

LEGAL COMMITTEE
110th session
Agenda item 4

LEG 110/4(a)/2
3 February 2023
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FAIR TREATMENT OF SEAFARERS

(a) Provision of financial security in case of abandonment of seafarers, and shipowners' responsibilities in respect of contractual claims for personal injury to, or death of seafarers, in light of the progress of amendments to the ILO Maritime Labour Convention, 2006

Comments on document LEG 110/4(a)

Submitted by the International Transport Workers' Federation (ITF)

SUMMARY

Executive summary: This document comments on the report of the IMO and ILO Secretariats in respect of the IMO/ILO joint database of abandonment of seafarers for the period 1 January to 31 December 2022.

Strategic direction, if applicable: 6

Output: 6.13

Action to be taken: Paragraph 16

Related documents: LEG 110/4(a) and LEG 110/4(a)/1

Introduction

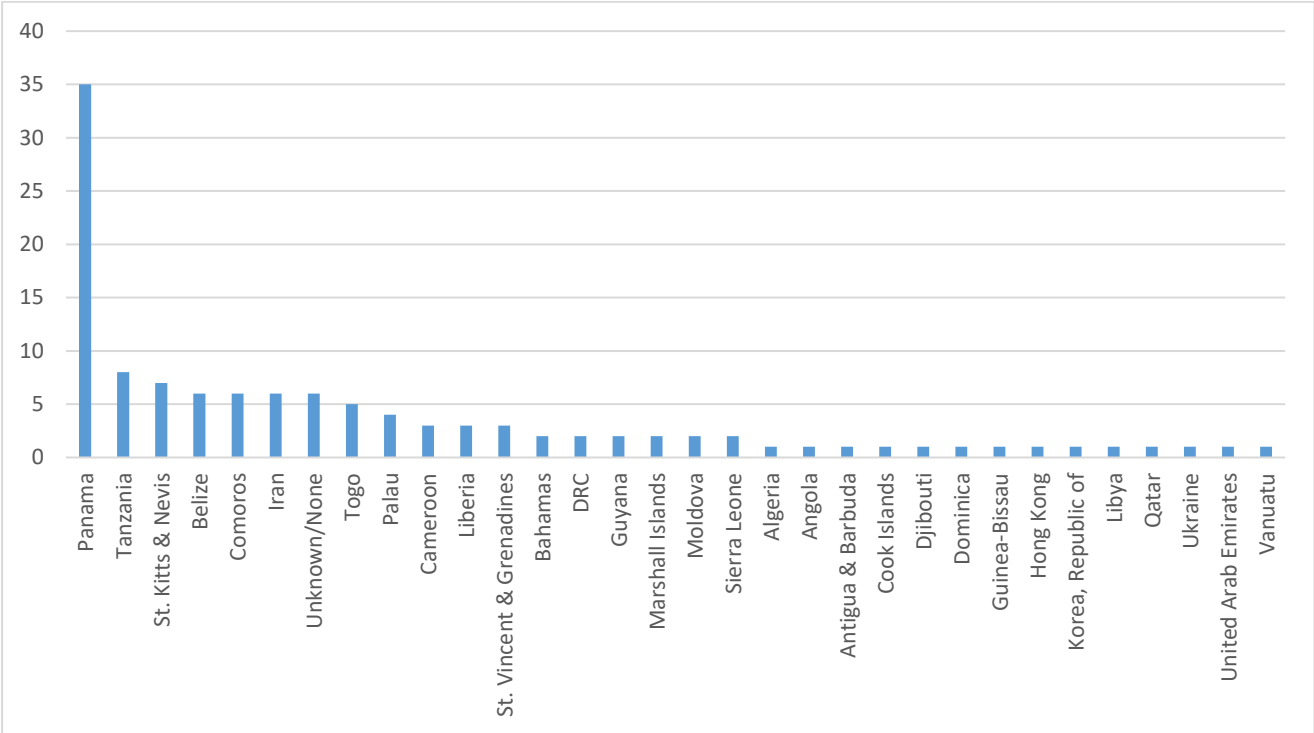
1 This document is submitted in accordance with paragraph 6.6.5 of the *Organization and method of work of the Legal Committee* (LEG.1/Circ.9) and provides comments on document LEG 110/4(a) submitted by the IMO and ILO Secretariats.

