



Joint IMO/ILO Ad Hoc Expert Working Group  
on Liability and Compensation regarding Claims  
for Death, Personal Injury and Abandonment of  
Seafarers  
Agenda item 6

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## ASSESSMENT OF THE EXTENT OF THE PROBLEM

Submitted by the International Confederation of Free Trade Unions (ICFTU)

### SUMMARY

<i>Executive summary:</i>	This paper contains the ICFTU position with respect to abandonment of seafarers
<i>Action to be taken:</i>	-
<i>Related documents:</i>	-

#### 1. Assessment of the extent of the problem

1.1 The total numbers of crew abandoned in ports around the world every day is not known. When crew are left stranded, they are dealt with by port state authorities, trade unions, welfare agencies and charities. There is no record of the total numbers of cases. However, it is clear that the problem is a major one. Between July 1995 and June 1999, the International Transport Workers' Federation (ITF) received notification of 212 separate cases of abandoned crew. These cases involved over 3,500 individual crew members. Each case represents the potential for considerable human hardship and anguish.

**Annex 1** to this document contains the list of ships on which crew were abandoned and who were assisted by the ITF in the period between 1 July 1995 and 30 June 1999.

**Annex 2** highlights some of the worst instances of abandoned crew from the ITF's file.

**Annex 3** contains a table analysis by flag of the ships with abandoned crew (1 July 1995 to 30 June 1999).

**Annex 4** contains a table analysis of the P & I clubs (where known) covering the ships with abandoned crew (1 July 1995 to 30 June 1999).

**Annex 5** contains a list of current ratifications of relevant ILO Conventions.

1.2 Most cases of abandonment occur where a ship has been placed under legal arrest or following a shipwreck, grounding, sinking, detention, bankruptcy or insolvency. In practice when the

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crew are deserted, they are without provisions for survival and are at the mercy of the local port authorities and charities. Also the crew will invariably have outstanding wages due. Therefore in addition to the financial problems on board, the unpaid crew are unable to support their families back home. The families at home in turn accumulate debts and either have to borrow money, often from money lenders, and at extremely high interest rates or often face violence or eviction from their homes.

1.3 The reports received by the ITF can only be a fraction of the whole picture. The fact that as we approach the twenty first century, crew are abandoned in foreign ports without the means to ensure their survival and often also without the wages to which they are entitled is it is submitted a disgrace to the industry.

## **2. Evaluation of the relevant IMO (including those elaborated under the joint auspices of the United Nations and IMO), ILO and other applicable instruments.**

### **IMO Conventions**

2.1 There are no instruments of the IMO (or any other organisation under the auspices of the United Nations) which deal directly with the problems of abandonment of crew. Aspects of the 1993 International Convention on Maritime Liens and Mortgages (“MLM”) and the 1999 International Convention on Arrest of Ships are of assistance in so far as they set standards of uniform protection of the crew member claiming unpaid wages. For the purposes of both Conventions claims for unpaid wages include costs of repatriation and social insurance contributions. The Conventions however are unable to deal with the immediate problems encountered with abandoned crew.

2.2 The MLM Convention makes clear that unpaid wages claims by the master, officers or other members of the crew against the owner, demise charterer, manager or operator of a vessel shall be secured by way of a lien on the vessel. On the enforced sale of the vessel, such lien shall be paid in priority to mortgages and other charges on the vessel, but only in *pari passu* with certain other classes of liens (including port and pilotage dues), and below pre-existing liens in relation to salvage reward. MLM is more favourable to crew members than the national law of many States in which it is often the case that port dues and legal expenses have a higher priority than the crew’s wages lien. This Convention is not yet in force but even if it were, the possibility of recovery of such claims is limited to the value of the vessel in question in the event it can be arrested and sold in a suitable jurisdiction.

2.3 The new Arrest Convention seeks to facilitate arrests and applies to any ships within the jurisdiction of a State Party, whether or not that ship is flying the flag of a State Party. It provides that ships may be arrested in respect of claims for *inter alia* unpaid wages. Arrest is permissible whether the claim is against the owner, demise charterer, manager or operator of the ship, provided it is protected by a maritime lien in the State where the arrest applied for.

2.4 However the Convention also provides by way of protection for owners and demise charters of arrested ships, that the Court may as a condition of the arrest impose an obligation on the claimant to provide security of any amount or kind as it shall determine. Further the Convention deals with jurisdiction on the merits of the case and provides *inter alia* that the Courts of the arresting State may decline jurisdiction where it is permissible in national law and the courts of another State accept jurisdiction.

2.5 Both the new Arrest Convention and the MLM Convention have been negotiated recently and thus their success can not be assessed at this point in time. Neither is in force. In any event it is submitted that the process of arrest and forced sale of vessels can not provide an adequate answer to the problems of abandonment.

## **ILO Conventions and Recommendations**

2.6 The ILO has enacted a number of Conventions which have a bearing on some aspects of the problems of abandonment. The relevant ILO Conventions and Recommendations are:

- No. 23 Repatriation of Seamen Convention 1926
- No. 166 Repatriation of Seamen Convention (Revised) 1987
- No. 179 Recruitment and Placement of Crew members Convention 1996
- No. 163 Crew members Welfare Convention 1987
- No. R173 Crew members Welfare Recommendation 1987
- No. 55 Shipowners' Liability (Sick and Injured Seamen) Convention 1936
- No. 95 Protection of Wages Convention 1949
- No. 173 Protection of Workers' Claims (Employer's Insolvency) Convention 1992

### **2.7 No. 23 Repatriation of Seamen Convention 1926**

Convention No. 23 establishes an entitlement of a crew member to repatriation when he "is landed during the term of his engagement or on its expiration" (Article 3). The difficulty with this Convention is that it does not provide for a correlative obligation on any particular party to bear the costs of repatriation, which is left to be determined by national law. The flag State is merely responsible for supervising the repatriation of crews, and where necessary providing expenses in advance. The extent of this obligation remains ambiguous.

2.8 In any event practical experience since 1926 suggests that, notwithstanding that 45 States have ratified the Convention (including a number of major flag States and many Western European States), it does little to solve today's problems in relation to abandonment.

### **2.9 No.166 Repatriation of Seamen Convention (Revised) 1987**

Developments in the structure and practices of the shipping industry post-1926, rendered necessary a revision of Convention No.23. Convention No. 166 sets out in greater detail when, and to where, a crew member shall be entitled to be repatriated. Importantly it expressly sets down the principle that the costs of repatriation shall be borne by the shipowner and lists exactly what this entails (Article 4). Should the shipowner fail to make arrangements for or meet the costs of repatriation then the flag State "shall" arrange for and meet the costs of repatriation (Article 5). However if it fails to do so, then either the port State or the crew member's State of nationality "may" arrange for repatriation and recover the costs from the flag State.

2.10 On its face, Convention No. 166 goes considerably further than Convention No. 23 in protecting abandoned crew members. However in practical terms the possibilities for the crew member to have recourse to such protection is limited. The recourse against the shipowner provided for under the Convention will in many cases be of limited value (see below). The obligations of the flag State appear to be obligations in international law, giving rise to State responsibility, but not direct liability to the crew member. What course of action is available to the crew member who is unable to locate the shipowner and who is located in a port state without a national consul?. In any event, it is the experience of the ITF that consular authorities are invariably unwilling to become involved with their abandoned nationals. The port State and State of nationality have the discretion to intervene to assist the crew member but no obligation to do so. Finally it should be noted that despite being open for ratification for over 10 years, Convention No. 166 has only attracted 7 States Parties while other countries continue to ratify Convention No. 23 possibly due to its narrower scope.

### 2.11 **No. 179 Recruitment and Placement of Crew members Convention 1996**

This Convention relates to the activities and regulation of manning agencies and is of only tangential relevance to the problem of abandonment in so far as it provides that Member States shall ensure *inter alia* that their competent authorities “require that recruitment and placement services adopt measures to ensure, *as far as practicable*, that the employer has the means to protect crew members from being stranded in a foreign port” (emphasis added). The nature of the obligation is therefore soft and the Convention attaches no liability to manning agents for the situations of abandonment. The Convention has 4 Parties.

