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JOINT IMO/ILO *AD HOC* EXPERT  
WORKING GROUP ON LIABILITY AND  
COMPENSATION REGARDING CLAIMS  
FOR DEATH, PERSONAL INJURY AND  
ABANDONMENT OF SEAFARERS  
6th session  
Agenda item 3

IMO/ILO/WGLCCS 6/3/7  
5 August 2005  
ENGLISH ONLY

**EXAMINATION OF THE ISSUE OF FINANCIAL SECURITY FOR CREW  
MEMBERS/SEAFARERS AND THEIR DEPENDANTS WITH REGARD TO  
COMPENSATION IN CASES OF PERSONAL INJURY, DEATH AND  
ABANDONMENT, TAKING INTO ACCOUNT THE RELEVANT IMO AND ILO  
INSTRUMENTS, INCLUDING THOSE CURRENTLY UNDER REVIEW OR LIKELY  
TO BE ADOPTED IN THE NEAR FUTURE**

**New cases of abandonment**

**Submitted by the International Transport Workers' Federation (ITF) and the  
International Confederation of Free Trade Unions (ICFTU)**

**SUMMARY**

**Executive summary:** This document lists cases of abandonment brought to the attention of ITF between 30 November 2004 and 30 June 2005

**Action to be taken:** Paragraph 13

**Related documents:** Circular letter No.2636 (Ref.A1/A/4.ILO)

1 The International Transport Workers' Federation (ITF) and the International Confederation of Free Trade Unions (ICFTU) wish to draw the attention of the Working Group to a further four cases of abandonment for the period 30 November 2004 to 30 June 2005 which were communicated to ILO and IMO on 1 July 2005.

2 In the four cases, at least 49 seafarers from Ukraine, Russia, Turkey, Denmark, Ghana and Nigeria have been abandoned at ports in Spain, Guinea and India. In all cases, lamentable conditions on board have been reported alongside persistent non-payment of wages. Little help has been forthcoming from the flag States.

**Concel Pride - IMO No. 7371123**

3 The **Concel Pride**, which flies the Nigerian flag, was abandoned in Algeciras, Spain and came to the attention of ITF on 17 May 2005. Port State Control reported a shortage of food and fuel along with substandard maintenance and unacceptable living conditions. Having already assisted the previous crew to claim outstanding wages, ITF is now addressing the same problem

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with a second crew from Nigeria, Turkey and Denmark. According to the master, the agent refused to provide supplies to the ship as the owner had failed to pay for previous deliveries. Food intended for seven days was rationed over 21 days.

### **Latest information**

4 The owner agreed to pay the outstanding wages and costs to repatriate the crew. However, to date the Nigerian crew has been paid but not repatriated and the Turkish and Danish seafarers have been neither paid nor repatriated.

### **Leda - IMO 8321163**

5 The Ukrainian crew of this fishing vessel, which flew the Ukrainian flag, contacted ITF in February 2005. The crew were not paid for the 12-month duration of their contract, which came to an end in December 2004. In June 2004 the vessel was arrested by a Guinean company. The crew was not informed of the reasons for the arrest and the conditions on board had deteriorated, leaving the crew without fuel, funds or any means of contacting their families. ITF contacted the Ukrainian embassies in Conakry and Odessa but no response was forthcoming. Two crew members chose to leave the vessel and pay for their own repatriation, the remaining eight initially chose to stay on board in pursuit of their outstanding wages. Six were repatriated with the assistance of ITF in April 2005.

### **Latest information**

6 A number of crew members remain on board, including three unpaid Ghanaians who joined the vessel in Conakry. All wages remain unpaid.

### **Nordland – IMO 7128368**

7 In June 2005 the **Nordland**, flying the St. Vincent and the Grenadines flag was abandoned in Santander, Spain. Initially the vessel was arrested by the local shipping agent, it was then arrested on behalf of the crew by the Court of Santander. ITF negotiated with humanitarian agencies to provide food for the stranded Russian and Ukrainian crew, who had not been paid for over six months. The flag State was contacted and advised that it would try to contact the owners.

### **Latest information**

8 The crew was repatriated at the expense of ITF. The court case is ongoing and no further information has been received from the flag State either with regard to its efforts in contacting the owner or in offering assistance to the crew.

### **Ormos – ILO 7429633**

9 The vessel flew the flag of the Democratic People's Republic of Korea and was abandoned in Kakinada, India, in January 2005 with multiple outstanding debts.

10 Initially ITF was contacted by the mother of the ship's cook requesting assistance with regard to the repatriation of her son, who was gravely ill following an accident whilst the vessel was being repaired. Sadly, the seafarer died and only after a distressing period of time were his remains repatriated.

11 In January the **Ormos** had been at anchorage for three months without adequate provision of food, water or fuel, having been arrested by several different parties, including the charterer and the agent. The vessel was eventually sold and the crew repatriated in May of this year.

**Update:**

12 With regard to the crew's outstanding wages, the former master has stated that the first 50% of outstanding wages had been distributed amongst the seafarers. The balance has yet to be paid.

**Action requested of the Working Group**

13 The Working Group is invited to take note of the information contained in this document and to make such comments and recommendations as it may deem appropriate.

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