2 The International Transport Workers' Federation (ITF) notes the information submitted by the IMO and ILO Secretariats and, as the organization which reports the majority of cases to the Joint IMO/ILO database on reported incidents of abandonment of seafarers, ITF offers this analysis of the cases of abandonment and the use of the financial security system for 2022.

3 During the period referred to, a total of 118 cases of abandonment of seafarers were reported involving 1,841 seafarers on 116 different vessels. The number of cases reported has increased by 23 (24%).

Vessels by flag

4 Panama stands out as the flag State with the most abandonments. A total of 35 cases on vessels flagged in Panama occurred in 2022. No other flag State reached double figures. Tanzania (8), Saint Kitts and Nevis (7), Belize, Comoros and Iran (6 each), and Togo (5) follow as the flags to experience the most abandonments. Also of note, cases were reported on 33 different flags showing that this issue is widespread.



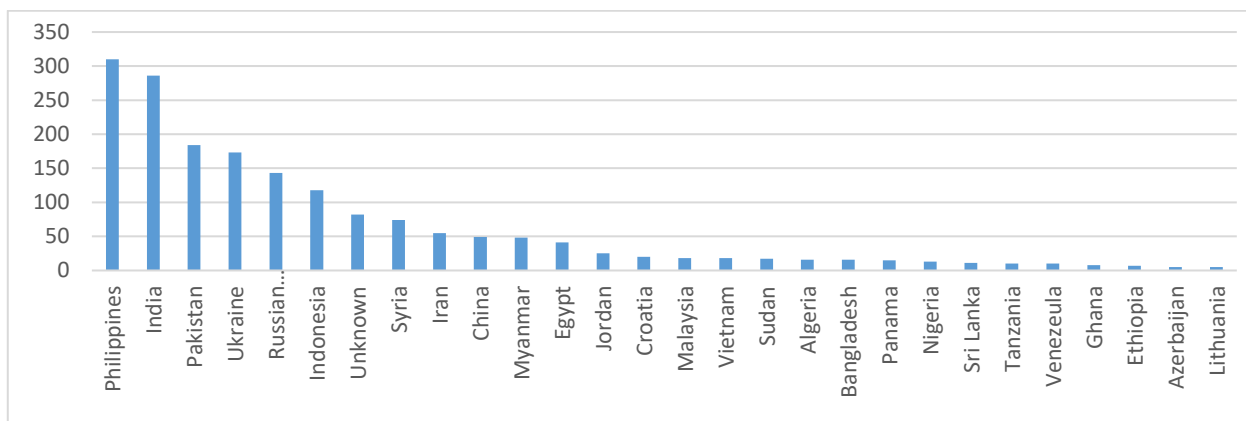
5 Five vessels had no flag at the time of abandonment, and one was found to have a fraudulent registration.

Nationality of abandoned seafarers

6 The largest nationality group of abandoned seafarers is Philippines with 310 seafarers out of the 1,841 (17%), followed by India (286, 15.5%), Pakistan (184, 10%), Ukraine (173, 9.4%), Russian Federation (143, 8%) and Indonesia (118, 6.4%).

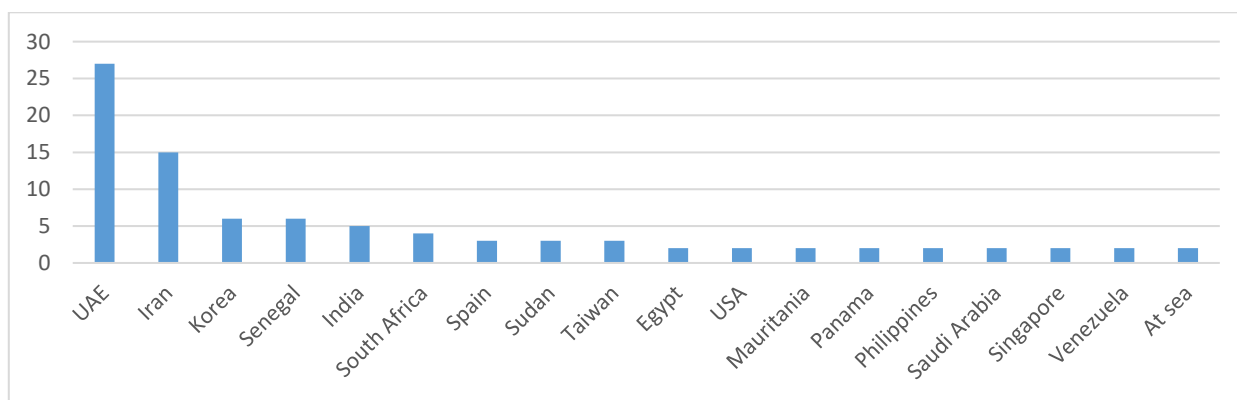
7 ITF was unable to obtain specific data on nationalities of seafarers on several vessels. We have therefore included those numbers under "unknown nationality".

