



Abandoned seafarers face some appalling realities. How do – or how should – ports respond?
Felicity Landon reports

“ABANDONED SEAFARERS WERE forced to use rain water for washing” was a recent headline in the *Nautilus Telegraph*, highlighting the ordeal of two Romanian seafarers stranded on a laid-up ship off Falmouth.

Owed three months’ pay, they were fishing for food, living in appalling and unsanitary conditions with no heating or mains power, and catching rain water because there was no fresh water on board.

“The real sadness was that they had paid a bribe to an agent in Romania to get the job, and it turned out to be the job from hell,” says Penny Phillips, chairwoman of Falmouth Mission to Seafarers. “But even so, they didn’t want their case highlighted for fear that they would be blacklisted back home and their families would suffer.”

The reality at home was that, with no money coming through, one family had their electricity and phone cut off, survived on leftovers from neighbours’ meals, and were forced to withdraw their seven-year-old son from school.

This, of course, is just one case. The issue of abandonment is a top priority for the organisation Seafarers’ Rights International, whose executive director Deirdre Fitzpatrick says: “The actual stories on the ground are extremely personal. The statistics are poorly documented anyway, and they don’t tell anything of the individual hardships.”

From time to time, such a case makes the headlines (usually only in the maritime press, rarely in the mainstream) and Ms Fitzpatrick believes that while the general public are interested, the plight of a few foreign seafarers seems fairly remote and perhaps lower on the sympathy scale than, for example, the issue of child labour.

“But for me, there are two major questions. First, how can seafarers be so undervalued, given that they transport 90% of trade? Second, how can shipowners take so little care of their ship, their most expensive and valuable asset? We are talking about a mixed crew, a distressed crew, a crew that has not been paid. A multi-million pound asset can be driven around the world in the hands of people the shipowners don’t even know, because they contract to a manager who contracts to a manning agency. Shipowners are very commercial people, but that doesn’t make commercial sense.”

Of course, in abandonment cases we are talking about the ‘bottom end’ of the industry, she emphasises – but there are still far too many cases.

What, then, are the implications for a port when a ship is arrested or abandoned alongside, perhaps occupying valuable berthing space or creating an operational hazard?

Left high and dry



LOCKED DOWN: abandoned seafarers face some grim realities

“The worst thing for the port is to have an abandoned vessel, which can quickly become a wreck; there is a lot of legislation about wreck removal,” says Ms Fitzpatrick.

“Commercially, an abandoned vessel is blocking the port, so you are going to lose fees. And there are environmental, pollution, safety and security risks. The port authority will not generally have any relationship with the crew on board and therefore won’t have any obligation to do anything for them – conversely, if a vessel is arrested and then escapes or breaks arrest, the port authority has a lot of potential liabilities.

“A vessel sitting in your port has to be a worry and a potential liability and a port will be looking at it from lots of perspectives. The crew is just one of those.”

What’s clear is that the way in which ports deal with cases of abandoned seafarers varies tremendously. Some move the ship unceremoniously to an empty berth in some godforsaken corner of the port, continue clocking up daily berthing fees, and provide no support. Others are far more proactive.

In the 14 years that he has headed up the harbourmaster’s office at the Belgian port of Ghent, port commander Capt Dirk Vernaeve has handled several cases of abandoned crews. He believes a proactive approach is best for both humanitarian and practical reasons.

Deirdre Fitzpatrick
 Seafarers’ Rights
 International



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“What Ghent does, we are not legally obliged to do – but for me, it is a human mission,” he says. “For me, a port isn’t only a commercial operation. I was at sea myself for a long time and I know the owners masters have and that sometimes the owners don’t care about the crew.

“Perhaps we are unusual – a lot of ports don’t want to be involved in the mess. But when you are very proactive, my experience is that you can solve

the problem, because you can put pressure on the owner to do something about it."

The Ghent harbourmaster's office liaises closely with the local branch of the Seamen's Mission (Capt Vernaeve is on the board of this charity) and the aim is to identify problems early. "The agent will not always tell you there is a problem – often the first thing that we know is from the welfare organisations," he says. "There is also a signal of trouble when a ship has been lying in port for 14 days.

"We send a harbour lieutenant to ask the master what the situation is; sometimes the master won't tell you too much but the crew will tell you what is going on. If the crew are ITF members, we push them to call the ITF – or we will make the call ourselves. The ITF will go on board and we work very closely together to solve the problem for the crew, because that is the highest priority.

"We check that they have food and drinking water on board, and marine diesel for electricity, and cash. We make an inventory of what is on board – we look in the refrigerator and we ask questions."

It can then transpire that the crew hasn't been paid for months and has enough money only to survive a few more days. A first practical step is to direct them to the neighbourhood supermarket,



HAND-OUTS: helping crews secure backdated pay can actually be in the port's interest

which can be two to three times cheaper than supplies from the chandler, he says. Capt Vernaeve's department starts a relentless round of phone calls, emails and faxes to the manning agency, owner and/or charterer, as well as the ship agent.

