

**Third Meeting of the Special Tripartite Committee of the MLC, 2006
(Geneva 23-27 April 2018)**

Information paper submitted by the Seafarers Group

<p>This paper has been submitted by the International Transport Federation (ITF) on behalf of the Seafarer Group and its publication on the STC web site has been authorized by the Officers of the STC.</p>
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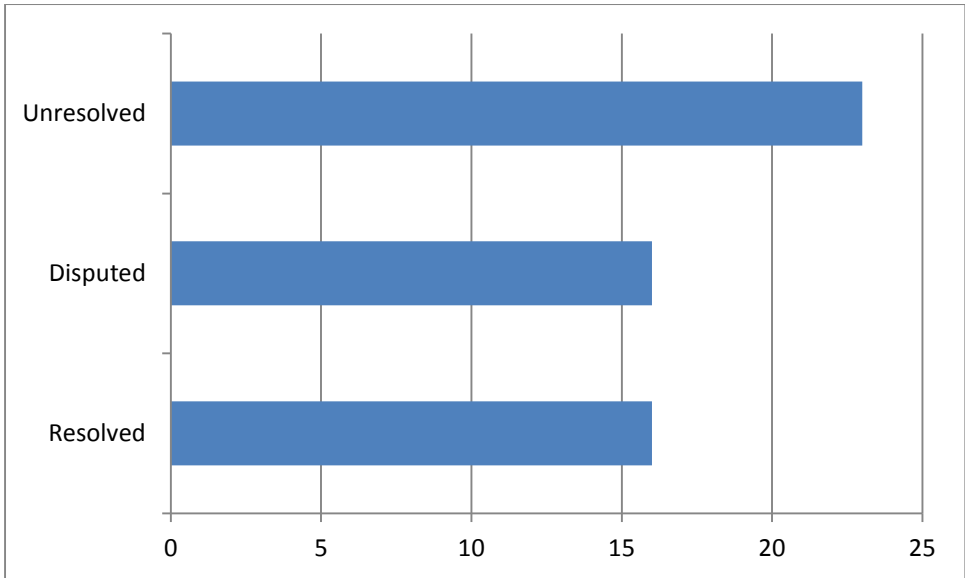
Agenda Item 3. Exchange of information related to the implementation of the MLC, 2006

Summary

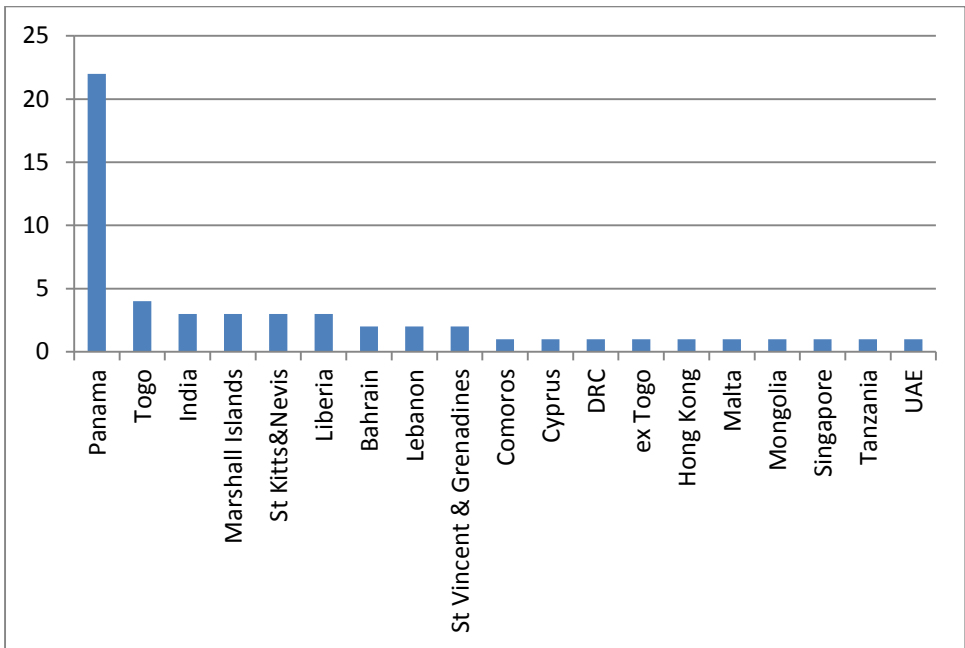
This report considers cases of abandonment reported by the ITF to the IMO/ILO joint database of abandonment of seafarers for a period of 1 year since the entry force of the MLC, 2006 2014 amendments on 18 January 2017 and was finalised on 07 February 2018. Particular attention is given to the implementation of the requirement for financial security in respect of seafarer repatriation costs and liabilities as required under regulation 2.5, standard A2.5.2 of the Maritime Labour Convention as amended.

