

The Crew

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CAREER • TRAINING • TECHNOLOGY • MONEY • OPERATIONS • ADVICE



REPORT

STAND YOUR GROUND

One captain shares his experience of an intimidating and threatening owner.

ON GUARD

Armed guards on board can be a sensible option, but how will they affect the dynamics of the crew?

ECDIS

What type of chart system should crew be using on the bridge? Is relying on just one enough?

THE ETO ROLE

Should the industry be doing more to cater for this in-demand crewmember?

MIND OVER MATTER

WORDS BY PATRICK ESTEBE OF AFFAIRACTION

More and more superyachts are choosing to visit relatively unchartered destinations, and as such crewmembers are more likely to find themselves in unknown situations.

Patrick Estebe shares the story of one crew's violent encounter and the consequent brave actions taken by the group as a result of the combination of self-defence training and a new, anticipatory mindset.



The incident began with three young men from the South Mediterranean who had arrived illegally in Italy a few weeks previously. Their lives in Italy were much more miserable than they had expected, and they resented the way of life of the people they saw in Italy; a disastrous combination that, for these particular men, meant trouble was brewing.

When a group of young, male and female crewmembers entered the bar, happy, good-looking and perhaps a bit too loud, it was more than these disgruntled men could accept. Without any warning or provocation, one of them broke a beer bottle on the head of one of the crewmembers, using the broken bottle to stab him directly in the neck, with the clear intention to kill and rupturing at once the jugular vein – a move learned during his violent past.

What the attacker had not anticipated was that the group in question was a sharp superyacht crew; their reaction was as fast as it was appropriate. One of them immediately stopped the bleeding; another neutralised the attacker at once, putting him unconscious with a sleeper hold he had learned during a security workshop and first-aid training course he attended a month previously. This training saved the day, or rather the night, and seeing their friend go limp and unconscious on the floor, the other attackers fled precipitously.

This is not a hypothetical scenario; it happened in San Remo not long ago, and the crewmembers credit the two training courses – security and first-aid – for their effective response to the emergency. As world peace is certainly not happening any time soon, it is likely that incidents such as this will, unfortunately, continue to occur, and yacht crew may find themselves encountering trouble in places that in the past were perfectly safe; there is a first for everything.

There is no need to panic, and this is by no means a vehicle for scaremongering, but denial is counterproductive. To be productive, the industry must understand the need for both self-defence and higher levels of acute awareness, and the results when combining the two.

When it comes to security issues, confusion tends to come from the assimilation with safety. In fact, safety and security – two very different pools – often find themselves within the same department of many organisations. The price paid for this confusion is extremely high, but completely ignored as the

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concept of operational security totally eludes bureaucrats' minds.

Yet the differences are obvious. The good news with safety is that it lends itself well to regulations, and training is straightforward: one learns the procedures and is expected to react accordingly in a crisis. Check the source of fire, get the appropriate fire extinguisher and use it effectively. The key concept in safety is to react appropriately – no tricks, no surprises.

Security, on the other hand, is infinitely more complicated. Donald Rumsfeld, former Secretary of Defence for the United States, famously said there were many “unknown unknowns.” This comes from the very nature of security, as we are not dealing with predictable physical matter as with safety, but instead with the minds of human beings who survive outside our system, and are experts in divergent thinking. Consider that in particular countries of origin, if people are not capable of speaking several languages and/or using anything from their environment as an improvised weapon, they simply do not survive. We use a screwdriver to drive a screw; some of these potential attackers are happy to use a bottle cap for the same job, and will know how to sharpen a bicycle spoke taken from a skip to make a stabbing weapon that will be as invisible as it is deadly.

We have seen the NATO armies held in check by barefoot insurgents in about as many countries as they tried to control; we can only imagine how the average Western citizen will fare when confronted by these true survivors. With a tsunami of illegal immigration in Europe, chances are there will be more confrontational situations that will most likely take the form

of street fights and robberies, although unfortunately serious assaults are now a real possibility.