### 2.12 **No. 163 Crew members’ Welfare Convention 1987 and Recommendation No. 173 on Crew members’ Welfare (1987)**

These two instruments provide for the welfare of crew members both on board ship and in port. Under the Convention State parties are required to ensure that in designated ports welfare facilities are provided for crew members on a non-discriminatory basis. The Recommendation No. 173 (which is formally a non-binding instrument) seeks to flesh out what is required and provides that “every possible assistance should be given to crew members stranded in foreign ports pending their repatriation”. Whilst potentially this Convention and Recommendation would be of significant assistance to crew members, the vagueness of their provisions mean that they are at present of limited value. The Convention has been ratified by 11 States to date.

### 2.13 **No. 55 Shipowners’ Liability (Sick and Injured Seamen) Convention 1936**

The relevance of this Convention is again partial in that it only relates to crew members landed because of sickness or injury. However it does provide that shipowners will be liable for the costs of repatriating crew members in these circumstances. The Convention currently has 16 Parties despite having been open for ratification for over 50 years.

### 2.14 **No. 95 Protection of Wages Convention 1949 and No. 173 Protection of Workers’ Claim (Employer’s Insolvency) Convention 1992**

Convention No. 95 is a Convention relating to the protection of all workers whether at sea or on land. It provides *inter alia* that on the insolvency of the employer, the employees shall rank as privileged creditors. This may in some circumstances add to the remedies of crew members whose employers become bankrupt. However it does not ensure that crew members concerned get all their owed wages. Often they get only a fraction of what is due particularly if the vessel is substandard and worthless than the totality of claims against it. Further the time it takes to prove a creditors interest in an insolvency suggest this remedy is ineffective in cases of abandonment. Convention No. 95 has been ratified by 94 States.

2.15 Convention No. 173 seeks to expand on the privilege of unpaid wages claims in an insolvency. It also makes provision for protection of workers’ claim by a “guarantee institution”. However the Convention merely deals with the priority of claims against the assets (if any) of the shipowner. It does not provide protection for an employee where an insolvent employer does not have any visible assets or assets which are protected in separate company structures. Further for similar reasons those given in respect of Convention No. 95, its use in cases of abandonment appears limited. It has attracted 12 ratifications.

### 2.16 **Comment on ILO Conventions**

Therefore whilst the ILO has expended considerable effort in negotiating Conventions which are relevant to the plight of abandoned crew, the results may be judged as a partial success. The work of the ILO in this respect may be seen as an ongoing attempt to overcome the shortcomings of the

system of private law remedies. However it must itself be seen as suffering from four serious shortcomings. First, the Conventions seek to establish State responsibility for repatriation rather than focusing on remedies which may be accessed directly by an abandoned crew. Second, the level of ratification for the relevant Conventions is low, and is particularly poor in the case of ILO Convention No. 166. Third, even if the level of ratifications were higher, there is no machinery to implement the Conventions apart from periodic review by the ILO Committee of Experts. Fourth, the precise obligations of the flag state are not made clear in either Convention 23 or Convention 166.

### **3. Evaluation of the adequacy and effectiveness of the existing system.**

#### **Duties under the existing system**

3.1 The existing system provides that several entities are under a duty to prevent and ameliorate abandonment of international crew members. There is no clear mechanism to apportion duties among the entities in any particular case, however, and the exigencies of international shipping discourage the entities from taking effective responsibility.

#### **3.2 The shipowner**

The shipowner is clearly under a duty to arrange for repatriation by appropriate and expeditious means. This principle is endorsed in public international law, in various national legal systems, in collective agreements, and in the individual employment contracts of many crew members. In practice, this duty does not create rights for the crew except those private-law rights that may be exercised through costly and time-consuming civil litigation. The shipowner may be covered by standard P & I insurance but in practice P & I Clubs rarely assist/intervene in situations of abandonment of crew where for example the shipowner has gone into insolvency or insurance cover has been withdrawn. Further if the vessel has insufficient equity to be arrested there is no possibility to enforce the shipowner's duty unless provision has been made in advance for financial security for the crew.

#### **3.3 The flag State**

Under Article 94 of UNCLOS, the flag State is under a general responsibility to assume jurisdiction over social matters aboard the vessel, including labour conditions and the enforcement of applicable international instruments. It is clear from Articles 91 and 92 of UNCLOS that ships have the nationality of the flag they fly. It is therefore the flag state that must bear the primary responsibility for ensuring the protection of workers under their jurisdiction as determined by public international law. Many flag States have not established agencies to arrange for repatriation, and show no political will to intervene in cases of abandonment.

3.4 Under Article 94(6) of UNCLOS, another State with "clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the flag state". It also provides that "the flag State shall investigate the matter" and "take any action necessary to remedy the situation". Although it is conceivable that this bilateral enforcement relationship could give rise to an arbitration or action before the International Tribunal for the Law of the Sea, it lacks an institutional arm for monitoring and enforcement.

3.5 Ratifying parties of ILO Convention 166 which are flag states are also under a specific obligation to repatriate the crew where the shipowner fails to do so. In practice, flag States often fail to fulfil these duties. One problem with Convention 166 however is that there is a technical problem in that it is not clear when the shipowner can be said to have 'failed' to arrange for repatriation. In other words, there is no clear trigger mechanism by which the duty of the flag state becomes

activated. Nor is there an international institution or mechanism to notify the flag state of abandonment.

3.6 The failure of flag States to fulfil their duties in respect of abandoned crew are a violation of the 1966 International Covenant on Economic Social and Cultural Rights (ICESCR) ratified by 133 countries. Article 7 of ICESCR recognises “the right of everyone to the enjoyment of just and favourable conditions of work...” such conditions including remuneration, fair and equal wages, safe and healthy working conditions, equal opportunities and so on. Remuneration as such is a human right and within the maritime context, this includes the costs of repatriation in addition to other costs such as social security contributions.

3.7 Further article 11 of ICESCR recognises the right “to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. The same article goes on to give weight specifically to the “fundamental right.. to be free from hunger”. Again, the absence of sufficient legislation by flag states ensuring the respect of fulfilment of these rights is a human rights violation.

3.8 Also, and in conformity with the human right to life, which is articulated in Article 6 of the 1966 International Covenant on Civil and Political Rights (ICCPR), it is clear that the flag state is under a general obligation to protect the right to life of any individual within its territory. This was the view expressed by the UN/Human Rights Committee that the right to life ‘requires states to adopt positive measures’ to protect life as well as refraining from interfering with life (HRC First General Comment on Article 6, HRC Report, GAOR 37<sup>th</sup> Sess., Supp. 40, p.93 (1982).

### 3.9 **The port state**

The State from which the crew member is to be repatriated may take responsibility for arranging repatriation, although it is not under a direct duty to do so under the relevant ILO Conventions. In practice the authorities of the port state may be disinclined to bear the cost of repatriation on the grounds that the cost should fall to the shipowner. Like the nationality State (see below), the port State is entitled under ILO Convention 166 to recover the cost of repatriation from the flag State in cases where the flag State ‘fails’ to arrange for repatriation. However, since it is not precise when the flag state has failed,, so it is not clear when the right to recover costs becomes activated.

3.10 The port state is arguably also bound by the duties to protect the right to life already discussed above in 3.7. It is not clear that the Human Rights Committee ruling imposes an obligation upon the port state unless the life of the abandoned crew member was in immediate danger, and even in such circumstances it is not clear that repatriation would be the most efficient response. In practice the port State will have an interest in removing the abandoned crew members from its territory as they are likely to be, or to become, aliens without proper immigration status and to the extent that they are given welfare assistance will be a drain on the public purse. If abandoned crew members are simply left to the immigration authorities of the port State there is a danger that they will be deported, and never to be allowed to return to the port State in any capacity, with resulting problems for their future employment.