Introduction

1. As the organisation responsible for reporting more than 85% of cases to the IMO/ILO joint database of abandonment of seafarers, the ITF offers this analysis of the experience of the first year since the financial security requirements have been in force.
2. The ITF retains 140 inspectors, coordinators and contacts worldwide supported by a team of eight in London dedicated to the assistance of seafarers globally. The cases detailed here reflect those cases where seafarers have contacted the ITF for assistance and cannot be considered to be the complete picture of the incidence of abandonment worldwide. During the period the ITF assisted 688 seafarers on 55 vessels.
3. Of these cases 16 are now considered resolved, 16 are disputed (the seafarers are no longer on board, but wage claims are ongoing), and 23 cases were ongoing at the time of writing this report.

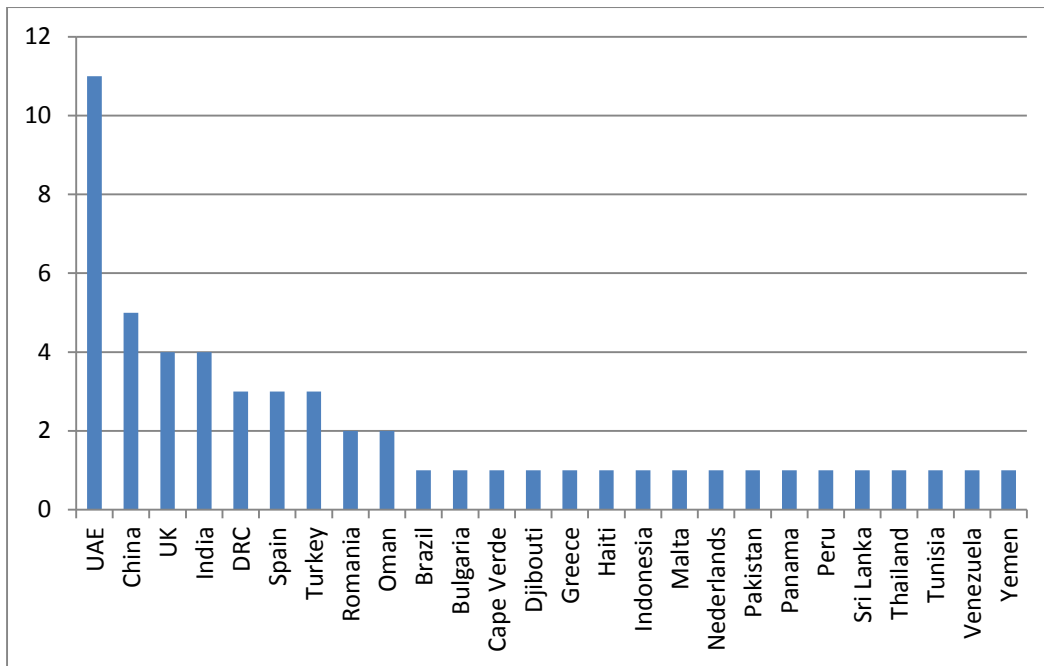


Vessels by flag



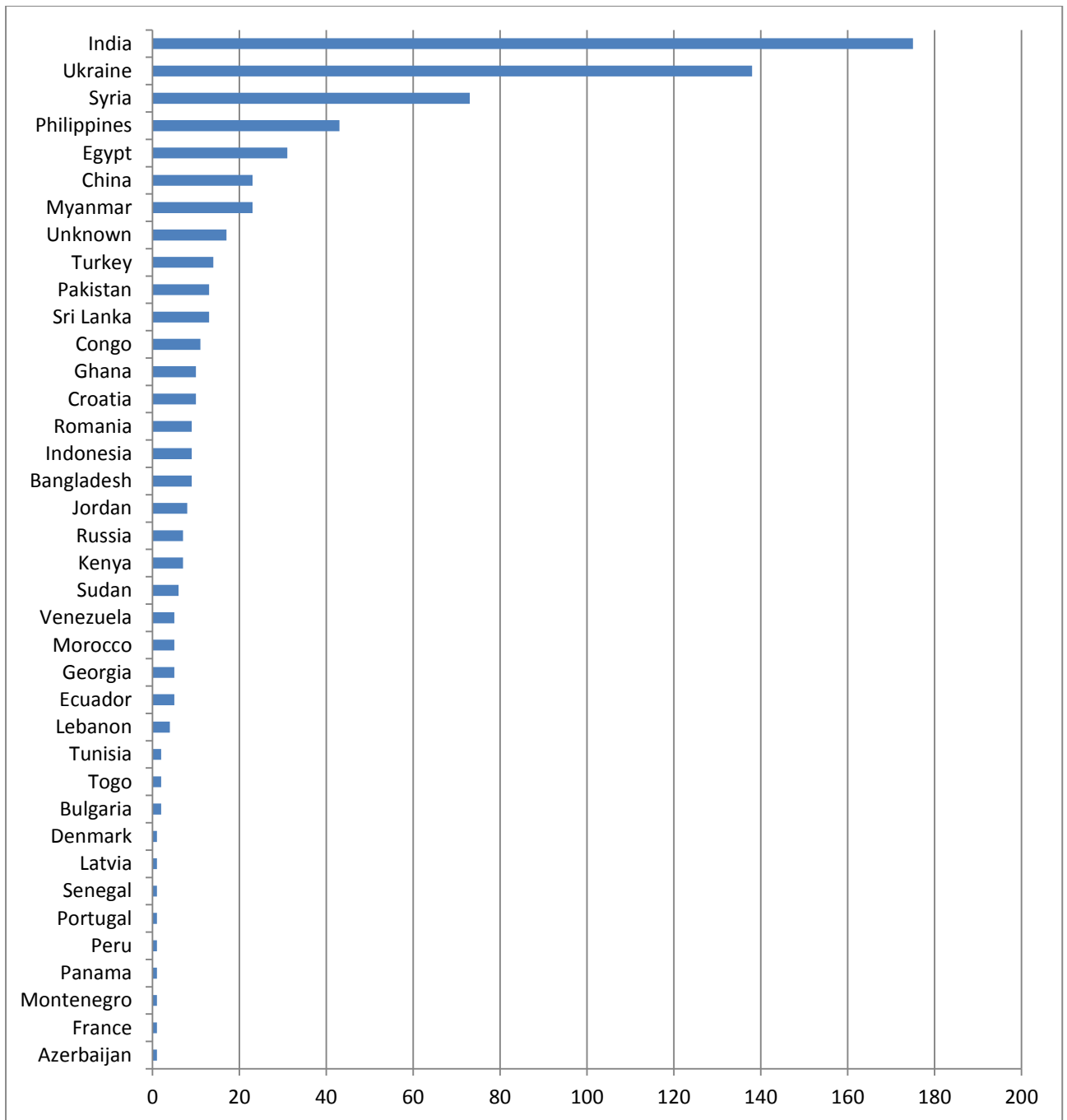
4. In forty per cent (22 cases) of cases reported, the vessel was flying the Panama flag.

