

SMOU/SOS Submission to ICONS

1. The Experiences of Singapore Maritime Unions with Abandoned Seafarers in the Port of Singapore

The seafarers' unions in Singapore have over the last 2 decades assisted abandoned seafarers in the Port of Singapore, especially with regard to helping foreign crews recover unpaid wages and repatriation.

Singapore is known to be a favourable place for pursuing crew claims. This is attributable to the fact that the legal system in Singapore is favourable to crew members as ship arrests could be done swiftly and crew wages ranked very high in terms of priority for distribution. Hence, Singapore has earned itself a reputation as a dependable/recourse Port by crew who fear that they will not receive their wages.

Accordingly, unpaid and abandoned crew who need material, legal and moral assistance often turn to the Singapore seafarers' unions when they are in Singapore. In fact, the number of cases in which the Singapore seafarers' unions had lent assistance has been on the rise. In 1993, the unions' assistance was called upon in 26 cases. The number rose to 40 in 1995, to 51 in 1997 and 52 in 1999. As much as possible, the Singapore unions had helped to co-ordinate the claims of the abandoned/needy seafarers, although its actions were constrained by the jurisdiction of operating within international waters.

Two examples of abandonment, in which the Singapore seafarers' unions had rendered assistance, are given below:

- **Oceania Glory**, Panama-registered. 18 Russian crew were stranded off port limits, unpaid for several months. Provisions ran out, and the fuel on board was

beginning to run low. To alleviate the situation, the Singapore unions arranged, in conjunction with the ITF, to appoint a local agent and persuaded the captain to bring the ship into port, so that arrest action could take place. The ship was subsequently sold at an auction in March 1996 and the crew received their wages and were repatriated.

- **Smirdan**, Romanian-registered. It arrived off Singapore in November 1996 and has remained there since, with 15 Romanian crew on board. After repeated complaints from the unions the crew were changed and received some payment, but this was made possible only after a seven-month delay. Eventually in April 1998, after many representations by Singapore seafarers' unions, Missions to Seamen, and the Maritime and Port Authority of Singapore (MPA), the Romanian government took over the responsibility for the ship and crew and conditions have improved greatly since then, with regular crew changes, supplies of provisions and payment of wages.

Whilst most of the abandoned seafarers were largely from non-Singapore flag ships, there were a few incidents on Singapore flag ships several years ago during the Asian financial crisis.

In response to cases like these, the Singaporean Maritime Officers' Union, the Seamen Organisation of Singapore and the Maritime and Port Authority (MPA) had co-jointly set up the Singapore Stranded Seafarers Fund (SSSF) with an initial sum of \$300,000 to contribute towards reducing the hardships faced by seafarers on board Singapore registered ships stranded in Singapore or overseas while the crew are waiting for repatriation or settlement of their claims. With the MPA contributing a substantial sum, the Fund is a reflection of the existing good tripartite working relationship between the Government, the Unions and the International Shipping Community.

In this connection, we are of the opinion that shipowners must be the primary party responsible for the welfare of their employees. Hence, the Fund will only be used when it is clear that it is no longer possible to get the shipowners to bear their responsibility

to the crew e.g. due to insolvency. In other words, when all avenues for the shipowners to undertake their responsibility have been exhausted, the Fund will then be the last resort to ensure that the crew is provided with food, water supplies and fuel to run their generators to sustain them humanely onboard the ship until they are repatriated or the resolution of the dispute. The setting up of the SSSF also reflects our commitment towards the welfare of seafarers and to make a difference where it counts.

The Fund, which is available to assist Singapore-flag ships stranded in any part of the world, is believed to be the only Fund of its kind on any ship registry in the world. To the best of our knowledge, there are not many ports in the world, including the Asia Pacific region, where abandoned seafarers could be given prompt assistance and swift legal remedies as in the Port of Singapore.

As a further step to ensure assistance to seafarers in dire straits, we believe that it may be desirable to push for an international convention whereby seafarers' rights and claims are given top priority in terms of distribution ranking. We believe that such work is already started by the IMO. Affiliates of the ITF should give full support for this cause to help bring this aspiration to fruition.

2. Local Concerns About Piracy

The geographical location of Singapore is one of its principal assets, being situated in one of the busiest waterways in the world. In connection with this, it is little wonder that the busy shipping routes that Singapore straddles has its share of piracy problems. Although since 1991, there have been no reported cases of piracy inside Singapore territorial waters, piracy is a worrying cause of concern outside these territorial waters. This inadvertently has implications for the seafarers of all nationalities who work on ships that pass through the busy straits surrounding Singapore.

Nevertheless, conscious of the fact that Singapore is a major port and maritime centre, we the unions view with deep concern acts of piracy and armed robbery

against ships. Not only could they pose serious threats to life at sea, they could also endanger navigational safety and cause marine pollution if ships are left unmanned during such attacks.

Attacks have been reported in the Malacca Straits and the Singapore Straits. The IMB reported that for the period January to March 2000, seven attacks including attempted attacks were reported in the Malacca Straits and in 1999, there were about 10 attacks in the Singapore Straits.

The Maritime and Port Authority of Singapore (MPA) have informed us that at the regional level, the law enforcement agencies of Singapore and Indonesia have been working closely to address the problem in the Singapore Straits. We are made to understand that while none of the recent incidents occurred in Singapore waters, the rate of sea robberies in the Singapore Straits in early 1999 is a matter of concern. In addition, we are told the law enforcement agencies of both Singapore and Indonesia have stepped up efforts to combat such incidents and are getting positive results.

Hence, it is of great importance to the community of nations that regional and international efforts should be mounted to overcome the problem of piracy. We fully support efforts by shipowners, shipmasters, crew, law enforcement agencies and the maritime authorities coastal states in combating piracy and armed robbery against ships as we believe all concerned parties have a part to play. We are aware that the alertness and preparedness of the crew were instrumental in successfully averting many of the attempted piratical attacks in the Singapore Straits in early 1999. This reinforces the utility of preventive measures on board ships in the fight against sea robberies.

3. The Need for Comprehensive Port State Control in the Major Ports of the World

As trade unions in the maritime sector in Singapore, we not only represent the interests of our own national members, but also assist seafarers of other

nationalities who are in trouble. The Singapore seafarers' unions feel that port state control inspectors form an essential part of the regulation of safety standards onboard ships within the Tokyo MOU. In that context, substandard ships within all ports in the region should be brought in line with the minimum conditions specified in ILO Convention 147, one of the relevant instruments in the Tokyo MOU on port state control.

The seafarers' unions of Singapore call upon countries that have not ratified ILO Convention 147 to do so and to implement the principles contained in the Convention.

In this regard, Singaporean seafarers' unions hold regular discussions with the Maritime and Port of Authority of Singapore, on the issue of complying with ILO Convention 147. However, it is pertinent to note that Singapore's existing laws, in the form of the Merchant Shipping Act and Subsidiary Legislation, contain provisions, which are of substantial equivalence to those stated in the ILO Convention No. 147. There is evidence that the substance of ILO Convention No. 147 is practised by Singapore, even though Singapore has not yet ratified it.

In addition, while not specifically linked to port state control, there are other ILO instruments relating to seafarers which need a wider acceptance. The Singapore seafarers' unions would also welcome global ratification of these instruments so as to improve the conditions of employment of seafarers world-wide.

The Paris MOU has decided to positively target ships and the flags they are flying. The Singapore seafarers' unions believe that the application of the Paris MOU as an effective measure to target the worst ships and owners linked to substandard administrations are a welcomed move. We should all work in tandem for better standards internationally and improve the lot and well-being of seafarers everywhere, regardless of their nationality.

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