### 3.11 **The State of the crew member’s nationality**

As with the port State, there does not appear to be a duty for the national State to arrange for repatriation, although ILO Convention 166 given it the right to recover costs from the flag State. In practice, there appears to be very wide variety in the level of consular facilities and assistance afforded to crew members of different nationalities, and thus it would be unsatisfactory to seek to provide for greater responsibility to be transferred to the crew member’s State of nationality. Furthermore many of the main crew supply States are often poorer or developing countries, and thus it is unrealistic to expect them to shoulder further burdens.

3.12 Although there are a series of responsibilities for repatriation in international law and national legal systems, the persisting pattern of abandonment and failure to repatriate suggests that the system of duties is not effective. The frequent repatriation by trades unions and other NGOs is conducted on a voluntary basis, and is in many cases financially supported by the crew member rather than those entities under an obligation to ensure repatriation.

### **Remedies of the crew member**

3.13 Under the existing system, the main remedy available to the crew member is a civil suit against the shipowner. It may also be possible for the crew member to seek the arrest and enforced sale of the vessel, as recognised in the Maritime Liens Convention and the revised Arrest Convention, which provide for such protection to unpaid crew members. As the persistent problem of abandonment demonstrates, however, these remedies are rendered largely ineffective by serious practical flaws in the system.

### **3.14 Access to Justice**

Crew members often are unable to gain effective access to justice. Attempting to apply to a foreign court in an unfamiliar language with inadequate resources and few local contacts will be daunting in itself. The situation may be compounded by an uncertain immigration status further hindering access to legal counsel and the courts. Moreover, the relatively small numbers of shipping law specialists and the costs of instructing them will prevent most abandoned crew from seeking this kind of recourse unless they have financial assistance. It is unrealistic to expect the crew member who is abandoned with unpaid wages to pay for lawyers and court fees.

Moreover, many states are party to bilateral agreements which prohibit in one state the arrest of a vessel from the other state in particular in respect of unpaid wages. Consequently, the crew are denied access to the courts of the port state and are expected to obtain redress from the flag state which often has no relevance to the crew member. It is submitted that this is also a violation of the human right to be recognised as equal person before the law as per Article 16 of the ICCPR.

### **3.15 Delay**

Secondly, whilst the procedure for arrest may be swift in comparison with other legal processes, the sale of a ship is a lengthy process. The crew may have to wait for months or years to secure any financial return. The effect of this may be objected to on two grounds: (i) it prolongs the situation of humanitarian distress for the abandoned crew; and (ii) it is economically wasteful in that it increases the amounts due to the crew in accrued unpaid wages or welfare expenses.

### **3.16 Poor chance of recovery**

Thirdly, even assuming that crew can enforce a sale, there is a high probability that they will not receive their full entitlement. Almost by definition abandonment will only take place in situations where the value of the ship is outweighed by what the owner owes, or where the owner is insolvent. Even where the abandoned crew have a maritime lien on the ship in respect of unpaid wages which may rank higher than most other creditors, this lien has no priority over port dues and certain other maritime liens.

### **3.17 Barriers in the legal system**

Fourthly, the arbitrary nature of abandonment means that the crew member will need to seek relief in the port State in which he happens to find himself, and is thus subject to the vagaries of the local courts of that State. For whatever reasons there are vast disparities in the efficiency and effectiveness of the judicial systems of different countries. Moreover there may be technical problems in relation

to civil actions of the kind envisaged. Thus for example even in well-funded and efficient judicial systems, crew may find that the court declines jurisdiction over the cases as a matter of private international law.

### 3.18 **Conclusions on adequacy and effectiveness of the present system**

The result is that at present where the crew member's rights against the shipowner, or rights in rem to be met from the proceeds of the ship, go unsatisfied, the loss falls unfairly. In the first place it falls on the crew member who cannot recover his contractual entitlement to wages and repatriation expenses from the shipowner. The crew member is the party least able to afford the loss and yet it falls on him most heavily. Secondly although the flag State receives sizeable benefits from the registration of the ship, such as registration fees and taxation, international laws which have sought to transfer the burden of repatriation to flag States have not been successful. Then to the extent that the port State, or the State of nationality of the crew member, intervene either by the provision of welfare or repatriation, the burden falls on the populations of these States as a whole. It is an arbitrary allocation of the burden to let it lie where it falls.

## 4. **Proposals**

4.1 **International law ascribes responsibility for abandoned crew to the shipowner in the first instance and thereafter to the flag state.** Abandonment it is submitted is a problem which is not amenable to a comprehensive solution by seeking to ascribe individual liability. Instead it is suggested that solutions for sharing the burdens of abandonment would be more appropriate.

4.2 There are essentially three ways by which this might be achieved. They are as follows:

- The establishment of an international fund;
- The establishment of national funds by flag States;
- Compulsory insurance/financial security.

### **The establishment of an international fund**

4.3 One proposal would be to establish by treaty an international fund to meet the costs of abandoned crew. The purpose of the fund would be to pay for and/or arrange the repatriation and welfare expenses of abandoned crew in a timely and efficient manner. It may also pay arrears of unpaid wages perhaps to maximum of three months, to relieve hardship.

4.4 It is of course possible to conceive of such scheme on a voluntary basis. However if such a scheme is to be legally binding, it would have to be established by convention. The convention establishing such a fund would have to specify the circumstances in which it would pay out. This would be in respect of crew abandoned on ships registered in member States or those abandoned in ports of member States.

4.5 The concept of an international fund is not without precedent. The International Oil Pollution Fund has been in successful operation now for over twenty years. The recent IMO convention on liability and Compensation for damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) will also establish a Fund, when it comes into force. In a different field the World Bank Group's Multilateral Investment Guarantee Agency provides insurance against non-commercial risks for foreign investors in developing countries.

4.6 The establishment of such a fund would require greater study. It is not thought that the fund itself would have to be large to meet the costs of abandonment, and so should not lead to an onerous level of subscriptions. The main concern about costs would be whether the administrative costs of



such a fund would be justified in the light of the scale of the problem and level of payments which are entailed. These could be kept to a minimum by locating the Fund within an existing organisation.

### **The establishment of national funds**

4.7 A number of States including Norway and Singapore already establish or make available national funds to deal with the problems of abandonment. Such funds tend to be limited to persons abandoned from ships of national registry or persons abandoned in national ports. Such schemes may be discretionary rather giving rise to entitlements on the part of the abandoned crew. National funds whilst of great assistance to certain abandoned crew will in any event be at best a piecemeal solution to a problem that requires greater uniformity in treatment.

### **Compulsory insurance/financial security**

4.8 A private sector alternative to the funds discussed above would be to require that shipowners/employers take out insurance to cover the costs of repatriating the crew. For example Liberia already requires as a condition of registration of vessels that a member of the International Group of P & I clubs confirm annually that liability insurance coverage in respect of the shipowner's responsibility for repatriation under s.342 of the Liberian Maritime Law is in place. However as discussed above such coverage by P & I clubs, without more, is unsatisfactory. What the crew member needs is a rapid and readily accessible remedy to meet the immediate welfare and repatriation expenses.

4.9 Therefore a legal requirement for compulsory insurance would in the first instance have to provide for the liability of shipowners in relation to abandonment. In itself this should not be problematic but it would have to be there as a foundation of the scheme. The proposed instrument would then have to make provision for compulsory insurance itself. It would probably have to specify some of the terms of cover including the possibility of direct claims by abandoned crew members. The standard P & I club cover is not able to provide this, as it is an indemnity for the shipowner rather than an insurance of protection for the crew member. What the crew member requires is a contract to which he is directly a party, or under which he can make claims in his own name, and which will provide the rapid assistance he requires. It may well be the case that the insurance market can provide such cover, as it does for example in relation to some aspects of travel insurance. This would require further information from the insurance industry.