Location of abandonments



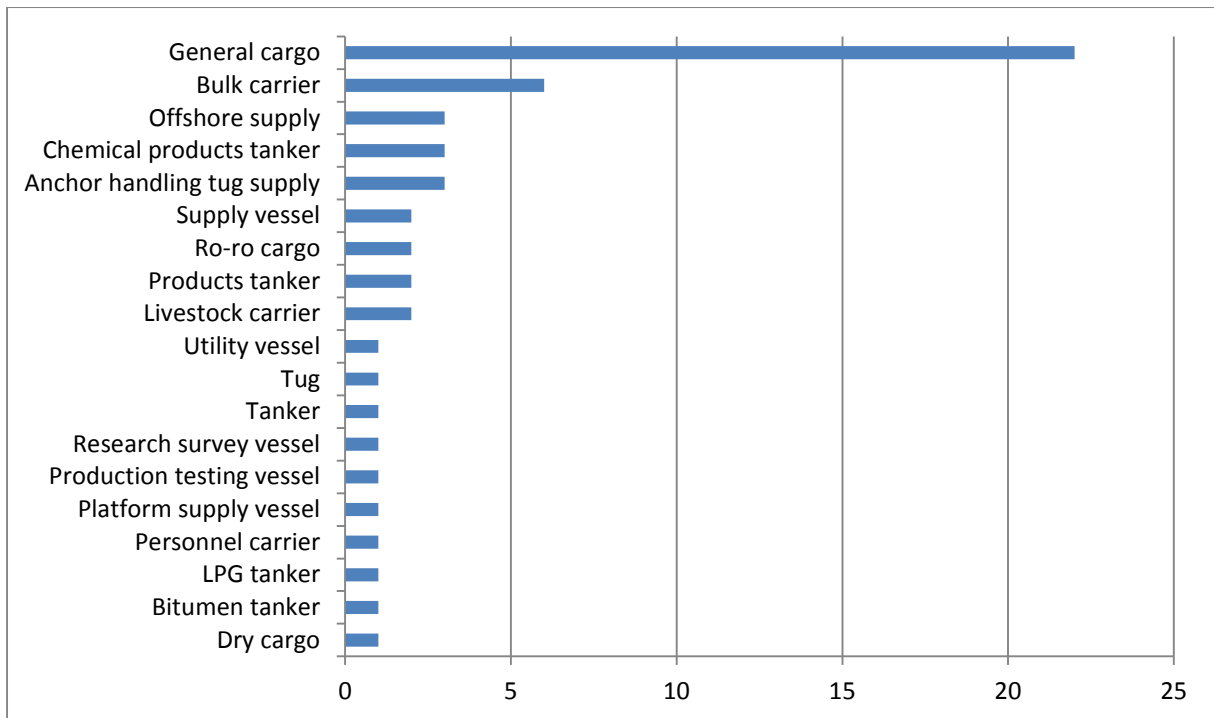
5. The prevalence of problematic abandonment cases in and around the waters of the UAE has been widely reported in the media. The ITF has engaged with the UAE Federal Transport Authority (FTA) and has welcomed the recent announcement of new regulation to require all vessels visiting UAE ports to hold insurance to cover seafarers in the event of abandonment.

Nationality of abandoned seafarers



6. The largest nationality group of abandoned seafarers is Indian with 175 seafarers out of the 688 (25%), followed by Ukrainian with 138 (20%). The large number of Indians represented may be linked to the location of a significant number of reported cases in the Middle East and the close commercial ties between India and that region. The third largest nationality is Syrian though it should be noted that of the 73 abandoned Syrians 66 were working on two livestock carriers.

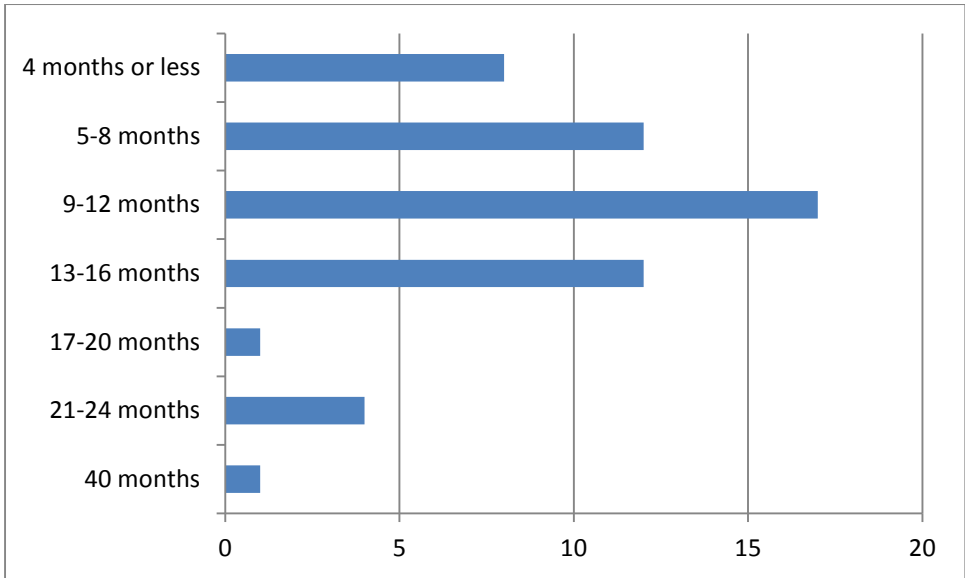
Abandonment by vessel type



7. Fifty one per cent (28 vessels) of abandoned vessels are general cargo ships or bulk carriers. Twenty two per cent (12) of abandoned vessels in this list are from the offshore sector.

