manifest. A full paper search is now being conducted to check whether any other documentation contains misleading cargo descriptions.

The origin of the second container loaded with undeclared hazardous substances is not yet known.

However, the South African authorities hope to pursue the matter of the one packed in China through diplomatic channels to find who was ultimately responsible.

Calcium hypochlorite has been responsible for other serious maritime accidents, including the blaze onboard the CMA Djakarta in 1999 that took more than a week to extinguish.

The South African government has promised the “strongest possible action” over the undeclared hazardous cargo that appears to have caused the explosion on PIL’s partly containerised 768 teu ship.

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At first investigators thought the cargo consisted mostly of rubber, plastic and paper products.

However, damage is in line with a calcium hypochlorite explosion, Capt Bill Dernier of the South African Maritime Safety Authority told Lloyd's List. It is believed that the explosion happened when the calcium hypochlorite reacted with two containers of atrozine, a herbicide.

"This non-declaration of hazardous cargo will be met with the strongest possible action from my department as we have a responsibility to ensure the safety of the public and the protection of our environment," said South Africa's minister of environmental affairs and tourism, Mohammed Valli Moosa. The fire was still smouldering below deck yesterday but the ship is being allowed to enter port to discharge the rest of the cargo under controlled conditions before being taken to a repair yard.

PIL spokesman Eric Khoo told Lloyd's List that the shipping line did not know if hazardous cargo had been undeclared and was investigating.

"In any cargo the shipper may have declared or not declared," he added. Mr Khoo noted the South African authorities were "leaving no stone unturned" to ensure that the incident was not a deliberate act, although he added: "We think it is an accident."

If the shipping line knew that the cargo was calcium hypochlorite and did not take the proper safety precautions in stowage of the box, insurers may refuse to pay claims resulting from the explosion.

Sea Elegance is entered with the Standard Steamship P&I club. Calcium hypochlorite is a highly volatile substance and the International Group of P&I Clubs has called for amendments to its classification and requirements of carriage by the International Maritime Organisation.

Declared as a hazardous cargo, it would attract a much higher freight rate.

Sedco Forex fined after North Sea rig death

ABERDEEN company Sedco Forex Offshore International has been fined £40,000 (\$65,000) following the death of a North Sea oil worker. At Aberdeen Sheriff Court, the firm admitted having breached health and safety regulations.

Graeme Deas, 34, of Forfar, Angus, was barge manager and second in command of the semi-submersible rig Sedco 704, working 70 miles north of Aberdeen. The court was told that he died from "multiple injuries sustained as a result of a precipitous descent from height".

On November 8, 2001, the barge master decided to change an elevator suspension rope and decided to invite the crane operator and two crew to observe the operation.

He was standing on the top of the elevator cage when it plunged 130 feet down the shaft. The elevator emergency brakes had failed to work.

The court heard that Mr Deas had worked on the rig for eight years, was highly regarded and respected and noted for being safety-conscious.

But he was not wearing a safety harness. He had been working according to company procedure and that did not require him to wear a safety harness.

Fiscal depute Andrew Grant told Sheriff Kieran McLernan there had been no proper risk assessment and it had been left to Mr Deas himself to assess the task and risks involved — a clearly unsatisfactory situation. The defence agent for Sedco Forex, Bruce Craig, said the company admitted failing to ensure the safety of its employees, admitted that the lift's emergency brakes had not been properly examined

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for signs of deterioration and admitted that it had failed to provide suitable equipment for the work to be done and did not have sufficient safeguards.

He said Sedco Forex extended its sympathies to the Deas family and accepted and apologised for its failings.

He said the barge master should have been wearing a harness. should have had a meeting with the crane operator and crew to discuss the procedure and should have obtained a work permit from the offshore installation manager.

The court was told that a specialist company now carried out lift maintenance and other offshore operators had been briefed on how the operation was being carried out when it went wrong.

Imposing the £40,000 fine, Sheriff McLernan said the whole procedure had been tainted and there were obvious flaws.

But he added that there was a clear indication that lessons had been learnt and steps taken to prevent such an accident happening again.

CASUALTY REPORTING

BANGA BIRAJ (BANGLADESH)

C.c. **Eagle Strength** was responsible for the collision in Chittagong port that damaged 18 naval vessels an inquiry has found. A committee of inquiry by the Chittagong Port Authority has found that Eagle Strength was responsible for the collision with the HRC Shipping c.c. **Banga Biraj** which was also blamed indirectly, but the damage to the naval vessels was "incidental, not intentional" local press reported. The incident took place on Sep 21 and is now being blamed for damage to 18 naval vessels, far more than the eight originally reported to have been damaged. The committee found that Eagle Strength was reckless and sailing at too high a speed which combined with heavy water flow pushed towards the righthand river bank. Taking a sudden turn by Eagle Strength and negligence of duties by the pilots of both the vessels were the other major causes of the collision, the report said. Eagle Strength had been on charter to APL at the time of the incident. The Singapore company has since off hired the vessel.