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## ANNEX 1

**Abandoned Seafarers - 1 July 1995 - 30 June 1999**

The following is a list, in order of flag, of the 212 cases of crew abandonment on the ITF database for the three and a half year period above. 55 of these ships were in the Adriatic Tankers fleet, 11 are fishing vessels. The total number of crew members involved is 3,759.

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
MONICA	ABB	6405367	GL	5	Polish	Seville	4, 5
EBO	ALA	7433139	LR (d)	12	Portuguese, Angolan	Lisbon	1
JEX FORTUNE (ex VARNAKOVA)	BAH	7216969	LR (d), HR	22	Russian	Alexandria	1
SAMUDRA RANI	BNG	7234935	LR (d) BV (d)	26	Bangladeshi	Kosi Chang	1, 4
ENDURANCE	BZE	7411301	BV	32	Indian, Nigerian, Burmese, Ghanaian, Indonesian, Bangladeshi	Maputo	1,4
HOPE OKINAWA	BZE	7372397	KR	12	Burmese	Pusan	4
HOPE 2	BZE	8122969	-	7	Philippino	Owendo, Gabon	1,2,4,5
KATSIRI SUCCESS	BZE	8225981	KR	13	Burmese	-	
LENA	BZE	5037527	GL	6	Polish	Setubal	1, 4
MAHESWARAN	BZE	6908216	-	20	Indian, Indonesian, Burmese	Dar es Salaam	4
MONA C	BZE	6928280	NK (d) JR (d) CS	20	Syrian, Egyptian, Romanian	Dar es Salaam	4
NABLUS	BZE	6616784	-	12	Ukrainian, Indian	Bizerte, Tunisia	1,4
PALAT	BZE	0	-	1	French	Saigon	4
SEEROSE	BZE	5317367	GL (d)	1	Chilean	Papenburg	4
TURI	BZE	5053387	BV (d)	3	Russian, Polish, Lithuanian	Svendborg	1
WEST WIND	BZE	4906214	-	1	Russian	Argostoli	4
ALTAIR	CYP	7043702	NK (d) GL (d) BV	22	Egyptian	Port Louis, Mauritius	4
AMERICAN ENERGY	CYP	7369792	BV	44	Greek, Filipino, Romanian, Polish Honduran, Bulgarian	Paranagua	2, 4
ATLANTIS TWO	CYP	7433000	LR	24	Indian	Vancouver	1, 4
BLUETANK ADVENTUROUS	CYP	7430096	BV NK (d)	16	Romanian, Filipino	Piraeus	1, 4
ELENA A	CYP	7036888	BV	2	Ghanaian	Tamatave	3, 4, 5
EPTA	CYP	7433048	LR	16	Ukrainian	Houston	1, 4
SKIPPER LT	CYP	7401514	LR	10	Filipino	Sri Lanka	5
WARRIOR LT	CYP	7912800	NV	25	Greek, Filipino	Kandla	5

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
KAWKAB (twice)	EGY	7602390	PR	17	Egyptian	Philippines and Taiwan	4,5
CAPTAIN GEM	EQG	6919253	RS	13	Russian	Gemlik	1,4
SILVER	EST	8725321	-	8	Estonian	Bergen	1,4
PRINCESS OF ADRIATIC	GBI	1003310	LR	5	Vietnamese, Filipino	Piraeus	4
STELLA ANN	GBI	-	-	2	British / Danish	Brixham	4
DIMITRIOS II	GHA	5368237	LR (d)	2	Ghanaian	Cotonou	4
IMAN (twice)	GRC	7228132	LR	26	Greek, Pakistani, Bangladeshi, Burmese	Xiamen, Kaohsiung	3 4, 2
PORFIRIOS	GRC	7102223	DS (d) GL (d)	8	Nigerian, Ghanaian, Senegalese, Chilean, Greek, Tanzanian	Istanbul	4
AMARIA	HON	6816968	HR	12	Pakistani, Ukrainian, Syrian, Egyptian	Malta	1,2,4
AMOUR	HON	5167920	-	6	Ethiopian, Somali, Sudanese	Yemen	4,5
ATTIKA HOPE	HON	7122780	-	est 10	-	China	4,5
CRAIGMORE	HON	6525014	LR (s)	19	Pakistani	Goole, Great Yarmouth	4
INTERSEA	HON	7535262	-	6	German, Pakistani, Indian, Syrian	Varna	3, 4
ORION II	HON	5333141	LR (d)	10	Filippino	Latvia	4,5
SELIN S (twice)	HON	6708757	-	18	Indian, Turkish, Egyptian, Burmese	Egypt and Turkey	1,4,5
SLOP-4	HON	3508297	-	1	Polish	Vigo	4
WALENBURGH	HON	6713063	-	6	Ghanaian, Togolese, Cap Verde, Ukrainian	Cape Verde	4
KIMBERLEY	LIB	7325655	LR	30	Filipino, Croatian	Wilmington	5
ODESSA SKY	LIB	7359400	RS	52	Russian, Ukrainian	Montreal	1, 4
PONDEROSA	LIB	7374369	LR	23	Greek, Ukrainian	Dunkirk	5
SAPPHIRE SEAS	LIB	5284053	AB	240	Bulgarian, Romanian, Ukrainian, Greek	Limassol	1, 4
SEMO	LIB	-	-	3	Ghanaian	Tamatave	3, 4, 5
LUKNE	LTH	8861668	-	12	Russian	Klaipeda	4, 1
HEATHER SEA	MAI	8522078	RS	38	Russian	Nouadhibu	5
URSULA SEA	MAI	8521983	-	38	Russian	Nouadhibu	5
AMITY UNION	MAL	7433141	BV	26	Vietnamese	Tema	
AL SHAMS ex MARS	MTA	7602364	LR, RC (d)	19	Pakistani	Singapore	4, 1
ANTHENOR EXPRESS	MTA	7600029		est 20	Russian, Greek, Guatamalan	-	

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
CAPE BREEZE	MTA	7616054	NV	9	Korean, Burmese	Valencia	4
CHAIKA	MTA	7606841	BV	23	Russian	Lagos	4, 5
DIMINI EAGLE	MTA	6511776	RI, AB (d)	12	Greek, Yemeni, Pakistani	Aden	1, 4
DON CARLOS	MTA	6707210	RS	est 12	Russian	Venezuela	4
DUBAI VALOUR	MTA	7617876	NV	4	Ukrainian	Nigeria	1,4
EASTERN STAR	MTA	6916859	BV	23	Russian	Suez	1, 5, 4
GANZA	MTA	7819412	BV	24	Romanian	Cyprus	
GOLDEN UNION	MTA	7129075	AB	18	Bangladeshi, Pakistani, Burmese	South Africa	1,4
NIKO K	MTA	7223144	BV RS (d)	15	Georgian	Piraeus	1, 4
OLYMPIA	MTA	7016357	AB	22	Greek , Filipino, Sri Lankan	Turkey	1,4,5
PELLA	MTA	7049287	AB	25	Greek , Filipino, Sri Lankan	Lisbon	1,4,5
ROMINA	MTA	7429786	BV	28	Greek, Ukrainian	Korea	1,4,5
SPIGA	MTA	8127672	BV	10	Romanian	Cyprus	1,4
STAVROULA S	MTA	6923072		37	Russian	Greece	1,4,5
TEMPEST	MTA	6614023	RS	22	Ukrainian	Chittagong	4
TERPSICHORE	MTA	7351939	NKK	22	Ukrainian	Mongla	1,4
THETIS	MTA	7357816	LR	19	Greek, Sri Lankan	Port Said	4
U. ALEXANDER	MTA	7007772	BV	23	Russian	Kandla	4, 5
UNIPOWER	MTA	6517689	BV	16	Russian	Bombay	3, 5
EQUATOR PRIDE	MYS	7012569	GL	23	Burmese, Indonesian, Singaporean	Thailand	4,5
FOGO ISLE	NEA	7101633	-	8	Russian, Filipino	Amsterdam	1,4
MARIS	NEA	8302909	BV	6	Filipino	Denmark	1,4
GENESIS PIONEER	NIG	7224849	PR	est 20	Nigerian	Bombay	4
GODDESS ORORI	NIG	6914124	CS, RS (d)	17	Russian, Nigerian	La Valletta	4
MAS V	NIG	6514508	LR (d) PR (d)	21	Nigerian	Las Palmas	4
DELTA FREEDOM	PAK	7112644	HR	17	Pakistani	Tema	4,5
DELTA PEACE	PAK	7106970	KR	est 20	Pakistani	Durban	1,4,5
DELTA PRIDE	PAK	7205362	KR	22	Pakistani	Tampico	4,5
DELTA STAR	PAK	7129013	-	est 30	Pakistani	Chittagong	4,5