8 Countries with fewer than five abandoned seafarers are not shown in the graph. Seafarers from Colombia, Georgia, Republic of Korea, Montenegro, Sierra Leone, Estonia, Guinea-Bissau, Albania, Democratic Republic of Congo, Eritrea, Guinea, Haiti, Honduras, Kenya, Poland, Türkiye, Yemen, Cameroon, Cyprus, Guatemala, Kazakhstan, Lebanon, Libya, Moldova, Mexico, Nicaragua, Senegal, Singapore, Spain, Taiwan, province of China, United Kingdom, United States of America and Uruguay were all reported abandoned.



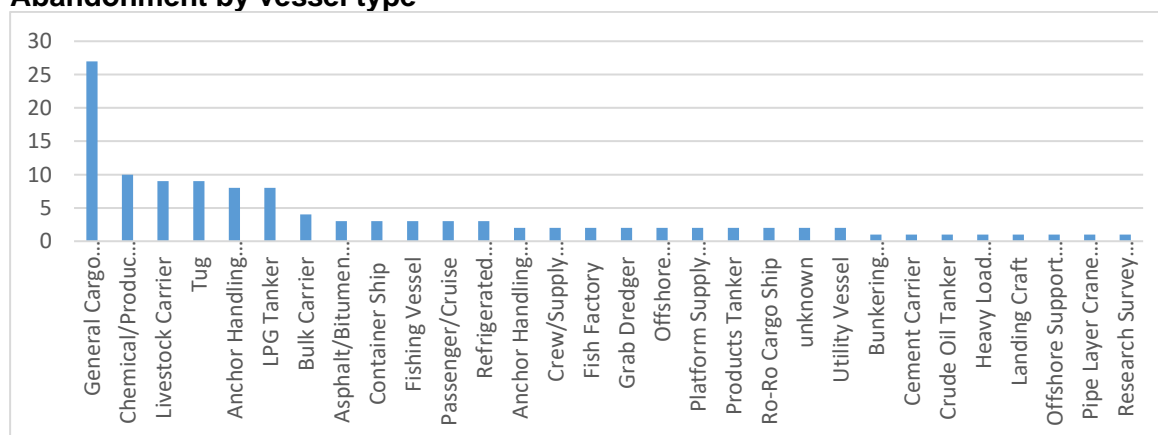
Location of abandonments

9 Locations of cases also demonstrate the pervasive nature of the problem. Forty-six States had seafarers abandoned in their waters during 2022. The United Arab Emirates (27 cases) recorded the highest number of cases for the fifth year running, while the Islamic Republic of Iran remained second (15 cases). The Republic of Korea (6), Senegal (6), India (5) and South Africa (4) also saw high numbers.



10 Australia, Bangladesh, Bulgaria, China, Democratic Republic of the Congo, Dominican Republic, Eritrea, Ghana, Greece, Guinea, Haiti, Italy, Cote d'Ivoire, Lebanon, Libya, Malaysia, Maldives, Netherlands, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Somalia, Türkiye, Uruguay and Venezuela each recorded one abandonment in their ports.