JAMBO (CYPRUS)

General cargo **Jambo**, which sank off the west Highlands this year, has spilled about 1,000 tons of its zinc sulphide cargo on to the seabed. The Cypriot-registered Jambo was carrying 3,300 tons of the ore when it sank off the Summer Isles, near the entrance to Loch Broom, on Jun 29. An estimated 1,900 tons of the cargo has since been taken away to be dumped near Grimsby, but it is feared the rest cannot now be recovered. Although the freighter, which is now lying in about 14 metres of water, is not considered a hazard to other shipping and the cargo poses a "negligible" environmental threat, the incident has led to renewed fears over large tankers using sensitive coastal waters. Highland Council says it highlights the potential danger of large vessels with hazardous cargoes using channels such as the Minch without supervision. The Jambo is now lying upside down. The spilled cargo is on the seabed below the vessel, where it is proving extremely difficult to recover. Three of the four barges that were being used in the cargo recovery operation have taken the recovered ore to Immingham, near Grimsby on the River Humber to discharge. Officers from the Scottish Environment Protection Agency are scheduled to be on site in the next few days to gather samples of fish and shellfish from in and around the wreck for further analysis. The issue was highlighted at an international maritime conference in Nantes this week by Bill Fulton, a councillor who represented the council at the event. Mr Fulton said yesterday: "The fact that there is now only one barge left on site, the extreme difficulty the salvors are having in recovering the remaining cargo from under the wreck, the fact that the wreck is

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very unstable and the renewed sampling regime leads me to believe that once the remaining barge is filled, possibly before this, no further cargo will be recovered and the wreck will be left to the vagaries of the tides and weather." The Department of Transport (DoT) was funding half of the cargo recovery operation but its agreement with insurers ended on Wednesday this week. A DoT spokesman said: "The recovery operation became increasingly difficult by the movement of the vessel and periods of bad weather. "A monitoring programme has been put in place to study the environmental impact, if any, of any residual cargo remaining on the seabed in the coming months." He said specialist advice was given by the Scottish Environment Group, a multi-agency body, that the cargo presented a low or negligible environmental risk, but the operation was continued to recover as much of the cargo as possible before the onset of winter made such an undertaking too difficult. The 1,200-ton vessel, which had been sailing from Dublin to Norway, also had 83 tons of diesel fuel on board which has already been removed. The salvage operation has come under fire for the length of time it took to organise and get on site suitable vessels, equipment and manpower to remove the cargo. The council has been campaigning for more controls over vessels with potentially dangerous cargoes using the Minch, and has raised the Jambo issue with Alastair Darling, the transport minister. Charlie King, the authority's transport committee chairman, said previously: "This incident has been a good example of how not to do it. This vessel was 15-20 miles off course and it really illustrates that there is management needed in the Minch." The DoT spokesman added: "The government recognises the importance of the Minch. Clearly it is an unspoilt area with many sites of scientific interest and reserves and has been used for many years by vessels on innocent passage. "However there is no reason to suppose that a blanket ban would benefit either safety or pollution prevention."

TRICOLOR (NORWAY (INT. REGISTER))

'Combinatie Salvage Tricolor' report that today at 0635 the eighth and final cut of the vehicle **Tricolor** was completed. This morning the specially designed cutting wire sliced through the last remaining centimetres of steel. During the final cut no oil pollution was reported. The remarkable cutting operation started on Jul 22. In less then three months the enormous vessel has been cut into nine pieces. The salvage team looks back on a successful operation, although the team had to overcome several technical problems and some unfavourable weather conditions. Five sections of the Tricolor have already been lifted and transported to Zeebrugge. Today the floating cranes Rambiz will begin to lift the remaining sections of the Tricolor. The jack-up rigs **Vagant** and **Buzzard** will be demobilised and return to their home bases. The semi-submersible barge Giant 2 will stay at the Tricolor location to receive the remaining sections of the vessel and transport them to Zeebrugge. -- **SMIT Salvage BV.**

SHIPYARD NEWS

Shiprepair and conversion specialist award for A&P

JUST over a year after re-opening in August 2002, A&P Birkenhead was awarded the Institute of Transport Management's European Shiprepair & Conversion Specialist 2003 accreditation.