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
DELTA WAVE	PAK	7304924	RIN	28	Pakistani	Panama	1,4,5
ALEXANDRA	PAN	7393298	GL, AB (d)	15	Romanian, Filipino	Mongla River	4, 1, 2
ANNA BLISS	PAN	7208687	AB (d) BV (d)	23	Bangladeshi	Recife	3
ANNAPURNA	PAN	8129943	GL	22	Russian, Sri Lanka	Dubai	1, 4
AQUILA II	PAN	7120005	BV (d) NK (d)	7	Greek, Romanian, Egyptian, Bosnian	Jeddah	3
ASSOS BAY	PAN	7376666	LR (d) BV	33	Greek, Russian, Vietnamese	Fujairah anchorage	4
ATHERAS BAY	PAN	7373585	NV	23	Russian, Vietnamese, Sri Lanka	Cape Verde	4
BLUETANK LANCER	PAN	7371109	BV LR (d)	14	Romanian, Honduran, Filipino	Piraeus	1,4
CAMELLIA	PAN	7327732	NV, NK (d)	6	Russian	Rotterdam	1, 2
CITY OF INOUSSE	PAN	8857679	RS	11	Russian	Italy	4,5
CITY OF PIRAEUS	PAN	8844153	RS	11	Russian	Italy	4,5
CLOVOKA (twice)	PAN	7211581	BV, NK (d)	28	Pakistani, Bangladeshi, Greek	Dakar Bhavnagar	4 5
EASTERN NAVIGATOR	PAN	7903287	NV, NK (d)	19	Russian, Pakistani	Karachi	1, 4
EFFORT (twice)	PAN	7323322	BV	18	Greek, Romanian, Polish, Ghanaian	Lagos, Douala	4,5
GELIOS	PAN	8882193	PR	13	Russian	Ceuta	4
HIGH GLORY	PAN	7620366		24	Ukrainian, Indian	Dakar	1,4
IDEAL	PAN	7518032	-	11	Greek, Romanian, Burmese	Malta	2,4,5
IONIAN CHALLENGER (EX-SALVADOR I) (three times)	PAN	7380409	BV	5 23	Russian Russian	Rotterdam Cartagena Madras	4 4 1
IONIAN SAILOR	PAN	6910946	NV (d)	24	Yugoslavian	Tulcea	1, 4
IONIAN SEA (twice)	PAN	7804584	NK	25 11	Yugoslavian, Vietnamese, Russian	Singapore Inchon	1,4 1,4
IONIAN SPRINTER	PAN	7375870	NK	21	Russian, Vietnamese	St Petersburg	1, 4
IONIAN STAR	PAN	7818406	DS, GL	24	Russian	Gibraltar	1
IONIAN WAVE	PAN	7701316	NK	22	Russian, Vietnamese, Maldivian	Hodeidah	1, 4
ISLAND OF ARKOS	PAN	8858702	RS	8	Russian	Italy	1,4,5
JOSIFF 1	PAN	5138022	LR	28	Asian	Kingston	1
KYOTO I	PAN	7808841	RI, NV (d)	8	Russian, Sri Lankan	Durres	4, 1
LOURDAS	PAN	7379876	NK	11	Russian	Dubai	4
LUSO TAGUS	PAN	6903864	LR (d) BV	9	Ukrainian, Portuguese	Faro	4, 1

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
MAGICA	PAN	7110490	BV	8	Filipino	Las Palmas	1, 4, 5
MURORAN	PAN	7927520	NK	2	Russian	Ponta Delgada	1, 4
MUZAFFAR AZIZ	PAN	7406007	ABS	23	Pakistani	Lagos	1,4
MYRTOS BAY	PAN	7351795	NK	30	Russian	Fujairah anchorage	4
NORTH STAR	PAN	8878063	-	3	Russian	Argostoli	4
NOVA PROGRESS	PAN	7725207	NK	4	Russian	Kandla	4
OCEAN BREEZE I (three times)	PAN	8001440	NK	8 17	Chinese Ukrainian, Burmese	Rotterdam Sfax Rotterdam	1,4 4
OCEAN FIGHTER	PAN	7916820	-	10	Korean, Burmese	Katakolon	4, 1
OCEAN LINER	PAN	7205855	RI	20	Filipino	South Korea	1,4
OCEAN SKY	PAN	7430369	NV, KN (d)	17	Russian, Pakistani	Sousse	1, 4
OCEAN WAVE I	PAN	7638765	NV	5	Burmese	Pusan	4
OCEANIA GLORY (twice)	PAN	7344333	NK	18 18	Russian Russian	Augusta Singapore, off limits	1, 4 1, 4
OCEANIA I	PAN	7638911	NV	10	Russian, Burmese	Rio de Janeiro	1, 4
POLINA	PAN	8852112	-	11	Lithuanian	Las Palmas	4
RAINBOW II	PAN	7821570	NV (c)	9	Korean, Burmese	Ravenna	1, 4
ROKKO SAN	PAN	7118753	NK, NV (d)	26	Russian	Varna anchorage	1, 4
RORO SPRINTER (NOW BLZ - ANDES EXPRESS)	PAN	7903043	NV NK (d)	17	Russian	Panama	4
SAPPHIRE	PAN	8878051	LR (d)	2	Russian	Argostoli	4
SCORPIO IV ( EX-CAPE HOPE) (twice)	PAN	7361453	GL -	15 7	Korean, Chinese Burmese, Russian	Rosario	4 4
SEABIRD I	PAN	7727786	NV	9	Russian, Vietnamese	Ponta Delgada	4
SPRINTER	PAN	7709681	NK	5	Russian	-	4
STAINLESS BIRD	PAN	7853195	HR, NV	3	Russian	Haiphong	4
STAINLESS COMMANDER (now PRINCESS OF ROTTD)	PAN	7530523	NK (d) NV (d)	21	Russian, Maldivian	Delfzijl	1, 4
STAINLESS DUKE	PAN	6917566	LR (d) NV	19	Russian, Vietnamese	Varna	4
STAINLESS FIGHTER	PAN	7028362	NV	21	Russian, Vietnamese	Valparaiso	4
STAINLESS GLORY	PAN	7383607	NV	10	Korean, Chinese, Russian, Burmese	Rouen	4
STAINLESS HAWK	PAN	7616078	-	7	Russian, Vietnamese	Gibraltar	4