Abandonment by vessel type

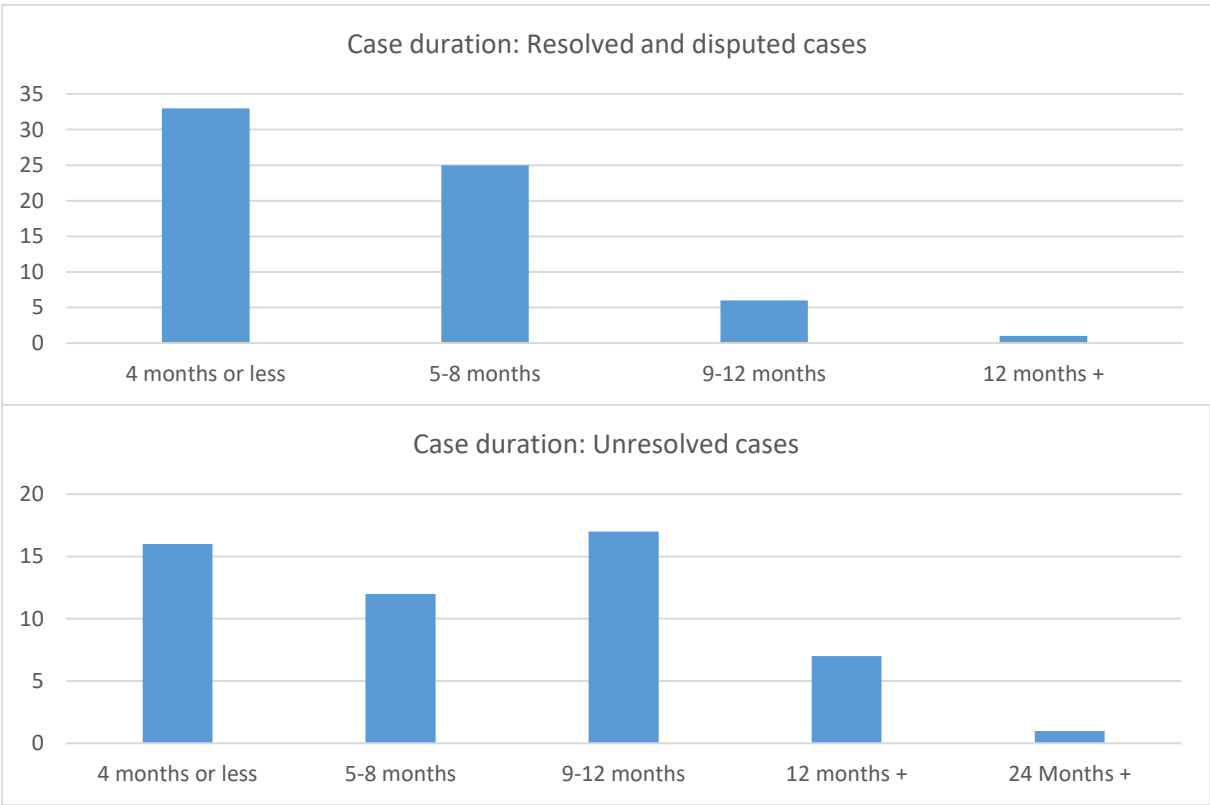


11 Twenty-seven cases of abandonment (23%) involved general cargo vessels. Chemical tankers (10 cases, 8.5%), Livestock Carriers (9 cases, 7.6%), Tugs (9 cases, 7.6%), Anchor Handling Tug Supply vessels (8 cases, 6.8%) and LPG Tankers (8 cases, 6.8%) also featured heavily.

12 Fishing vessels continue to provide some of the more difficult cases to resolve.

Duration of abandonment cases

13 It is difficult to give a definitive figure for the duration of abandonment cases. Seafarers do not always seek assistance immediately. A case may start as a wage claim and deteriorate into a situation of abandonment. Some seafarers are on board and/or unpaid for longer than others. In order to give an impression of the lengths of time involved, the following tables take the date on which the ITF determined the MLC definition of abandonment to be met as the starting point. The data is correct at the time of writing this report and includes ongoing cases.



14 The vast majority of cases which have been recorded as resolved or disputed reach that point within eight months.

15 Of the cases which remain open, 28 have been open eight months or less. However, almost as many, 25, have been open more than nine months. Fewer cases are ever reported as resolved once passing this point.

Action requested of the Committee

16 The Legal Committee is invited to take note of the information provided and maintain its interest in, and oversight of, the issue of seafarer abandonment.