Duration of abandonment cases

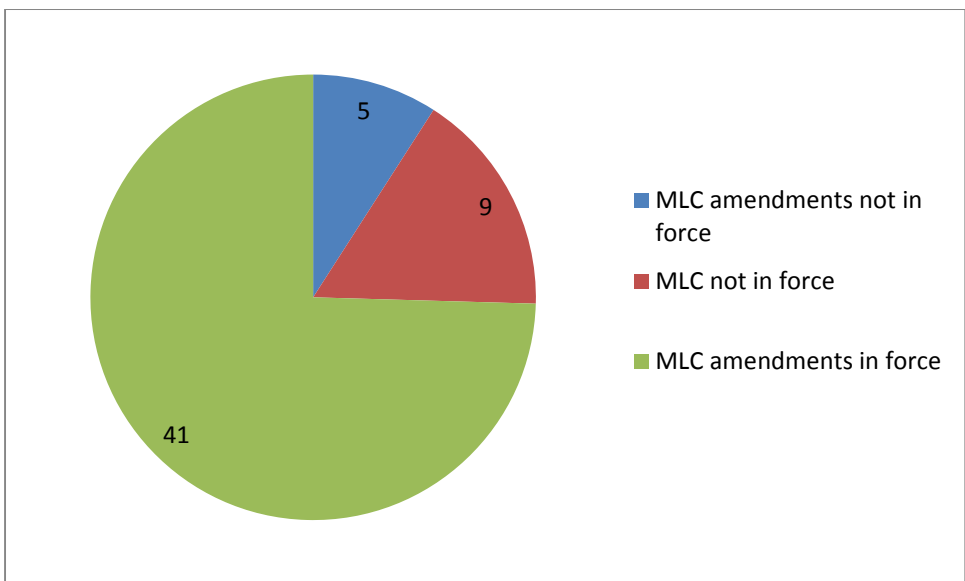
8. It is difficult to give a definitive figure for the duration of abandonment cases. Seafarers do not always seek assistance immediately. A case may start as a wage claim and deteriorate into a situation of abandonment. Some seafarers are on board and/or unpaid for longer than others. In order to give an impression of the lengths of time involved, the following table takes the period of unpaid wages as a starting point for calculating a period of abandonment. The data is correct at the time of writing this report and includes ongoing cases.



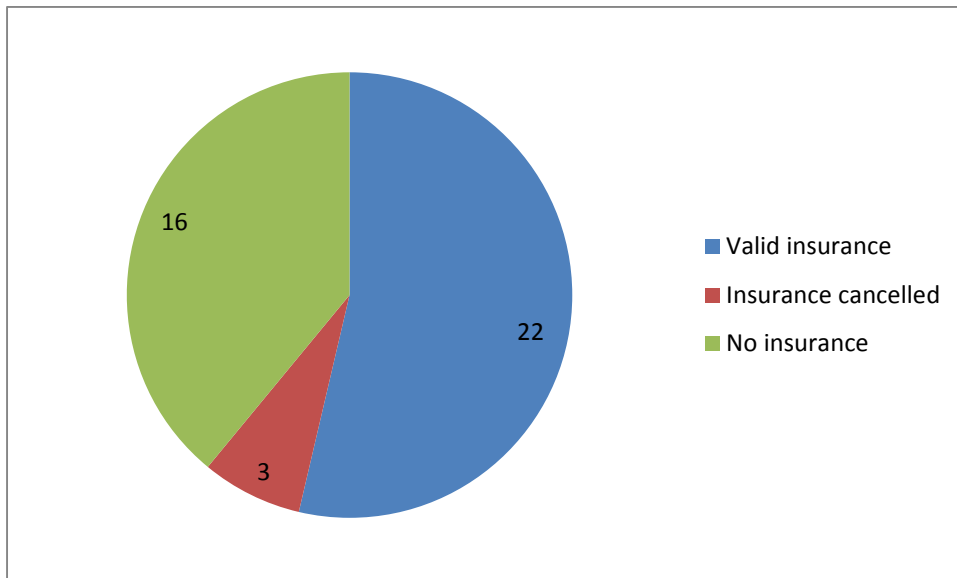
9. The case lasting 40 months, is that of the Aegean Princess. The crew from this vessel were repatriated in January this year but without wages. There are additional long running cases, such as the Bramco 1, which are not included in this report as they were reported prior to 18 January 2017. The cases lasting from 21-24 months are the Al Sharjah Moon (PAN), Queen Bihanga (TAN), Azab (PAN) and Shaker 1 (TGO).

