

# PANHELLENIC SEAMEN'S FEDERATION

(AFFILIATED TO GREEK T.U.C. AND I.T.F)

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In 1992 an Australian Parliamentary Inquiry produced a report entitled «Ships of Shame» and in the preface to the report, Peter Morris MHR stated:  
«At the onset of the inquiry Committee members were generally aware that there were problems associated with some ships calling at Australian ports. They were not prepared for the sickening state of affairs associated with the operation of sub-standard vessels that was revealed as the inquiry proceeded. The Committee was told of:

- the operation of unseaworthy ships,
- • the use of poorly trained crew's, crews with false qualification papers; or crews unable to communicate with each other or Australian pilots,
- ships carrying false information,.
- classification societies providing inaccurate information on certificates,
- flag states failing to carry out their responsibilities under international conventions,
- careless commercial practices by marine insurers,
- inadequate, deficient and poorly maintained safety and rescue equipment,
- classification societies that readily classed ships rejected by more reputable societies,
- beating of sailors by ships' officers,
- sexual abuse of young sailors,
- crew being starved of food,

- crew members being forced to sign dummy pay books indicating they had been paid much more than they actually received,
  - sailors being forced to work long overtime hours for which pay was refused,
  - crew members being denied telephone contact with home when family members have died,
  - sailors not being paid for several months and / or remittances not being made to their families at home,
  - sailors being denied medical attention,
  - officers regarding crew members as dispensable, and
  - crew being denied basic toilet and laundry materials. >>
2. Since the above Report was produced, little has changed in practice in the intervening years.
3. Over the last ten years or so, considerable attention has been given to the promotion of quality shipping and the need to eliminate sub-standard vessels and/or operations. The debate and the proposed solutions have focused on the sub-standard operator and have not ameliorated the situation. What is needed is to focus on the system which allows the sub-standard operator to prosper and to continue trading. That is the system which allows owners/operators to shop around and choose the most «suitable» register.
4. We believe that the following criteria set the standards for quality shipping and quality registers:
- ratification and implementation of the United Nations Convention for the Law of the Sea (UNCLOS), relevant IMO Conventions, applicable ILO Maritime Conventions, particularly with regard to Convention on Minimum Standards in Merchant Shipping 147/1976, and giving effect to basic human rights instruments (including the ILO Declaration of Fundamental Principles and Rights at Work of 1998),
  - being able to demonstrate the effective enforcement and compliance with the obligations established by the relevant treaties, and

- an ability to demonstrate that the flag state gives full and complete effect to applicable generally accepted international regulations, procedures; and practices.
5. Relevant to the above debate is the concept of «genuine link» and in particular what constitutes such a link. Following the «fiasco» of the UNCTAD Convention on the Conditions for Registration of Ships (1986) an attempt was made in UNCLOS (Art. 94) to define what are the components of the «genuine link» which requires, inter alia, that under current international law there be located within the flag state substantial entity which can be made responsible for the actions of the ship and this obligation is not discharged by flag of convenience registers which permit «brass plate» single ship companies to be the registered owner of vessels flying their flag without the ability to enforce that country's legislation on the true (beneficial) owners.
  6. The social costs of the failure of the current system severely impacts on seafarers and it is them and their next of kin who have to suffer the social and economic costs.
  7. Seafarers quite of them are not paid the wages they are entitled to and they and their families suffer when the allotments which they require to sustain the family, to pay the rent, to send their children to school and to meet other basic needs are not received. This situation will be immeasurably worse when the seafarers are abandoned in a foreign port, without the money to get home and all too often rely on the charity of people in the local port to meet their basic subsistence requirements.
  8. The failure of the regulatory system causes vessels to sink and it is the seafarers that needlessly lose their lives. In addition seafarers are quite often required 10 work long hours resulting in the intensification of work which causes fatigue and stress, a factor which is responsible for maritime accidents.
  9. We believe that instead of Governments advocating a non-protectionist policy and adopting neo-liberal measures, such as the liberalisation of cabotage, they should seek safeguarding the present employment opportunities for seafarers. In the case of Greece, this is of me utmost importance since all jobs are held in the passenger sector and particularly in cabotage trades, (around 20,000 jobs)
  10. Caboiage has become the last bastion for the defence and even creation of Jobs for national seafarers and in most countries - including Greece - the maintenance of existing cabotage arrangement is virtually the only serious possibility remaining for local seafarers to secure employment.

11. In light of the above mentioned there is a need, inter alia, for:

- i. an effective regulatory regime,
- ii. the enforcement of international minimum standards,
- iii. the adoption of a precautionary approach to the protection of the safety of life at sea and to the protection of the marine environment,
- iv. quality should be rewarded and the mechanisms which allow sub-standard shipping to exist should be removed,
- v. seafarers are considered as valued professionals,
- vi. free and fair competition is maintained,
- vii. complete transparency should replace the current culture of secrecy,
- viii. the preservation of jobs in the cabotage sector and their expansion in future should become a national policy by the Governments concerned.