"The fact that the company has won this award in its first year of operation is a tribute to the excellent skills and attitude displayed by both staff and subcontractors," said the yard's acting general manager, Andy Mort.

The former Cammell Laird yard — acquired by A&P from the receiver in 2001 — has had a busy summer, with a three-ship deal with P&O Ferries (Irish Sea) standing out as a major contract.

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A&P carried out the SPS (sandwich plate system) deck renewal of the **European Pioneer**, **European Envoy** and **European Leader** during July and August, a contract that involved 2,700 sq m of deck renewal across the three vessels.



The **STENA ADVENTURER** – photo : Tony Brennan ©

The new cruise ferry **Stena Adventurer** has also been in the yard this year, in the wet basin for final modifications before going into operation on the Holyhead-Dublin route, and A&P has continued to work on several fast ferries.

"We have had a wide range of other vessels and have managed to move into different markets over the summer," said Mr Mort. This has included two offshore support vessels, the yard's first tanker and Halliburton's jack-up rig **Irish Sea Pioneer**, repaired in No 5 dry dock. This was the first offshore structure to come into the yard for repairs since A&P took over.

This month, A&P will act as a subcontractor in a major project for Mersey Ferries. Mersey Heritage Ship Repair Company is leasing a dry dock at the yard for repairs to the Woodchurch, and A&P will also carry out some work on the ferry.

An important change at the yard has been the appointment of Roger Carlisle, previously from P&O Portsmouth, as the yard's project director, heading up the project management team.

A&P retains a small core workforce at Birkenhead, employing specialist subcontractors according to demand. This strategy is working "exceptionally well", according to Mr Mort.

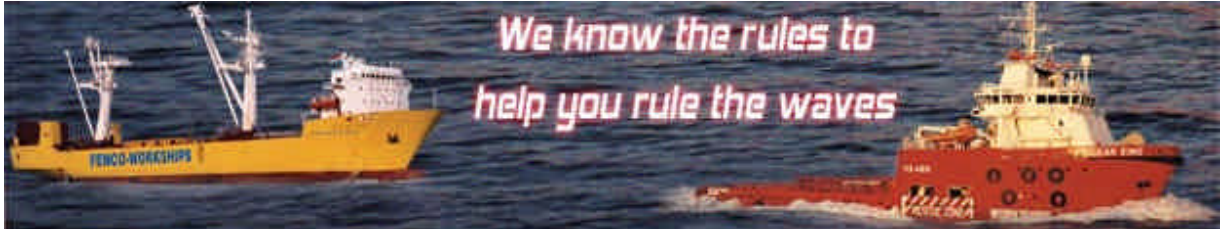
"We are able to bring in specialist services tailored to each customer's requirements.

"By being able to bring in specialist workers, we have done a lot of work on fast cats; we have worked on over a dozen aluminium fast craft drydockings since we opened and it is a real niche for us."

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Telephone : (31) 10 - 453 03 77
Fax : (31) 10 - 453 05 24
E-mail : post@workships.nl
Telex : 24390 wosh nl

Super carrier vessel number stands at 78

THE number of 8,000 TEU vessels that have been ordered throughout the world stands at 78, generating an additional capacity of 632,701 TEU, according to a report by UK information and research firm CRS.

Eleven of these vessels have been scheduled for delivery in 2005. According to CRS, if it takes into account the right to increase new buildings and the number of 7,000 TEU vessels, the number of huge container vessels that have been ordered stands at 100, which accounts for 34 per cent of the total of newbuildings that have been ordered.

The vessels will be delivered between 2006 - 2007.

The report said the amount of cargo increases by 7-8 per cent annually and that the market will be able to absorb the additional capacity available.

New YICT berth welcomes first vessel

THE Cosco vessel **Lausanne** was the first to dock at the first berth of the Phase III Project at Yantian International Container Terminals (YICT) on October 16.

The event marked the official launch of the project's first berth. With the opening of the new berth, the "Next-Generation System" (nGen) terminal operation control system is being introduced and will gradually replace the existing terminal operation control system.

nGen has been jointly developed by YICT and Hongkong International Terminals to cope with the increasing demand of terminal operations.

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Kenneth Tse, director and general manager of YICT, said: "The operation of Phase III's first berth not only increases YICT's handling capacity, but also strengthens Shenzhen Port's role as a world-class container terminal in southern China.

"It has also provided a new platform for shipping lines and shippers to gain greater business opportunities. In future, YICT will continue to enhance co-operation with all relevant parties - including governments and port administration departments - to promote reform of port administration and establish a comprehensive port traffic network in Yantian."