Maritime Labour Convention, 2006, as amended (MLC, 2006)

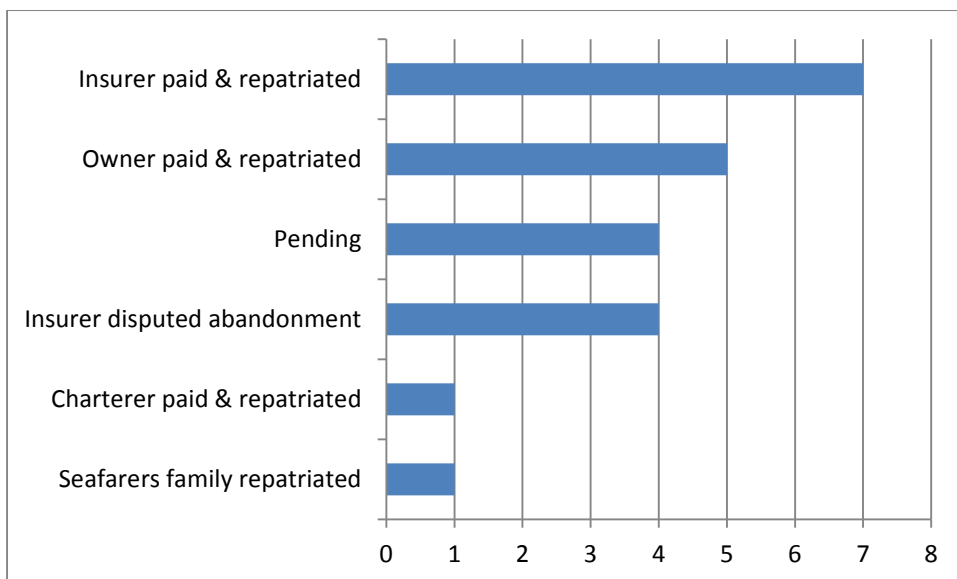
10. Of the 55 cases listed, 75% (41) were flying flags of vessels that have ratified the MLC, 2006 and have accepted the entry into force of the 2014 amendments. Five were flying flags that have ratified the MLC, 2006 but have not yet indicated acceptance of the amendments and nine were flying flags that have not ratified the MLC, 2006.



11. Of the 41 cases where insurance was required under MLC, 2006 as amended, 22 had valid cover.



Cases with valid insurance



12. In 7 of these cases the insurer paid the 4 months outstanding wages and repatriation as per the requirements of regulation 2.5.2. Four cases are still pending. In 5 cases the seafarers were eventually repatriated and/or paid by owners. In a number of cases the insurer either disputed the definition of abandonment or their responsibility for the seafarers, taking the position that the owners were responsible.

Insurer paid and repatriated

Name	Flag	IMO	Insurer
MGI 1	Liberia	9538309	London Club
Varada Maresias	Singapore	9468657	Gard
Pomor trader	St Kitts&Nevis	9005326	Raets Marine
Geo Star	Togo	7833107	Rosgosstrakh*
Asian Warrior	St Kitts&Nevis	6714847	Shipowners mutual P&I association (Lux)
Lord	Panama	9290244	West of England P&I
Theoxenia	Panama	9142980	West of England P&I

*Although Rosgosstrakh did eventually pay for repatriation and 4 months wages, it took 8 months for the insurer to accept liability and pay the seafarers.

13. An additional 4 cases did have abandonment insurance although flying flags that have not as yet accepted the 2014 amendments or ratified the MLC. In two of these cases (PFS Supply and PFS Brave) the insurer (British Marine P&I) have paid outstanding wages to the seafarers. In one case the vessel was sold and the crew paid and repatriated by the new owner (Liberty Prrudencia) and one case (Sanad) is ongoing without positive intervention of the insurer (Raets Marine).

Insurer contacted but did not pay or repatriate crew

Vessel	Flag state	IMO no.	Insurance
Star of Sea	Panama	9120736	British Marine P&I
Mamola Defender	Malta	9714159	Gard
Mamola Champion	Marshall Islands	9511492	Gard
Mamola Serenity	Marshall Islands	9562647	Gard
Reggae	Panama	8500408	Lodestar
Seccadi	Panama	9123295	Lodestar
Tahsin	Panama	9055187	Lodestar
Palanga Spirit	St Vincent & Grenadines	9133733	Swedish Club
Union Demeter	St Vincent & Grenadines	8412558	West of England P&I