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
STAINLESS HYOGO (EX-STAINLESS LEADER)	PAN	8419051	NV	4	Russian, Vietnamese	Durban	4
STAINLESS KING	PAN	7005061	NV	8	Russian	Varna anchorage	4
STAINLESS KOBE	PAN	8419037	NV	15	Russian	Rotterdam	4
STAINLESS LORD	PAN	7616066	NV	9	Ukrainian	Sete	4, 1
STAINLESS MAYA	PAN	8419049	NV, NK (d)	19	Korean, Chinese	Suao	4
STAINLESS PRIDE	PAN	8032358	-	6	Russian, Vietnamese	Ravenna	1, 4
STAINLESS QUEEN	PAN	7104439	LR	3	Russian	Rotterdam	4
STAINLESS SHIELD	PAN	7506388	BV	9	Russian, Vietnamese	Naples	4
STAINLESS SUPPORTER	PAN	7908914	NK	17	Korean, Burmese, Chinese	Kobe	1, 4
STAINLESS SWORD	PAN	7639290	-	9	Russian, Burmese	Seville	1, 4
STAINLESS WAVE	PAN	7821647	NV	7	Russian	Argostoli	4, 1
STARLIGHT	PAN	8125404	NV	10	Korean, Burmese	Ponta Delgada	4, 2
TANARAY STAR	PAN	7052117	LR (d)	15	Indian	Chittagong	1
THUNDER I	PAN	8014045	HR, NV	9	Russian, Pakistani	Marseille	4, 1
TONALA	PAN	7001778	GL (d)	18	Mexican	Peru	4
TUTKU	PAN	5073686	LR	11	Turkish	Piraeus	4, 1
VARNAKOVA	PAN	7216969	LR (d)	31	Pakistani	Cochin	1, 4
WORLD NAVIGATOR	PAN	7332610	BV, NK (d)	10	Korean	Piraeus	1, 4
MAGOS	PST	5375216	RP (d)	est 5	Portuguese	Matadi	4
FOCSANI	RUM	7532894	RN	16	Romanian	Manila	4,5
GIURGENI	RUM	8219360	RN	6	Romanian, Indian	Kandla	4
GORGOVA	RUM	7942439	-	21	Romanian, Burmese, Ukrainian	Canary Islands	1,4,5
OPAL	RUM	8831261	RN	11	Romanian	Kuwait	1,4
OSCAR VEGA	RUM	8429862	RN	9	Romanian	Piraeus	1,4,5
PLOPENI	RUM	7519775	RN	11	Romanian	Malta	4
SMIRDAN	RUM	7906239	RN	15	Romanian	Singapore	4
TARCAU	RUM	7906710	RN	19	Romanian	Greece	1,4,5
XENIA	RUM	7806831	RN	9	Romanian	Casablanca	4,5



Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
DEKABRIST	RUS	7532753	RS	est 20	Russian	Dakar	1,4,5
KOMMUNAR	RUS	7397555	-	2	Russian	Falmouth	4
NERIS	RUS	7333377	RS	2	Russian	Sierra Leone	4
PRESIDENT PIECK	RUS	7532791	RS	31	Russian	China	1,4
SAMARKAND	RUS	8620155	BV, RS	24	Russian	Dunkirk	1, 4
SANTIAGO DE CUBA	RUS	6905678	RS	24	Russian	Freetown	1,4,5
SCHS 2019	RUS	8847090	RS	2	Russian	Sierra Leone	4
VLADIMIR ILICH	RUS	7006493	RS	34	Russian	Tarragona	4
VOLGO-BALT 144	RUS	8857801	-	15	Russian	Koge	4, 1
CAPTAIN'S LADY	SNG	8865169	-	39	Singaporean, Sri Lanka, Burmese Filipino	Singapore	1
EQUATOR GRACE	SNG	7300746	BV	15	Burmese	India	1,4,5
EQUATOR GRAND	SNG	7027447	GL	24	Burmese, Indian, Ghanaian, Nigerian	India	5
EQUATOR III	SNG	6416641	GL	11	Burmese	Indonesia	1,4,5
EQUATOR JADE	SNG	6910958	LR	11	Burmese	Indonesia	5
EQUATOR JEWEL	SNG	7024081	GL	11	Burmese	Singapore	5
EQUATOR PEARL	SNG	7436650	GL	4	Indonesian	Indonesia	1,4,5
EQUATOR RISE	SNG	6923242	BV	19	Burmese	Japan	1,2,4,5
EQUATOR ROYAL	SNG	7021388	GL	13	Burmese	Somalia	5
WAN LING	SNG	7705465		24	Burmese	Vietnam	1,4
ARETI	STP	5104772	-	5	Ukrainian	Mersin	4
CESME STERN	SVC	6417047	BV	9	Ukrainian	Italy	1,4
CITY OF SOCHI	SVC	8857980	RS	11	Russian	Italy	4,5
CITY OF VERGINA	SVC	8858013	RS	11	Russian	Italy	4,5
PETR PERVY	SVC	7625823	RS	26	Ukrainian	Dubai	1,4
POTEMKIN	SVC	8314603	RS	19	Ukrainian	Panama	1,4
SANDRIEN	SVC	7347902	RS	20	Ukrainian	Mobile	4,5
PRANBURI	THA	7377476	BV	21	Indian, Burmese	New Mangalore	1
HASAN BEY	TRK	7021338	AB	30	Turkish, Romanian	Dakar	1,4,5
RECAI B	TRK	7507186	AB	20	Turkish	Thailand	4, 5

Vessels name	Flag	IMO No.	Class <sup>3</sup>	No.	Abandoned seafarers Nationality	Port	Reason <sup>4</sup>
AROOS AL BAHAR	UAE	6726955	LR (d)	18	-	Yemen	4
AKADEMIK JANGEL	UKE	7215331	RS	26	Ukrainian	Durban	1
ALDEBARAN	UKE	7644063	RS	24	Ukrainian	Comoros Islands	1,4
DMITRIY POLUYAN	UKE	6912097	RS	29	Ukrainian	Valetta	1, 4
ILYA KULIK	UKE	6915685	RS	25	Ukrainian	Lagos	1, 4
INVENT	UKE	8836003	RS	2	Russian	Sierra Leone	4
INZHENER YERMOSHKIN	UKE	7941655	RS	24	Ukrainian	Italy	1,4
IVAN MOSKALENKO	UKE	7503415	RS	28	Ukrainian	Durban	1, 4
KAPITAN SMIRNOV	UKE	7740996	RS	29	Ukrainian	Venice	1, 4
KOMETA-41	UKE	7741055	RS	5	Ukrainian	Klaipeda	5, 4
KOMETA-47	UKE	7831824	RS	5	Ukrainian	Klaipeda	5, 4
LANZHERON	UKE	3506809	-	11	Ukrainian	Viana do Castelo.	4, 5
NAZYM KHIKMET	UKE	6510693	RS	7	Ukrainian	Visakhapat-nam	4
NIKOLAEV	UKE	8404551	RS	13	Ukrainian	Bhavnagar	4
NIKOLAY NEKRASOV	UKE	6707612	RS	25	Ukrainian	Mombasa	1, 4
PAVEL MIZIKEVICH	UKE	8718108	RS	25	Ukrainian	La Spezia	1, 4
PROFESSOR ANICHKOV	UKE	7053032	RS	32	Ukrainian	Greece	4
TATYANA	UKE	9081473	RS	2	Ukrainian	Conakry	4
TOVARISHCH	UKE	7027681	-	50	Ukrainian	Aberdeen	4, 2

- <sup>3</sup> (c) = class cancelled  
(d) = class discontinued  
(s) = class suspended  
- = no class

- <sup>4</sup> Reasons why seafarers were abandoned:  
1 = Ship arrested (by creditors)  
2 = Ship detained (by authorities due to safety deficiencies)  
3 = Shipwreck  
4 = Non payment of wages, food, bunkers etc  
5 = Company dissolved/bankrupt

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## ANNEX 2

**Summary of some of the worst cases of crew abandonment**

**Alexandra, Pan.** - The crew of 10 Filipinos and 5 Romanians was left stranded on Mongla River/Bangladesh, after an explosion killed 5 crewmen (in November 1996). At this stage the crew were owed about USD 100,000 in unpaid wages. The ship had been arrested by a bunker supplier. A local lawyer represented the crew who were finally repatriated with part of the wages that they were due in mid 1997.

**Atlantis Two, Cyp.** - Arrived in Vancouver in November 1997 to load potash. She was subsequently detained by Transport Canada for structural faults, invalid certificates and deficient lifesaving equipment. Repairs were carried out over the Christmas period and fuel loaded but the owners failed to pay the subsequent bills and wages to the 25 Indian crew. At the end of February 1998 wages owed were about USD170,000. The owners were not providing water, adequate provisions nor diesel oil for generators to maintain the vessels power supply. Two months of discussions with the owners followed which proved fruitless. ABN AMRO the mortgagee bank were contacted to alleviate the crew hardship but no help was forthcoming from them, nor charterers nor P&I Club. An order to auction the vessel was sought and granted on 25 May 1998, and following this 18 crew were sent home. In August 1998 the sale of the vessel was completed and the remaining 7 crew were also able to go home. In November 1998 the Court heard the crew and creditors arguments to enable them to take a decision regarding the allocation of the sale proceeds. In June 1999 the crew wages were finally released and the crew were paid in full.