The Phase III Project includes four 100,000-ton-plus container berths with a water-depth of 16 metres. The berths are equipped with modern terminal operation equipment, including 18 post-Panamax quay cranes.

With a lift height of 42 metres above the rails and an outreach of 65 metres, or 23 rows of containers, each quay crane features twin-lift operation capability. All the 48 rubber-tyred gantry cranes are one-over-five

Minoan quashes HFD sale rumours

GREEK ferry operator Minoan Lines has dismissed press reports suggesting it is to sell its 31.5% stake in the troubled ferry company Hellas Flying Dolphins. According to the reports, Minoan was negotiating the sale with Atis, an offshore company linked to American interests, and separately with Sea Containers. The latter, which has a presence in Greece as operator of the Corinth Canal under a 40-year leasing contract, was also reported as carrying out due diligence in HFD with a view to buying it. In a statement to the Athens Stock Exchange, Minoan said it had not received any proposals from interested buyers and added that it had not yet decided what to do with its investment in HFD. An earlier merger plan between Minoan and HFD seems to have been shelved following the outcome of a feasibility study on the venture conducted by the bank ETEVA. An extraordinary general meeting of Minoan shareholders scheduled for this past September that would seek approval for the merger, was postponed indefinitely.

Crystal to use NCL's Fanning Island

JAPANESE/American operator Crystal Cruises is putting together an agreement with Star Cruises' subsidiary Norwegian cruise Line to run a series of visits to Fanning Island, the closest foreign port to Hawaii, according to a report in Honolulu news agency Pacific Business News. The 960-passenger capacity Crystal Harmony would need to schedule calls at Fanning Island in order to cruise in the Hawaiian islands because Crystal operates non-US-flagged ships. Norwegian Cruise Line has an exclusive agreement with the government of Kiribati, in whose territory Fanning Island is situated. NCL's Hawaii spokesman Steve Hirano explained that Crystal had published its 2004 schedule when it ran into difficulties with Christmas Island. "They asked us and in a spirit of co-operation NCL agreed," he said. If the initial cruises next January and February are successful, Crystal might make Hawaii part of its permanent schedule in 2005. NCL has invested in viewing arenas and refreshment facilities and created beaches on the atoll.

Transmed in double Bohai order

GREEK owner Transmed Shipping has done what many of its rivals are desperately seeking by ordering two 174,000 dwt double hull capesizes at Bohai Shipbuilding Heavy Industry in Liaoning province, writes Sam Chambers in Hong Kong.

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Very few yards in the world have the space or inclination to offer capesize contracts at present, to the chagrin of suddenly enormously cash rich capesize owners.

The ships, unspecified on price, will be delivered in June and December, 2006. Bohai came up with the double hull specification last year and Transmed was the first customer, in July, to plump for the design with a two-plus-one order for delivery in 2005. Bohai has now filled its yards, including options, until the second quarter of 2007 and is shying away from taking on many more.

NAVY NEWS



The Estonian minesweeper **M 311 WAMBOLA** seen here departing from Zeebrugge, the **WAMBOLA** is the former German minesweeper **CUXHAVEN**
Photo : Aad Ruter ©



USNS Yukon (T-AO 202) steams alongside **USS Kitty Hawk (CV 63)** during a replenishment-at-sea (RAS) evolution. Kitty Hawk takes on fuel and stores during a replenishment at sea (RAS). The aircraft carrier recently completed an extensive five-month maintenance period in Yokosuka, Japan.
U.S.- **photo : US Navy ©**

US Ships Guarding Bush Ignore ID Calls by Philippine Navy

ZAMBOANGA CITY, 18 October 2003 — The crew of two US warships, part of an advance security force protecting President George W. Bush, have ignored calls by the Philippine Navy to identify themselves after a patrol boat spotted them off the southern Tawi-Tawi province, local security officials said.

A Philippine patrol boat PS 31 spotted a **Wasp Class Landing Helicopter Dock** and an **Arleigh Burke Class Destroyer** on Wednesday, about 10 nautical miles west of Sanga-Sanga island, but the crew of the two US warships ignored radio calls to identify themselves and vow numbers, officials said.

The US warships — which came from Australia — were about 3 nautical miles apart and it continued sailing toward Luzon in the northern Philippines despite a repeated radio calls by the Philippine Navy, officials said. US Embassy officials in Manila were not immediately available to make comments.

The incident irritated Filipino security officials, who felt insulted by the refusals of the US warships' crew to identify themselves and give their vow numbers as part of a routine inspection on vessels entering the Philippine territories.

The two US ships were flying American flags when they entered southern Philippines. President Bush is was to arrive in Manila for a state visit.

