

Rejecting Corrupt Demands – Tips and Tricks

This guide outlines some anti-corruption Tips & Tricks developed from data collected by MACN member companies and their seafarers and WHY these have been effective. Some of the below may seem obvious – but our data and research tells us that the following tips make a difference – and these are the main areas and deficiencies officials focus on when making corrupt demands.

Pre-Port call:

1. Plan in advance

- ✓ **Please CHECK / DOUBLE CHECK all documentation** thoroughly prior to submitting to port authorities. Officials looking for serious deficiencies in documentation have focused on expired Contracts of crew, documentation relating to the medicine chest, including narcotics (please strictly follow advice on documentation and records from local agents).
- ✓ **Submit documentation electronically** (where applicable) with the help of your local agent. This limits in-person interactions with government officials. During the COVID-19 pandemic MACN observed the transition to electronic pre-arrival-reporting. Notably, over this period we also saw a drop in reported corruption demands.
- ✓ **Allow as much time as possible** to check vessels documentation prior to calling high-risk ports. This will better prepare you to engage with government officials, and preparation has been shown to reduce the risk of corrupt demands. Combined with electronic reporting this will give you time to provide updated documents if problems are identified prior to arrival.

2. Prepare Operationally

- ✓ If possible, **seek information from your office or colleagues** on sister vessels prior to calling high-risk ports. Any information on specific risks (and areas of corrupt demands) will better assist you in planning for the port call.
- ✓ **Be aware of the pattern of corrupt demands.** This will give you a better understanding on the key focus areas, for example, in Argentina, customs officials' bribe demands generally focus on the incorrect declaration of lubes and bunkers. In Ukraine, officials will focus more on narcotics and bond stores.
- ✓ **Establish and maintain close communications/contact** with port agents, your company, and MACN well before the port call. This will help the port agents to prepare for your arrival, provide updated information to the vessel, and give agent time to inform relevant government officials of your company's anti-corruption policy.
- ✓ **Establish in advance** contact details of the local P&I club correspondent and owner's protective agent (OPA) where applicable.
- ✓ In some cases, **government officials make their demands through the port agents.** In such cases where you feel coerced or put under pressure by the port agent, remain calm and call your company immediately for advice and assistance.

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3. Be clear about your company's anti-corruption policy

- ✔ **Review your company's Anti-Bribery and Corruption (ABC) policy**, as this will help you better engage with government officials and reduces the risk of corrupt demands.
- ✔ Having your company's **Anti-Bribery-Corruption (ABC) policy and the MACN posters visible** will help you deflect corrupt demands. A poster is a tool that you can use to point out when engaging with government officials and thus making them feel that your rejection of their demands is not a matter of choice, it is part of a much larger official stance you are taking.

4. Maintain close communication with port agents

- ✔ **Port Agents can provide knowledge** on local expectations, rules, and regulations. Keep in mind that an agent may not be able to put in writing the corrupt demands they expect officials to make for obvious reasons. A phone call would prove more effective.
- ✔ **Port Agents can also advise** on how official payments should be made to avoid cash transactions.
- ✔ **Keep your office and MACN** in the communications loop on relevant messages to port agents including, ETA messages.

During Port call:

1. When interacting with officials remain calm and polite, understand that intimidation is part of their strategy to put pressure on you!

Your aim is to **avoid direct confrontation** with government officials and to come to an understanding of what can and cannot be done. You can achieve this by:

- ✔ Ensuring ship staff are in uniform as required by their rank.
- ✔ Offering officials general hospitality when onboard.
- ✔ Asking the government officials what the solution is to directly mitigate/solve the alleged deficiency they have pointed out.
- ✔ Let the government officials know you will need to speak with your company and/or MACN's Local HelpDesk (where available) to seek their advice on any requests for suspected illegal payment.
- ✔ If possible, call your company and/or MACN Local HelpDesk (where available) in front of the government officials.
- ✔ Deal with government officials in areas under CCTV surveillance (if this is available onboard).
- ✔ Recommend keeping one more senior officer with Master at all times (e.g. Chief Officer/Chief Engineer).
- ✔ Your social intelligence and interpersonal skills are very important tools when engaging with officials.
- ✔ A smile always goes a long way during such interactions.
- ✔ Explaining to government officials that you are bound by company policy to **Record & Report** all interactions with officials will reduce the risk of corrupt demands.

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2. Stand your ground

Rejecting Consistently will help reduce the risk of corrupt demands and make government officials look for other vessels who that may be easier options. The harder the ‘target’ you make your vessel, the greater the likelihood they will look elsewhere. For officials asking for bribes, this is also a time vs result process.

- ✔ **Consistently asking for an officially signed receipt** for any fine and/or item(s) given by the vessel to government officials will help reduce the risk of corrupt demands. Officials asking for bribes do not want a paper trail of what has been asked for or paid.

Post-Port call:

1. Report incidents

- ✔ **Reporting helps you!** Reporting incidents to MACN and its members will improve our understanding on which ports have higher corruption risks, what types of demands are made, what types of officials are involved, and what deficiencies and bribes they are looking for. All this will help you better prepare for future port calls. To report incident [MACN.dk/incident-reporting](https://macn.dk/incident-reporting).

2. Share your experience

- ✔ If one vessel successfully rejects a corrupt demand, **share this information and experience** with MACN, and your company and colleagues on sister vessels. It is likely that others can benefit from your experience.
- ✔ This helps to **prepare new colleagues** for what to expect and how to interact with government officials.

Duress:

You may encounter circumstances, where as a Master you are left with no alternative but to give-in to the demands made by government officials in order to protect against loss of life, limb, or liberty. It is important that you Report and Record these situations.

The Captain is the ultimate decision-maker and he/she is responsible for the safety of the crew, vessel, its cargo and environment. The Captain may feel under duress without being at gunpoint.

Duress can take many forms, including:

- ⚠ Physical threats in relation to inspections.
- ⚠ A Pilot requests a payment and the Captain is left with no alternative but to make payments in order to protect him/herself and others, he/she can make the payment – safety always comes first.
- ⚠ **IMPORTANT NOTE:** Economic duress or “commercial pressure” - i.e. delays in ports are excluded and there is no legal protection for a Master paying a bribe in these situations.

SAFETY FIRST

Do not put **yourself, your crew, or your vessel in danger**, but **Report and Record** these situations immediately to your company.

Plan/Prepare/Communicate/Stay calm/Stand your ground/Record/Report