**Aquila II, Pan.** - This ship was run aground in Saudi Arabia to prevent her sinking in July 1995. Seven crew were left in Jeddah under the auspices of the local authorities. They were apparently held to ransom until the company could come up with the money from the insurers to cover the debts locally incurred by the company. After a few months they were released and repatriated home. In November 1995 the company received insurance money and paid the seafarers.

**Craigmore, Hon.** - This ship was sold as scrap to Pakistani breakers under the vessels previous name of **Stravoula**. The vessel subsequently returned to the UK from Pakistan and upon arrival was inspected by UK Customs & Excise, who discovered controlled drugs onboard in January 1996. The crew were arrested but acquitted of all drug related charges. The shipowner, however, promptly disappeared and left the crew, without wages, in the care of the local Port Chaplain from the Missions to Seamen, who arranged for air tickets home for all but the three skeleton crew. They remained until repatriated in July 1996 by the Pakistan High Commission. In December 1996 the ship was sold for USD 36,000 and the crew paid their outstanding wages.

**Elena A, Cyp.** - This ship ran aground near Tamatave, Madagascar, as a result of a tropical storm in 1994. Most of the crew were repatriated with a part of their wages, but a skeleton crew was left on board by the company which hoped the ship could be eventually refloated. The ship was declared a total loss and after two years the skeleton crew of three Ghanains were still in Madagascar waiting to be repatriated and paid. The Greek company had by this time been declared bankrupt. The two remaining crew were eventually repatriated at ITF expense, no salary paid, at the end of 1996.

**Goddess Orori, Nig.** - This ship arrived in Malta from Algeria in an unseaworthy state in March 1996 and was subsequently detained by the Maltese Authorities. The company blamed the crew for the detention and not only refused payment of their owed salaries, but tried to starve them off the ship by not paying the ships' agent. The crew were sustained on board by the ITF, local charities and the general public who donated money and provisions to the seafarers. One Nigerian crewmember died while swimming. All concerned, including the Nigerian Authorities, refused to repatriate the body. The ship was eventually sold and USD 162,890 recovered for the crew in August 1996, including legal fees & repatriation.

**High Glory, Pan** - The ship was arrested in Dakar in July 1998 and the crew unpaid since they arrived on board the ship in Singapore in February 1998. No money was sent for food or wages. By the end of 1998 the Chandler was no longer willing to supply any more food or bunkers on credit. In December 1998 the Panamanian Authorities were alerted to the position of the crew who were without food, water or medical attention. Soon after this letter was sent one of the crew died. No reply was received. In March 1999 the ship was sold at auction but other creditors and lawyer of crew were unable to agree on the distribution of money, so back to court. In June 1999 crew and agent found out of court agreement (each taking half the money), crew would have got more in court but court going on holidays for 4 months so decided to finish it and go back home and the crew were repatriated at ITF expense in July 1999. The mortgagee bank filed a case which has further delayed proceedings and as at September 1999 the crew have still not received their wages.

**Intersea, Hon.** - The ship arrived in Bulgaria with a crew who had been unpaid for months in 1994. Three returned home without wages and three crew remained in Bulgaria for more than two years pending resolution of their claim. The shipowner disappeared when he realised the crew were taking steps to recover their outstanding wages and the value of the ship would not even cover court expenses and port dues (priority claims) in full. After two years in Bulgaria, displaced from their homes, two of the crew have apparently settled there permanently and the third decided to go home. He was repatriated to Pakistan in 1996 by the Red Cross.

**Nablus, Bze.** - The ship has been arrested in the port of Bizerte, in Tunisia, since January 1999. The ship was arrested by the cargo owner due to irregularities with the cargo. Wages for the crew of 13 had not been paid since October 1998. The agent was also not being paid, but continued to put a minimal amount of food on board to keep the crew from starving. Once the crew began their efforts to take a legal case themselves for the recovery of their wages, the owners made efforts to get them off the ship without payment of their wages, including firing some of the crew for refusing to leave and go to work on another ship. The local police and local port authorities were sympathetic to the plight of the crew and agreed that they should not be sent off the ship without their wages and so they were not evicted. In April a local lawyer was found by the ITF and agreed to act on behalf of the crew and money was advanced to help with food. They were repatriated with an advance from the ITF in May, and will probably have to wait a minimum of six months before the case is concluded, the ship is sold, and their wages are paid from the proceeds of sale of the ship. Up to the end the Turkish owner / operator remained uninterested in paying for food or wages, and tried to keep the Master on board for as long as possible.

**Tanaray Star, Pan** - The ship arrived in Chittagong in mid 1995 and was arrested in connection with a cargo claim for damaged rice. Crew were engaged at rates of USD 150 to USD 500 per month total wages but were paid nothing. The agents kept the crew passports for a number of months and the ship was not supplied with food. In October 1996 the crew were receiving one meal every two days. From August 1996 power and water were no longer supplied. The ship was blacked out. Gradually crew left to return to India, until by December 1997 there were only three crew left on board - two Indian, one Sri Lankan. They wrote of the difficulties which their families were having and of their own refusal to return home without some money to avoid the disgrace that this would mean. The Panamanian authorities were approached to see if they would be able to help. There is no reply from them on file. The ship is listed as still being in the port of Chittagong in September 1999, but nothing further has been heard from the crew since 1997. It is most unlikely that they received any wages.

The highly publicised demise of the **Adriatic Tankers** fleet resulted in numerous cases of crew abandonment. For many years prior to the Adriatic Tankers crisis it was common practice for the Company's seafarers to be taken off ships they had been serving on and put in various hotels around the world awaiting payment of their wages. Most of the time these payments never materialised. It

should be remembered that in most cases, at the date of arrest, crew would have been on board for up to a year already and would not have received any wages for their time on board. Some cases of crew abandonment by Adriatic Tankers include :-

**Annapurna, Pan.** - Crew left for two years on board an arrested vessel. The agent became party to the arrest and decided to stop supplying the ship. The crew survived thanks to the local Mission to Seamen. US Trust (one of the creditors) took charge of the case in early 1996. Conditions of living on board improved dramatically following the visit of a US Trust surveyor and the crew - even ex-crew - were later paid and repatriated. Some crew remained on board to take vessel to Hong Kong and they were then paid in full and repatriated from there.

**Assos Bay, Pan.** - In November 1994 the crew on board this VLCC were abandoned outside the port limits off Fujairah, UAE. The agent decided to stop supplying the ship with fuel, water and food when the shipowner showed no interest in paying his debts to the agent. Crew were eventually paid and repatriated by the mortgagee bank (US Trust) in November 1995.

**Cape Breeze, Pan.** - After the arrest of the ship on behalf of the agents in June 1995 the ship was left with no supplies for the crew on board. In November 1995 the Burmese crew arrested the ship for unpaid wages and eventually were repatriated at the expense of the mortgagee bank. The ship remained under arrest in Valencia, Spain, and the crew remained unpaid until 1997 when the ship was auctioned. In October 1997 the proceeds of sale were remitted from Spain.

**Ionian Sprinter, Pan.** - This ship was placed under arrest in St Petersburg, Russia, by the State Agency in August 1995. The Vietnamese crew were initially fed by the local committees of their unions, but eventually had to resort to their own methods of surviving. The mortgagee bank came to their rescue and paid the vessels debts which then allowed the ship to be moved to Rotterdam for arrest by the bank in June 1996. The crew were paid their wages and repatriated from there.