While Bush and his entourage are to stay in Manila for only 8 hours, his visit is being trumpeted as a renewal of the close RP-US relationship, which turned sour in 1991 when the Philippine Senate rejected a proposed treaty seeking to extend the stay of US forces on Philippine bases for 10 more years.

Manila has lavishly prepared for the state visit, even putting up billboards to hide eyesores along roads where Bush is expected to pass.

It has mobilized tens of thousands of police and soldiers to amid fears of attacks by the communist New People's Army (NPA) rebels and the Abu Sayyaf group and Jemaah Islamiya, which are tied to terror network of Osama Bin Laden.

US forces announced last week that they have deployed two EP3 Orion spy planes in the southern Philippines to monitor the security situation there.

The Philippines is a key ally of the United States on its war on international terrorism and President Gloria Macapagal Arroyo was one of the first world leader to openly condemn the Sept. 11, 2001 terror attacks in Washington and New York, and support the US war on Iraq.

Communist guerrillas said yesterday, however, that they have no plans of mounting an assassination attempt on the US leader. "If you are asking if we will mount a military action, after the military and the police warned that an NPA team will assassinate George Bush, that is not among our plans today, tomorrow or in the coming days," Communist Party of the Philippines (CPP) spokesman Gregorio Rosal said over DZBB radio, referring to the NPA, his party's armed wing. "It is true that George Bush is our enemy, but that step is not among the protest actions that we are eyeing," said Rosal.

The CPP and the 9,000-member NPA has been waging a 34-year Maoist campaign in this former US colony. The US State Department considers the CPP-NPA a "foreign terrorist organization."

Rosal urged Filipinos to join street protests against the "imperialist United States" and its "puppet" Philippines President Gloria Macapagal Arroyo.

MOVEMENTS

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MULTRASHIP Towage & Salvage

Scheldekade 48

4531 EH Terneuzen

The Netherlands

Tel : + 31 – 115 645 000

Fax : + 31 – 115 645 001

Internet

commercial@multraship.nl

<http://www.multraship.nl>



The **MSC BOSTON** outward bound from Antwerp passing Terneuzen – **photo : Bas Overdulse ©**



This transport arrived on the river to Rotterdam, the tow was called **VALO DEL MAR** (???)

Does somebody know something about this transport ????

Photo : Job van Eijk ©

THE TUG HUA AN (Former Smit New York) IS EXPECTED AT MAAS PILOT OCTOBER 21ST AROUND 08:00 HRS, TOWING THE BARGE OCEAN SEAL BOUND FOR THE WAALHAVEN, IN FRONT OF THE WAALHAVEN THE BARGE WILL BE HANDLED OVER AND THE HUA AN WILL PROCEED TO THE PARKADE



The tug **AEGEAN PELAGOS** seen recently in Greece – **photo : Ton Grootenboer ©**



The tug **SALUS** leaving Sunderland with the **DE ZEEBOUWER** enroute IJmuiden, on the river the tow was assisted by the **Rowangarth**
Photo : Kevin Blair ©

.... STORY OF THE DAY

Een slepende kwestie

Door Romain van Damme

Dit verhaal begint op 23 september 1979. Scheepsberger Geert Theunisse uit Dintelsas sleept in opdracht van justitie het lek geraakte motorschip Magdalena, gebruikt door Radio Mi Amigo, van de Noordzee naar de veilige averijhaven van Willemstad. Theunisse meent een vette buit binnen te hebben, maar raakt al snel verstrikt in een doolhof vol belangetjes van personen die geld ruiken.



Theunisse zelf kan naar zijn bergersloon fluiten en begint de ene procedure na de andere tegen de Staat der Nederlanden. Theunisse wil geld zien. Hij krijgt meerdere malen gelijk, maar geen geld. Ruim 24 jaar later ligt Geert Theunisse met zijn boot de Flintstone in het Antwerpse Willemdok. Zonder paspoort, omdat hij de belastingdienst tonnen euro's verschuldigd is. Theunisse staat gesignaleerd.

"Voor mij is het simpel: de belasting heeft inderdaad geld van mij tegoed, maar ik net zo goed van de Staat. Als dat verrekend wordt, zijn we ongeveer glad."

Woede, teleurstelling en wanhoop vechten om voorrang. Geert Theunisse (62) weet het niet meer. Hij is woest en zijn woorden spartelen in verbittering.

"Géén idee hoe het nu verder moet. Sinds drie jaar heb ik geen paspoort. Krijg ik niet. Ik kan geen kant op. Geen werk, geen inkomsten. Op een gegeven moment houdt het op en hebben mijn vrouw Rina en ik niets meer."

