

## **CENTRO DE LOS DERECHOS DEL MARINO BARCELONA**

CDM is a department of the DELEGACIÓN DIOCESANA DEL APOSTOLADO DEL MAR (AOS) in Barcelona.

### **Staff:**

Chairman: Ricardo Rodríguez-Martos, as the Diocesan Delegate of AOS

Director: Domingo González, esq.

Members: Alejandro Saez, esq. and Rafael de Muller, esq.

All three lawyers are volunteers

Working time:

Daily, from Monday to Friday : 7.30 - 9 pm in the office (Stella Maris building)

If there is urgency, there is always someone available.

### **CDM - Barcelona: what is it?, what does it aim for?**

CDM is a department of the AOS in Barcelona, which works with certain autonomy.

It was created as a special, professional department, which is able to speak and deal with all kind of instances on a legal and civil level.

The major question considered at the beginning was if it was necessary to organise an own lawyer team, as in Barcelona there were several maritime lawyers, unions and an ITF inspector.

However, the experience tells us that usually seafarers get in contact with us later in the evening, when lawyers are not available, neither ITF inspectors. In addition, many of the asked questions demand, not only legal assessment, but also a great dose of sensibility and prudence.

Another important aspect that was considered when creating the new CDM was the necessity of having a legal maritime assistance center able to assess other AOS centers, writing reports, organizing conferences, etc.

Furthermore, the maritime lawyers are sometimes involved in the defence of the shipowners' interests, and may have some difficulties when being on the side of a vulnerable seafarer.

Therefore, it was clear from the beginning that the CDM should not be the same as a union or an attorneys office, but a centre with lawyers, with the aim of finding the best ways to help seafarers, listening and understanding their fears, giving them some advice, and even being able to handle a case in front of the court when required, or transferring them to unions or to other lawyers.

Given that the problems were international, especially regarding flags of convenience and seafarers of the Third World, and on the other hand, considering that the defence of rights and the legal proceeding was different in different countries and ports, the CDM saw the importance of international connections.

Bearing all in mind, in 1991 was organised the 1<sup>st</sup> International Seminar on Seafarers Rights, which tried to establish some contacts at international level.

**Institutions with who the CDM has established contacts:**

Barcelona Port Authority  
Police in Barcelona  
Committee of Solidarity of the Port of Barcelona  
Port Captaincy and MOU Inspectors in Barcelona and Tarragona  
Lawyer's chamber in Barcelona  
Instituto Social de Marina - Madrid and Barcelona  
Apostleship of the Sea in Spain  
ANAVE - Shipowners Ass. in Spain  
Asociación Rosa dos Ventos - Vigo  
ITF in London, Valencia and Barcelona  
Center for Seafarers Rights in New York (CRS) (USA)  
Mission de la Mer (France)

**Services offered by the CDM:**

A.) Services offered directly to seafarers:

- General legal advising in the own office and, if necessary on the ship
- Help in dealing with authorities and official organisations
- Meetings with crews and captains
- form-filling in retirements, invalidity, pensions, a.s.o.
- Extra- juridical negotiations trying to solve cases
- Claims at the Court

B.) Advising and preparing reports to other centres of AOS in Spain

C.) Co-operations with other organisations:

Exchanging information, giving and asking for assistance.

ITF - Derivation of salaries and strike cases, asking the ITF inspectors to visit a ship in a next port, assisting ITF inspectors with our lawyer team.

CSR: Distributing their publications, dealing with questions where the CSR asks for our help.

ISM : collaborating in problems regarding Spanish seafarers.

**Brief history of the CDM:**

The creation of the C.D.M. was approved in the General Assembly of the Apostleship of the Sea on March 1<sup>st</sup> 1988.

The idea started after some contacts between Paul Chapman and Brother Pedro of the Centre for Seafarers' Rights and Ricardo Rodríguez-Martos of Apostleship of the Sea in Barcelona.

The CDM developed its first activities in co-operation with the CSR in New York.

The lawyer Emilio Blanch, who had some experiences in working for ITF was entrusted with its organisation.

The first team was:

Emilio Blanch, esq. as Director

Alejandro Sáez, esq.

Occasionally some other lawyers collaborate with the centre.

In May 1991 the CDM organised the 1<sup>st</sup> International Seminar on Seafarers Rights in Barcelona, with the participation, among others, of the following people:

Henk Huibers, MOU -Permanent Secretariat of the MOU (Memorandum of Understanding) in Rotterdam

Paul Chapman and Douglas Stevenson, Centre for Seafarers' Rights

José Carvajal, Director of the Technical Department of the Dirección General de Consular y Naves en Panamá

Máximo Molinuevo, Co-ordinator for MOU Inspectors in Spain

Andreas Constantinou, Maritime Aggregate of the Govern of Cyprus in New York

Philip J. Loree, President of the Federation of American Controlled Shipping (Facs) and President of the Commission for Maritime Politic in Panama

Bjorn Klerk Nilssen, Head of the branch of maritime industries in the ILO

José Sarmiento, Administrator of POEA in the Philippines.

Different people come of Spain and various European countries.

The subject of the seminar was the application of the MOU and the different responsibilities of Governments, Port authorities, Shipowners, Unions, ILO and the Flag of Convenience Countries.

1992: In March the CDM got an office in the new building of Stella Maris. Emilio Blanch, the first director of the CDM got an official job and left the centre. The new team was: Domingo González, new director, Christian Morrón, and Alejandro Sáez.

With the new office, and a better location near the commercial port, the center could improve its presence in the port.

1994: The lawyer Rafael de Muller was incorporated to the CDM

1995: Douglas Stevenson led a workshop on seafarers' rights with the participation of the team of CDM and other collaborators of Stella Maris in Barcelona

1999: Domingo González became a member of the ICMA standing delegation for the ILO.

2002: Christian Morrón left the centre

### **Current situation of CDM:**

The present team is formed by Domingo González, director, Rafael de Muller y Alejandro Sáez.

The centre delivers advice to all the AOS centres in Spain and works at local and national level in a strait connection with ITF.

The CDM works actively legally assessing the fisheries sector in Spain, especially through the fishers' wives association "Rosa dos Ventos", in Vigo, and has also participated in the elaboration of some fisheries conventions. It has also participated in several conferences in Spain and France.

The CDM has been regularly taking part in some cases of abandoned crews in other Spanish ports.

The CDM acts basically at local level through 3 ways:

- General advice in the centre (daily from 19.30 to 21)
- Advice or specific actions on board the ship or in the centre at any time by special and urgent circumstances
- Actions in front of the court or other authorities and administration offices.