**Ionian Sailor, Pan.** - The crew was abandoned for over two years, while the ship was in the repair yard in Tulcea, Romania, pending repairs. The repairs were never carried out for lack of funds, but the whole complement of 18 crew members were left on board until the mortgagee bank decided to take responsibility for the vessel in November 1995. Eventually, in May 1996, the crew received part payment of their outstanding wages and were repatriated.

**Ionian Wave, Pan.** - Ship under arrest in Hoddeidah, North Yemen in September 1995. The agent refused to continue supply of the ship due to unpaid bills. The ship was under arrest by cargo receivers for contaminated cargo. The crew were reportedly forced to sell the "contaminated cargo" to survive. Crew eventually sailed the ship to another port and were paid their outstanding wages in June 1996. Following this they were repatriated.

**Kyoto I, Pan.** - The crew of this ship were abandoned in Albania in 1994. The ship was arrested on behalf of the shipyard in Durres, Albania, for unpaid repair bills. The crew of 8 seafarers remained on the vessel to try to present their claims for unpaid wages under Albanian Maritime Law. The crew survived with the help of the Russian Embassy in Albania and in May 1996 they were repatriated at ITF expense (apart from Master and Chief Engineer). In October 1996 the claim was refused by the Albanian Court and new proceedings were started in Panama. In March 1997, during the armed conflict in Albania, the ship was commandeered and turned up in Brindisi, Italy, and the two crew members were arrested for bringing illegal Albanian immigrants. After a further year charges were dropped and they were permitted to go back to Russia. No wages were ever recovered for the crew.

**Muroran, Seabird I, Starlight, Pan.** -Ships arrested in Ponta Delgada (Azores) and Portugal late in 1995 with large arrears of wages and other debts. The crew left on board were taken care of by local charities. The claims against these ships exceeded their value. Some crew were repatriated by the ITF, some chose to try to stay and fight their claims. In one case (Seabird 1) crew wages were not considered a legitimate claim by the court who considered that the manning agent should be responsible for the payment of wages. By April 1997 all crew had left. Starlight was caught in a storm and broke in two on the rocks. The others were eventually removed, and one is still trading under new ownership. We understand that no wages have been received by the crew.

**Rokko San, Stainless Duke, Stainless King, Pan.** - These three ships were left abandoned in Varna, Bulgaria since 1994. The Stainless Duke was at the shipyard and therefore the crew had access to the shore. However, the other two vessels were at anchor. They were not even supplied with the fuel necessary to remain safely in their position. The crews were left to starve. Eventually, in June 1996, the crew of the Rokko San received about 70% of their outstanding wages from the mortgagee bank and were repatriated. The ITF assisted in the repatriation of some of the crew of the Stainless Duke and Stainless King as they were not likely to get any wages. Adriatic Tankers sent only USD300 to the Stainless King crew when told that the crew would effectively abandon the ship leaving her in charge of the Varna Port Authorities. Bulgarian legislation does not apparently admit claims by foreign seafarers on board foreign flag vessels, and when the Stainless King was sold at auction in 1996 for USD 80,000, USD 20,000 went to the Customs and the balance to the government.

There have been a number of Russian and Ukrainian vessels left stranded following the break-up of the Soviet Union. In these examples, wages were eventually received by the crew after long delays :

**Volgo-Balt 144, RUS** - In March 1996 the crew went on strike to recover outstanding wages of USD 36,320 (for 3.5 months) in the port of Koge, Denmark. The owners had neither paid wages nor for food, fuel, fresh water and medical treatment. The crew were supported by the local population. Eventually the crew were paid by the owner in July 1996 and were repatriated.

**Vladimir Iliyeh, RUS** - The ship was abandoned in Tarragona/Spain and the 34 Russian crew members finally recovered, with the assistance of the ITF affiliated Spanish union, USD146,822 in unpaid wages.

**Samarkand, RUS** - The ship was arrested in Dunkirk/France, already with arrears of wages, and for ten months the 24 Russian crew members were stranded. In mid October 1996 the ship was sold and three months later the crew received their wages in full. They were supported during this time by the local Missions to Seamen.

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## ANNEX 3

**Table 1: Analysis by flag of ships involving abandoned crew members, 1 July 1995 to 30 June 1999**

<b>Flag</b>	<b>No. of vessels on which seafarers were abandoned</b>
Panama	72
Malta	21
Ukraine	18
Belize	12
Singapore	10
Russian Federation	9
Honduras	9
Romania	9
Cyprus	8
St Vincent and Grenadines	6
Liberia	5
Pakistan	5
Nigeria	3
Greece	2
Malaysia	2
Marshall Islands	2
Netherlands Antilles	2
Turkey	2
United Kingdom	2
Angola	1
Antigua & Barbuda	1
Bahamas	1
Bangladesh	1
Egypt	1
Equatorial Guinea	1
Estonia	1
Ghana	1
Lithuania	1
Portugal	1
Sao Tome and Principe	1
Thailand	1
United Arab Emirates	1
<b>Total 32 flags</b>	<b>212 vessels</b>

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## ANNEX 4

Table 1: P&amp;I Clubs &amp; abandoned ships

<b>P&amp;I Club</b>	<b>No of abandoned ships</b>
United Kingdom Mutual Steamship Assurance Association	56
Newcastle Protection and Indemnity Association	12
Liverpool and London Steamship P&I Association Ltd	8
Ocean Marine Mutual	7
West of England Ship Owners Mutual	6
Assuranceforeningen Skuld	5
Steamship Mutual Underwriting	3
North of England Protecting and Indemnity Association Ltd	2
Assuranceforeningen Gard	2
Britannia Steam Ship Insurance Association	2
American Steamship Owners Mutual	1
Sphere Drake Insurance PLC	1
Sveriges Angfartyges Assurans Forening (The Swedish Club)	1
<b>Total of known P&amp;I clubs</b>	<b>106</b>
<b>Unknown, or no P&amp;I cover</b>	<b>106</b>
<b>TOTAL</b>	<b>212</b>

source : LLP.

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## ANNEX 5

### **Convention No. C23 was ratified by 45 countries**

#### **Country Ratification**

Argentina, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, China, Colombia, Croatia, Cuba, Cyprus, Djibouti, Egypt, Estonia, France, Germany, Ghana, Greece, Iraq, Ireland, Italy, Kyrgyzstan, Liberia, Luxembourg, The former Yugoslav Republic of Macedonia, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Panama, Peru, Philippines, Poland, Portugal, Russian Federation, Slovenia, Somalia, Spain, Switzerland, Tajikistan, Tunisia, Ukraine, United Kingdom, Uruguay, Yugoslavia

### **Convention No. C166 was ratified by 7 countries.**

#### **Country Ratification**

Australia, Brazil, Guyana, Hungary, Luxembourg, Mexico, Spain,

### **Convention No. C179 was ratified by 4 countries.**

#### **Country Ratification**

Finland, Ireland, Norway, Philippines,

### **Convention No. C163 was ratified by 11 countries.**

#### **Country Ratification**

Brazil, Czech Republic, Denmark, Finland, Hungary, Mexico, Norway, Slovakia, Spain, Sweden, Switzerland,

### **Convention No. C173 was ratified by 12 countries.**

#### **Country Ratification**

Australia, Austria, Botswana, Burkina Faso, Finland, Lithuania, Madagascar, Mexico, Slovakia, Spain, Switzerland, Zambia,

### **Convention No. C95 was ratified by 94 countries.**

#### **Country Ratification**

Afghanistan, Algeria, Argentina, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, Colombia, Comoros, Congo, Democratic Republic of the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, France, Gabon, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, the Islamic Republic of Iran, Iraq, Israel, Italy, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, the Republic of Moldova, Netherlands, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Slovakia, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tanzania, United Republic of, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Yemen, Zambia,

**Convention No. C55 was ratified by 16 countries.**

**Country Ratification**

Belgium, Bulgaria, Djibouti, Egypt, France, Greece, Italy, Liberia, Luxembourg, Mexico, Morocco, Panama, Peru, Spain, Tunisia, United States

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