Hun boot, de Flintstone, blinkt in de breekbare herfstzon. Verscholen in het Willemdok dat aanschurkt tegen het oude stadscentrum van Antwerpen. Een jachthaven van stand met fraaie 'plezierboten' en gestroomlijnde snelheidsmonsters. Prachtig decor voor de Flintstone. Een forse sleper, al jaren

een stevig huis van de Theunissen.

Strak in de verf en fris geboend. Schoenen voor de kajuitdeur. Gereed om zo uit te varen en moeilijke klussen op een woelige zee te klaren. Maar de Flintstone ligt al jaren afgemeerd. "Eerst lagen we in een ander Antwerps dok, bij de Noorderlaan. Dat was helemaal niks. Veel verkeer en stank. Gelukkig konden we naar dit dok. Hier liggen we prima."

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Uit een brief van de Ambassade van het Koninkrijk der Nederlanden in Madrid aan de geachte heer Theunisse: ik deel u mede dat er thans geen paspoort aan u kan worden verstrekt daar u op verzoek van de Belastingdienst in Roosendaal bent opgenomen in de signaleringslijst wegens een belastingschuld van Nlg. 1.125.142. Ik raad u aan terzake contact op te nemen met voornoemde instantie. 16 november 2000.

Zat

Theunisse: "Die brief kreeg ik in het Nederlands consulaat in Alicante. Toen lag ik met mijn boot in Torrevieja aan de Spaanse kust. Samen met mijn vrouw voer ik over de wereldzeeën. Ik was vertrokken uit Nederland omdat ik het zat was en het werk me te zwaar werd. Niet zo gek, na 22 jaar in volcontinu dienst. Mijn bergingsbedrijf in Dintelsas heb ik verkocht en ik ben weggegaan."

Theunisse en zijn vrouw trokken over de oceanen. Ze namen onderweg maritieme klusjes aan om te overleven en probeerden op die manier het verleden definitief achter zich te laten. Aangekomen in Spanje wilde Theunisse de paspoorten verlengen. "Mijn vrouw kreeg zo een nieuw paspoort. Ik dus niet."

De sleper uit Dintelsas sukkelde desondanks naar Antwerpen. "Sukkelen is het goede woord. Als je met een boot een haven binnenvaart of ten anker gaat, heb je zo de douane op het dek. Die zei telkens: ha, Theunisse, je hebt een rot paspoort vol gaten. En ik maar uitleggen dat ik naar Nederland ging om het allemaal te regelen. Wat moest ik anders zeggen?"

Hij ontkent de belastingschuld niet. "Absoluut niet. Maar ik heb het gecompenseerd met het geld dat ik nog van de Staat tegoed had. Jawel, iedereen zegt tegen mij: dat zijn twee verschillende zaken. Nou, voor mij niet. De belastingdienst is ook van de Staat, net als die wanbetalers van justitie. Je moet dingen niet moeilijker maken dan ze zijn."

Stille hoop

Voor zijn vertrek uit Nederland in 1996 had hij de belastingdienst in Roosendaal een brief geschreven. Met zijn uitleg. "Ik koesterde de stille hoop dat 'men' het er wel bij zou laten, dat 'men' het eigenlijk wel een elegante oplossing zou vinden die ik had verzonnen. Maar nee hoor."

Citaat uit het boek 'No cure-no pay contra de Staat der Nederlanden', geschreven door Geert Theunisse. In zijn voorwoord schrijft Theunisse: dit verhaaltje is waar gebeurd. 460 pagina's verder eindigt hij met schadeberekeningen die oplopen tot meer dan anderhalf miljoen gulden. Te betalen door de Staat der Nederlanden.

"Dat vrouwtje op het consulaat in Alicante had met mij te doen. Ze zei: weet u wat u moet doen: schrijven. Schrijf het van u af. Heb ik gedaan. Alles wat ik meegemaakt heb, heb ik opgeschreven. Een boek en vier cd-roms vol. Ik wil ze uitgeven, maar door geldgebrek lukt dat nog niet. Komt wel."

Geert Theunisse is vastberaden. Nog altijd, na 24 jaar. Geeft onmiddellijk toe dat iedereen fouten kan maken, ook hij. Maar Geert Theunisse kan niet tegen onrecht. Dan wordt Theunisse furieus en vecht hij terug. "Op mijn manier. Dan hebben ze een kwaaije aan mij."

Heel moeilijk

Hij neemt geen blad voor de mond. Nooit. Type ruwe bolster blanke pit, recht door zee. "Absoluut geen domme man", zegt CDA'er Wim van de Camp. Hij zit in de Tweede Kamer en kent de zaak Theunisse. "Ik heb het dossier gekregen en heb dat voorgelegd aan een juridisch medewerker van onze partij. Volgens hem is het heel moeilijk voor ons politici om daar wat aan te doen. Maar ik wil er best nog eens naar kijken."