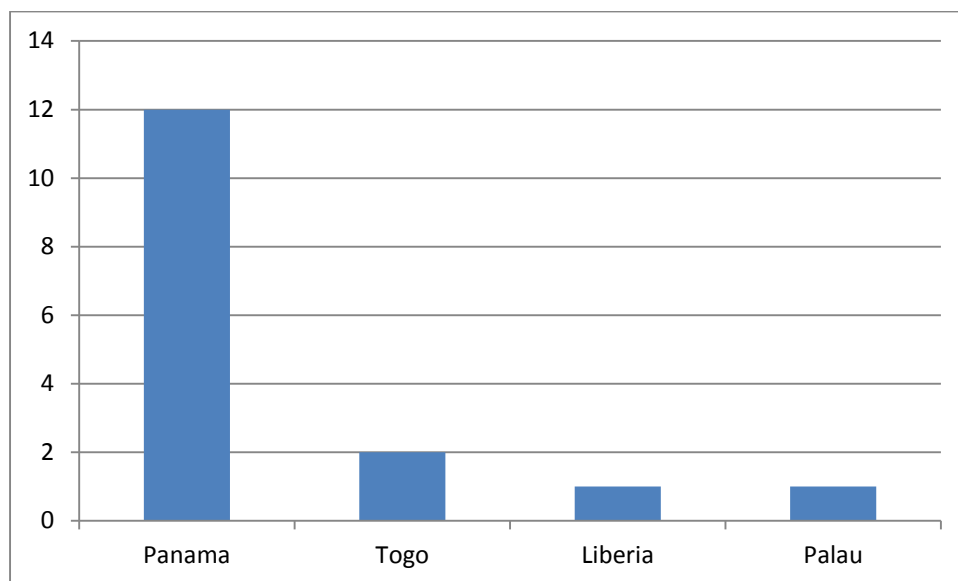
14. The three Mamola cases involved a dispute between the company and the crewing agent resulting in seafarers being stranded without pay. The insurer was involved in the case but did not pay outstanding wages or repatriation, the flag considered the owner to be a victim in the dispute. Finally the owner did pay some wages and repatriation but full wages have yet to be recovered.

15. The Reggae, Tahsin and Seccadi all abandoned in the UK and belonging to one owner who had ceased paying and supplying the crews. The insurer, Lodestar, declined to accept responsibility. Eventually the company paid and repatriated the crew following the intervention of the Maritime Coastguard Agency, UK Immigration and UK agencies investigating cases of modern slavery.

Cases without valid insurance

16. In 3 cases the insurance had been cancelled, in 16 cases there was either no insurance or no available information regarding insurance.

Vessels without abandonment insurance by flag



17. Seventy five per cent (12) of cases concerned vessels flying the Panama flag. All of these vessels were located in ports where the MLC has yet to be ratified.

Conclusions

18. This is the first year of a new requirement and there have clearly been problems in fully implementing the regulation. It would appear that there are insufficient mechanisms in place to ensure that vessels cannot trade without valid abandonment insurance. Whilst the definition of abandonment is quite clear, the circumstances surrounding abandonment and the relationships

between flag state, shipowners, their insurers and other entities with a commercial interest in the vessel are extremely varied.

19. In a number of cases P&I clubs have responded promptly to applications and discharged their obligations as intended. In some cases the intervention of the insurer has resulted in the shipowner finding the resources to pay and repatriate seafarers. In other cases insurers have appeared unaware of their responsibilities, in spite of having issued certificates referencing regulation 2.5.2, and have either disputed the agreed definition of abandonment or deferred to the shipowner.

20. Seafarers should not be expected to endure the impoverishment and indignity of repeated non-payment of wages whilst stranded in a foreign port. In all cases of abandonment the protection of seafarers should come first. Whilst there are some positive examples of the insurance facilitating a resolution to cases of abandonment, overall the lengths of time involved are wholly unacceptable.

Recommendations

21. The Committee is invited to consider the following recommendations

1. The ILO should promote the urgent ratification of the Maritime Labour Convention, 2006, as amended by States that have yet to do so.
2. Members States that have yet to indicate acceptance of the 2014 amendments should do so as a matter of urgency.
3. The ILO should consider what further measures could be taken to ensure that seafarers are fully protected by the requirements of regulation 2.5.2 and cannot unwittingly find themselves on a vessel without valid insurance.