We have known for a long time that St. Martin's streets could be dangerous at night and we are all careful coming back from Shirley Heights in Antigua. The murder of Captain Drew Gollan in Antigua is still seared in every crewmember's mind, as is the murder of Chef Sara Kuszak in Puerto Rico.

Is there a way to avoid these outcomes without becoming paranoid, and still be able to enjoy life on board? The answer is an overwhelming yes. Carrying a weapon is not an option in foreign lands, and since crewmembers have full-time jobs, and no time to train in martial arts every other day, the second question is: can it be done within the framework of crew activities? Another overwhelming yes. All it takes is a slight change of mindset – the development of a relaxed, natural and mandatory awareness.

Having spoken to crewmembers who have adopted this state of mind, the feedback has been enthusiastic, bringing a paradigm shift that tends to stay. Mindfulness is much more important than any self-defence skills. Security is the domain within which one must anticipate effortlessly and naturally at all times. Security must be anticipatory, sustainable and adaptable, or it is simply an illusion. Workshops are available in both self-defence and counter-intelligence alike; to take part in just one is to not utilise these options to their best ability.

Unknown unknowns are always a pervading threat, but to adapt one's thinking to the constant anticipation of a threat, the threat of the former unknown is lessened, and to partake in self-defence training, the threat of the latter unknown is lessened. One captain whose crew had attended both types of workshops soon noticed things were much smoother, and declared: “It's like the crew body language has changed; we do not have incidents anymore.”

Aesop's fables sum it up well: “We often give our enemies the means of our own destruction”; but, by protecting themselves in these ways, combining a knowledge of self-defence and an acute awareness of one's surroundings, crewmembers give their potential enemies very little. ■

SELF-DEFENCE UNDER ENGLISH LAW

WORDS BY JACK HATCHER OF HILL DICKINSON

It is important to understand the legal implications of self-defence; law firm Hill Dickinson advises crewmembers who find themselves in such a situation to immediately contact their national consul or embassy, but to improve understanding of the legal system, has shared the position crewmembers will find themselves in under English law.

The law on self-defence will vary from country to country. The general position under English law, however, is as follows:

Self-defence is raised as a legal defence when a person is prosecuted for a crime where they are alleged to have used force against another person (for example, as a result of assault). If the defence is raised successfully at trial, the person claiming self-defence will be completely acquitted by the court.

A person will claim self-defence when they believe they have used “reasonable

claiming self-defence, including what they believed about the circumstances, even if mistaken. In other words, it is relevant that the person was under pressure from imminent attack and may not have had time to make entirely rational decisions. In such circumstances a person is entitled to be judged on the facts as they honestly believed them to be, and thus would be permitted to use a degree of force that was reasonable in the context of what they perceived to be happening.

A word of warning, however: the person claiming self-defence is not always given the benefit of the doubt if they are intoxicated. This is because, in general, English courts view a drunken mistake, regardless of whether genuine, as no defence to a criminal charge. Drunkenness is therefore often deemed by the courts to be irrelevant (and so cannot be relied upon as an extenuating factor) unless the person seeking to rely on self-defence was so drunk as to be incapable of knowing that they were using unreasonable force.

Even allowing for mistakes made in a crisis, the amount of force must be proportionate and reasonable given the value of the interests being protected and the harm likely to be caused by use of force.

One interesting aspect of the law on self-defence is that a person about to be attacked does not have to wait for their assailant to strike first. Circumstances may justify a “pre-emptive strike,” provided the attack is “imminent.”

Time is an important factor when determining “immanency.” If there is an opportunity to retreat or to obtain protection from the police, a person should do so, thereby demonstrating an intention to avoid the need to use violence; but there is no rule of law that a person attacked is obliged to run away if they can. ■

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force” to defend themselves from an attack, prevent an attack on another person, defend their property or prevent a crime.

What constitutes “reasonable force” is to be assessed by a judge or jury objectively; that is, the judge or jury, as ordinary members of the public, must decide the amount of force reasonable in the circumstances of each case. However, the test must balance the objective standard of a reasonable person by attributing some of the subjective knowledge of the person