Dat antwoord kent Geert Theunisse. Hij schreef naar zowat alle politieke partijen. Als kamerlid kan ik, ook gezien de scheiding tussen de wetgevende en de rechtsprekende macht, helaas niet in uw zaak interveniëren. Ik wens u sterkte toe schrijft Boris Dittrich namens D66 eind vorig jaar aan Theunisse,

die weinig meer verwacht van politiek Den Haag.

"Soms kreeg ik een briefje. Dat het niet op hun weg ligt om dit te onderzoeken. Of ze lieten weten geen tijd te hebben. Goed, dat kan. Zijn ze in elk geval zo fatsoenlijk geweest te antwoorden. Vaak kreeg ik niet eens antwoord. De materie is gewoon te moeilijk voor ze, denk ik."

Verjaring

De brieven belandden ook in de brievenbus van de toenmalige minister-president Wim Kok en Hare Majesteit Beatrix. Vergezeld van een cd-rom waarop 350 pagina's staan. Hij kreeg de cd-rom's terug, met de vriendelijke groeten. Ook van de Nationale Ombudsman die een jaar geleden liet weten de zaak niet meer in behandeling te nemen. Wegens verjaring van de feiten.

Jarenlang was de Mi-Amigozaak groot nieuws. Theunisse dook op in alle actualiteitenprogramma's (radio en televisie) en stond zowat de gehele Nederlandse schrijvende pers te woord.

"Omdat ik de almachtige staat durfde aan te vallen. Dat deed ik omdat ik wist dat ik sterk stond. Dat ik gelijk had, maar na enkele jaren begreep ik dat ik geen gelijk mócht hebben. De Staat mág niet verliezen. Dan zijn kennelijk alle middelen geoorloofd."

Dat steekt Geert Theunisse. "Lees dat boek maar. Ik heb alle officiële stukken zo overgenomen. Alle verhoren, alle getuigenissen. Geen letter, geen komma veranderd! Duik maar in de archieven. Diverse keren heb ik gelijk gekregen, ook van de Nationale Ombudsman! De landsadvocaat die destijds de Staat verdedigde, heeft een geweldige berisping gehad. Prachtig allemaal, maar ik kreeg mijn geld niet."

Hij heeft nog veel vragen. Zelf zegt hij de antwoorden wel te kennen, maar hij wil ze uit een officiële mond horen. "Het is begonnen met kleine visjes. Die wilden lekker verdienen aan het schip en hebben dat zonder mijn medeweten verkocht. Weet je hoe dat dan verder gaat? Die mannen hebben bazen die niet willen weten dat hun ondergeschikten er dergelijke praktijken op na houden. Want dan komen ze ook in de problemen. En zo gaat dat verder tot iedereen elkaar dekt."

Rijksrecherche toont aan dat er gerotzoid is schrijven de kranten in '81. En ook: Aanbod van de Staat ruikt naar chantage. Theunisse grimmig: "Ze wilden me afschepen met veertig mille. Dat was bepaald door een zogeheten onafhankelijke arbiter, professor Schadee. Later bleek hij allerlei bemoeienissen te hebben met het ministerie van Justitie. Aan die veertig mille zaten ook nog voorwaarden: ik mocht over deze zaak niet meer met het parlement en de pers spreken. Waarom niet?"

Het maakt hem nog altijd kwaad. Beter gezegd, woedend. "Logisch toch als je z'n aanbod krijgt terwijl je al meer dan een ton aan advocaatkosten hebt? Dit is toch belachelijk. Destijds vroeg ik 80.000 gulden en in al die jaren heeft de Staat meer dan anderhalf miljoen uitgegeven om mij die 80.000 gulden niet te hoeven geven. Ik begrijp het echt niet meer."

Uitlevering

Bijna drie jaar ligt de Flintstone nu in Antwerpen. Op een steenworp afstand van Nederland. Rina gaat nog wel eens naar Nederland, maar dan kan de paspoortloze Geert niet mee. Het ministerie van Justitie zegt dat iemand die gesignaleerd staat, op verzoek van Nederland opgepakt kan worden door de autoriteiten van het land waar hij of zij verblijft. Vervolgens wordt om uitlevering gevraagd. Maar tot nu toe vraagt niemand iets en justitie wil daar niets over zeggen.