Annex: List of vessels

Vessel name	Flag	IMO	Port of abandonment	Country	Date
Abou Karim 2	LEB	7615309		Cape Verde	17.10.2017
Aegean Princess	PAN	8025862	Ajman	UAE	29.03.2017
Al Sharjah Moon	PAN	7516503	Sharjah	UAE	03.07.2017
Amsel	CYP	9076387	Varna Shipyard	Bulgaria	06.07.2017
Asian Warrior	KNA	6714847	Songkhla	Thailand	09.05.2017
Avlemon	LIB	9150298	Zhoushan	China	19.12.2017
Azab	PAN	7303085	Ajman	UAE	02.11.2017
Bellatrix	TGO	8230405	Yalova	Turkey	05.07.2017
Boorj 1	PAN	8669785	Anchorage, near Ajman	UAE	31.08.2017
C star	MNG	7392854	Outside Barcelona	Spain	26.09.2017
City Elite	LIB	9486908	Sharjah	UAE	04.07.2017
Crisnic K	TGO	8203529	Perama	Greece	08.08.2017
G. O. America	MHL	9160944	Shanghai	China	03.07.2017
Geo Star	TGO	7833107	Constanta	Romania	02.02.2017
Golden Sky 1	PAN	8914087	Sharjah anchorage	UAE	14.01.2018
Jerna S	BHR	9232199	Anchorage, Salalah	Oman	09.08.2017
Liberty Prrudencia	HKG	9250141	Anchorage, Zhoushan	China	09.02.2017
Lord	PAN	9290244	Zhangjiagang	China	31.07.2017
Malaviya Twenty	IND	9303481	Great Yarmouth	UK	23.08.2017
Mamola Champion	MHL	9511492	Pointe Noire	DRC	10.03.2017
Mamola Defender	MLT	9714159	Pointe Noire	DRC	10.03.2017
Mamola Serenity	MHL	9562647	Pointe Noire	DRC	10.03.2017
Marin	DRC	7516694	Las Palmas	Spain	14.06.2017
MGI 1	LIB	9538309	Perama	Greece	10.08.2017
Miski	PAN	8912845	Karachi	Pakistan	17.09.2017
Miss Tiger	PAN	7917886	Balbao	Panama	23.12.2017
Mona	COM	8516275	Anchorage, Sharjah	UAE	07.03.2017
Ocean Pride	PAN	8520989	Sharjah	UAE	03.07.2017
Palanga Spirit	VCT	9133733	Las Palmas	Spain	17.02.2017
Pan Prosperity	PAN	9125152	Guanta	Venezuela	28.02.2017
Pb 1	KNA	7611743	Callao	Peru	04.03.2017
PFS Brave	IND	9428580	Mumbai	India	16.08.2017
PFS Supplier	IND	9221176	Mumbai	India	16.08.2017
Polestar	PAN	9364813	Anchorage, Zhenjiang	China	31.07.2017
Pomor trader	KNA	9005326	Rotterdam	Nederlands	10.11.2017
Q.T. One	PAN	8607816	Sharjah	UAE	15.02.2017
Qaaswa	UAE	9438250	Sfax	Tunisia	03.07.2017
Queen Bihanga	TAN	9237046	Anchorage, Tanjung Priok	Indonesia	11.09.2017
Reggae	PAN	8500408	Inverkeithing	UK	26.06.2017
Sanad	BHR	9182552	Colombo	Sri Lanka	17.06.2017

Sara Express	PAN	8912118	Miragoane	Haiti	02.02.2017
Sea Safe	PAN	8220656	Hamriya oil terminal	UAE	28.08.2017
Seabreeze I	PAL	8972273	Galati	Romania	28.07.2017
Seccadi	PAN	9123295	Runcorn	UK	21.06.2017
Shaker	TGO	7905560	Sharjah	UAE	04.07.2017
Shaker 1	TGO	7929102	Salalah	Oman	14.01.2018
Star of Sea	PAN	9120736	Aliaga	Turkey	12.09.2017
Tahsin	PAN	9055187	Sharpness	UK	04.06.2017
Theoxenia	PAN	9142980	Kakinada	India	24.05.2017
Turu	PAN	8408777	Territorial waters	Malta	09.11.2017
Union Demeter	VCT	8412558	Haldia	India	23.01.2017
Varada Maresias	SGP	9468657	Macaes	Brazil	09.03.2017
Wardeh	LEB	7708285	Mersin	Turkey	24.08.2017
Windsor	PAN	9128879	Djibouti	Djibouti	17.11.2017
Yas	PAN	8514801	Aden	Yemen	03.07.2017