Ghent has a fixed policy – with flow chart – to deal with cases of abandoned crews and their ships. A ship agent, understandably, will be keen to cut ties if the money has already stopped coming in. But at Ghent, agents are required to ➔

Eating bugs and selling blood to survive

AS AN INTERNATIONAL Transport Workers' Federation inspector, Tommy Molloy has dealt with some horrendous cases of seafarers abandoned by their employers, owed thousands of dollars in wages and with no way to get home or even to contact home.

"Probably all kinds of people along the way don't get paid by a shipowner with financial problems – but the crew is always first, because they are so easily exploited," he says.

But worse than that, seafarers often face threats and intimidation if they stand up for their rights. In a recent case, the crew received a letter from the manning agent saying that if they did not withdraw their claim for wages owed, they would never work again and the pay they had already received would be heavily taxed.

In another case, Mr Molloy went on board a ship and discovered that the company was keeping a double bookkeeping system. Officially the crew were being paid wages in line with ITF rates. But in reality, they were receiving much lower pay.

"They had been cheated for months; they were owed a total of \$238,000.

Under ITF insistence and observation, the shipowner and the Philippines crewing agent turned up with the money and paid the seafarers – but when Mr Molloy returned to the ship with port police a short while later, no member of the crew could produce their wages. They had 'voluntarily' handed it back to the agent.

Quite often, the crew are totally dependent on the ITF and local people, says Mr Molloy. "The seafarers on one Russian ship abandoned in Liverpool port literally didn't have the price of a cup of coffee. We publicised this and the next thing, people were collecting in Asda, and even the tug boat crew had a collection."

They were fortunate to get this response. Across the world, he has known of abandoned crews surviving on scraps, eating bugs, selling off bits of the ship or even selling blood so they can buy food.

Deirdre Fitzpatrick, executive director of Seafarers' Rights

International and an international lawyer, says that when an abandoned ship is arrested and sold, the port is generally top of the list when it comes to the pot of money, with seafarers a poor second. "We have had to negotiate with a port to access less of the money in order to leave some for the seafarers," she says.

But the truth of the matter is that the process of arresting and selling a vessel takes months. The crew are reluctant to go home without their wages. "So you have a practical problem; taking legal action doesn't feed them. So you get into the humanitarian response. The fact that so many local communities – welfare organisations, local unions, local people – actually do bring supplies and food to the crew is very refreshing but it is also very

precarious for the seafarers, because they have to rely on welfare charity.

"There should be some form of financial scheme so that as soon as a problem arises, insurance kicks in and they are not relying for weeks on charity."

Future amendments to the ILO's Maritime Labour Convention – itself not yet ratified – promise to deal with abandonment and lay down clear requirements of the shipowner or employer – but, in reality, that is several years away.

"It is a long wait for the seafarers but ultimately it could be a solution," says Ms Fitzpatrick.



“The seafarers’ on one Russian ship abandoned in Liverpool port literally didn’t have the price of a cup of coffee”

Tommy Molloy, ITF inspector



OFF THE MENU: food stores for the crew can get dangerously low or even run out when a ship has been abandoned

continue their responsibility, including providing for the crew, for a further 30 days.

Drinking water and marine diesel is provided and for those 30 days, the agent foots the bill. "We will then try to find a solution within those 30 days," says Capt Vernaeve.

Pressure is kept up on the crew and manning agency and the port liaises with the mortgage bank and creditors about the possibility of arresting the ship. The seafarers are encouraged to employ a solicitor in order to ensure that they are priority creditors, and the port also ensures it is second in line as a creditor.



GRIMY: Sanitary conditions on abandoned ships can be less than hygienic

"In Belgian law you can sell the ship yourself and that is not good for the bank, because they could lose everything if it goes to a scrap yard," says Capt Vernaeve. "We have done it. All we want is enough money to pay the crew and ourselves, and I don't have to make a profit." **PS**

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Capt Dirk Vernaeve, Port of Ghent



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Seafarers 'contribute so much'

ABANDONED SEAFARERS OFTEN feel intimidated and afraid to reveal the true situation, says Amos Hosea, chief maritime labour officer at the Nigerian Maritime Administration and Safety Agency.

As national secretary of the National Seafarers Welfare Board of Nigeria, he has dealt with a significant number of abandoned ships, in Lagos and the other Nigerian ports.

Recent cases have included one where the seafarers, from Vietnam and Myanmar, had not been paid for more than a year and were, at the time of writing, relying on food and water supplies from the welfare board, ITF and other organisations.

In another, at Port Harcourt, the owner disappeared and the port authority needed the berth – so the ship was moved to midstream within the port area.



HELPING HAND: port authorities and other authorities should "take more action" to assist abandoned seafarers

"I think there is a need for much more awareness of this situation, of the seafarers' needs and how this directly or indirectly will affect the working of vessels within the port," says Mr Hosea. "Port authorities and other authorities should take more action. Definitely the welfare of the seafarer should be fundamental to port authorities, terminal operators, maritime administrations and all policymakers.

"Seafarers contribute so much but their welfare is not taken seriously. They are a group of human beings that need special care and special attention if they are to achieve what is expected of them."

The maritime administration is working hard to ensure that International Labour Organization's Maritime Labour Convention is ratified by Nigeria, he adds. "This will comprehensively address issues relating to seafarers."