Geert Theunisse begrijpt wel waarom. "Als ze dat doen, wordt alles weer opgerakeld. In Den Haag denken ze: zo, die Theunisse ligt daar mooi in Antwerpen. Hij zoekt het maar uit. Dat heb ik nou precies al die jaren gedaan. Aangevend dat ik bedonderd ben. Keiharde bewijzen geleverd. En wat heeft het me opgeleverd? Alleen maar ellende. Ik hoop echt dat er in Den Haag eentje de kat de bel durft aan te binden en een eind aan deze zaak maakt. Ik hou me maar vast aan de zaak Oltmans. Die heeft uiteindelijk ook gewonnen."

Bij het afscheid op de loopplank kijkt Geert Theunisse mistroostig over het kabbelend water onder zijn voeten. Hij zegt het niet, maar zijn lichaamstaal is duidelijk. Hij mist de zee, zijn maten, het bergingswerk. Zijn leven. "Door al dat gedoe heb ik jaren pillen geslikt. Ik heb gevochten om overeind

te blijven, een nieuwe lening te krijgen voor een nieuwe bergingsleepboot. Is allemaal gelukt, maar nu hebben ze me toch beet: ik ben een gevangene in een Antwerps dok."

De feiten

Theunisse bergt in opdracht van justitie het lek geslagen motorschip Mi-Amigo. Terwijl Theunisse na 26 uur werken uitgeput op bed ligt, wordt het schip door politie-adjutant J. Kamp verkocht aan een bevriend sloper voor 14.000 gulden, die het enkele uren later doorverkoopt voor 28.000 gulden. Theunisse vertrouwt de zaak niet. Hij dient een bergingsloon in van 80.000 gulden. Theunisse laat een deskundige los op het schip. Die zegt dat het schip twee ton waard is.

- Theunisse krijgt te horen dat zijn claim 'Kamp in ernstige problemen zou kunnen brengen.'
- De Staat zegt dat Theunisse geen opdracht had gekregen het schip te bergen en dus geen recht heeft op loon. Theunisse stapt naar de rechter.
- Tot zijn grote woede ontdekt Theunisse dat de landsadvocaat die de Staat verdedigt drie belangrijke (politie)getuigen heeft laten weten dat ze niet hoeven op te komen dagen. De landsadvocaat zegt dat hij dat besproken heeft met de rechter-commissaris en de advocaat van Theunisse. Gelogen, bewijst Theunisse en de landsadvocaat krijgt na onderzoek van de Orde van Advocaten een berisping aan de broek.
- De drie getuigen worden alsnog gehoord. Een van hen laat de rechter een proces-verbaal zien: Theunisse kreeg wel degelijk opdracht van de Staat het motorschip te bergen. De man zegt er ook bij dat hij het proces-verbaal in opdracht van Kamp moest wijzigen. Kamp ontkent.
- Ook de Rijksrecherche die een half jaar uittrekt voor een grondig onderzoek concludeert dat Theunisse geen blaam treft.
- Theunisse denkt sterk te staan, maar ziet geen stuiver. Na een jaar van oeverloze discussies grijpt de toenmalige minister van justitie J. de Ruiter in. Hij beslist dat Theunisse recht heeft op zijn geld en schakelt de Rotterdamse professor Schadee in.
- Schadee zegt dat Theunisse gelijk heeft en berekent het bergingsloon inclusief alle kosten op 50.000 gulden. Theunisse gaat niet akkoord en schakelt de Nationale Ombudsman in. Die doet een uitgebreid onderzoek dat vier jaar duurt en concludeert dan dat Theunisse op alle punten gelijk heeft.
- Theunisse is blij, maar krijgt geen geld. Van diverse kanten krijgt Theunisse het advies de zaak te laten rusten en zijn werk als berger weer op te pakken. Dat lukt uiteindelijk na veel strijd met zijn huisbank die hem eigenlijk failliet wil laten verklaren.
- Theunisse krijgt jaren later weer te maken met de Staat als hij een nieuw paspoort aanvraagt.

Het ministerie van Justitie, de belastingdienst en het Openbaar Ministerie willen niet reageren. De Nationale Ombudsman zegt geen reden te zien de zaak te heropenen.

SMITWIJS TOWAGE B.V.



Westplein 5b
3016 BM Rotterdam
The Netherlands
Telephone: +31 10 412 6969
Telefax: +31 10 436 9587
E-mail: SmitWijs@SmitWijs.com



BERGING VAN DE KOERSK

dinsdag 21 okt., om 19.55 uur, op RTL 5 word de film Berging van de Koersk wederom uitgezonden voor degene die hem nog niet gezien heeft.



Top : The Sail of the **Kursk** after delivery in the drydock – **photo : Piet Sinke ©**