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Agenda item 4

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FAIR TREATMENT OF SEAFARERS

(b) Fair treatment of seafarers in the event of a maritime accident

Submitted by the International Transport Workers' Federation (ITF)

SUMMARY

Executive summary: Resolution LEG.3(91) on *Guidelines on fair treatment of seafarers in the event of a maritime accident* was adopted on 27 April 2006, over 15 years ago. Despite this, there continue to be issues of concern regarding the treatment of seafarers involved in a maritime accident

Strategic direction, if applicable: 6

Output: 6.4

Action to be taken: Paragraph 8

Related documents: LEG 95/5; LEG 97/6, LEG 97/6/1, LEG 97/INF.3; LEG 99/14; LEG 100/5/1, LEG 100/14; LEG 101/4/1, LEG 101/12; LEG 102/4, LEG 102/12; LEG 103/5, LEG 103/14; LEG 104/5, LEG 104/15; LEG 105/5, LEG 105/14; LEG 106/5, LEG 106/16; LEG 108/4(b); resolution A.1056(27)/Rev.1, resolution LEG.3(91) and Circular Letters Nos.2711, 2825 and 3724

Introduction

1 The subject of *Fair treatment of seafarers in the event of a maritime accident* has been on the agenda of the United Nations since accidents such as **Erika** (France, 1999), **Prestige** (Spain, 2002) and **Tasman Spirit** (Pakistan, 2003) alerted the maritime industry to the situation of seafarers in the aftermath of a maritime accident. Such incidents were also the catalyst for the adoption of resolution LEG.3(91) on *Guidelines on fair treatment of seafarers in the event of a maritime accident*. The Guidelines were adopted on 27 April 2006.

2 The subject of the fair treatment of seafarers remains of high importance and recent cases continue to demonstrate issues of concern regarding the treatment of crew following a maritime accident. Previously the ITF has drawn attention to cases where seafarers have been detained including **Wakashio** (Mauritius, 2020), **Viking Sigyn** (Hungary, 2019), **X-Press Pearl** (Sri Lanka, 2021), **UBC Savannah** (Mexico, 2019), **MSC Capucine R** (Turkey, 2021) and **Artin 10** (Iran, 2020). Another example of a recent case is **Stolt Groenland**.

Stolt Groenland (Republic of Korea, 2019)

3 On 28 September 2019, a cargo tank explosion and fire occurred on board the Cayman Islands (United Kingdom) registered chemical tanker **Stolt Groenland** while the tanker was moored alongside a general cargo berth in Ulsan, Republic of Korea. Two crew members suffered minor injuries and fifteen emergency responders were injured during the firefighting, which lasted for over six hours. The fire also damaged Singapore flagged chemical tanker **Bow Dalian** which was moored outboard.

4 The Coast Guard of the Republic of Korea conducted a criminal investigation which was subject to numerous lengthy delays. The master, chief officer and third officer (the crew) have been detained in the Republic of Korea and subjected to a travel ban for over two years. They are facing criminal charges. Their first hearing was due to be held on 15 December 2021, however, it was postponed until 15 February 2022 on account of administrative issues within the court system of the Republic of Korea.

5 It is also understood that during the investigation into the maritime casualty, the crew have cooperated to the fullest extent possible, and they have been interviewed by the authorities on multiple occasions. It is further understood that the crew have abided by the restrictions imposed on their movements within the country and have surrendered their personal electronic devices for inspection.

6 Since the maritime casualty, the crew have of course not been able to work as professional seafarers. Furthermore, due to COVID-19 travel restrictions, it has not been possible for the families of the crew to visit them. The crew have now been separated from their families for over two years and both the crew and their families have suffered hardship and difficulties during this lengthy period. All the crew have families and in particular the chief officer, whose infant son, it is understood, has been greatly affected by this forced separation.

7 The *Guidelines on fair treatment of seafarers in the event of a maritime accident* require that matters should be concluded expeditiously without undue delay and as promptly as possible. Given the circumstances of this case, the ITF and Seafarers' Rights International are concerned about the continued lengthy delays that have already taken place and would welcome information that the matter has been fairly concluded.

Action requested of the Committee

8 The Legal Committee is invited to note the above information and to comment as appropriate.
