DISCUSSION OF OPTIONS FOR LONGER-TERM SOLUTIONS TO THE PROBLEMS OF ABANDONMENT, PERSONAL INJURY AND DEATH OF SEAFARERS, TAKING INTO ACCOUNT RELEVANT IMO AND ILO INSTRUMENTS, INCLUDING THOSE UNDER REVIEW OR LIKELY TO BE ADOPTED IN THE NEAR FUTURE

Submitted by the ILO and IMO Secretariats

SUMMARY

Executive summary: This document contains a synopsis of the replies to the questionnaires on the implementation of resolutions A.930(22) and A.931(22) and related guidelines. The annex to this document contains information on recent cases of abandonment, before and after 1 January 2003.

Action to be taken: For consideration under agenda item 3

Related documents: IMO/ILO/WGLSSCCS 4/3, resolution A.930(22) and A.931(22) and related guidelines
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Recurring abbreviations

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<tr>
<td>CSR</td>
<td>Centre for Seafarers’ Rights</td>
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<td>EEA</td>
<td>European Economic Area</td>
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<td>ICFTU</td>
<td>International Confederation of Free Trade Unions</td>
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<td>IMO</td>
<td>International Maritime Organization</td>
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<td>ISM Code</td>
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<td>NIS</td>
<td>Norwegian International Ship Register</td>
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<td>NOR</td>
<td>Norwegian Ordinary Ship Register</td>
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Introduction

The Governing Body of the ILO, at its 282nd session (November 2001), and the IMO Assembly, at its 22nd session in November 2001, adopted Resolution A.930(22) “Guidelines on provision of financial security in case of abandonment of seafarers” and Resolution A.931(22) “Guidelines on shipowners’ responsibilities in respect of contractual claims for personal injury to or death of seafarers”. Both Resolutions took effect on 1 January 2002.

In order to assess the effect given to Resolutions A.930(22) and A.931(22), the Fourth Session of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims of Death, Personal Injury and Abandonment of Seafarers adopted two questionnaires.

These questionnaires were sent out to all the Member States of the IMO and to relevant organizations, as appropriate, which were invited to reply to the questionnaires and send their replies to the secretariat no later than 20 October 2003.

At the time of drawing up this report, replies were received from the Governments of the following 11 States or territories: Australia, Cyprus, Denmark, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Mexico, Republic of Korea, Norway and United States. Two organizations, the ICFTU and the ITF, provided information on cases of abandonment.

This report is based on these replies and tries to determine the effect given to these two Resolutions in law and practice. The report will be reviewed by the Fifth Session of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, which is scheduled to take place from 12 to 14 January 2004 in London.
Replies received and commentaries

This section contains the substance of the replies to the questionnaire appended to the Report of the Working Group (IMO/ILO/WGLCCS 4/3). Each question is reproduced and followed by the list of governments that replied to it, grouped in accordance with the nature of these replies. One member State (Denmark) sent a detailed reply which had been submitted in the context of an earlier questionnaire on these subjects. Where the response has been specific to the questions posed, these Comments are reproduced.

Where replies contain qualifying remarks or explanations, the substance of each observation is given country by country after the abovementioned list. Responses of a simple affirmative or negative nature have not been reproduced. Where a reply covers several questions, the substance of the reply is given under only one of the questions. The replies to question 7 of the questionnaire on Resolution A.930(22), which relates to the reporting of cases of abandonment, are found in the appendix to this document. A short analysis can be found under Part B, after the replies to the first questionnaire.

The questionnaire contained in Annex 2 of IMO/ILO/WGLCCS 4/3 deals with the monitoring of the implementation of Resolutions and Guidelines concerning the provision of financial security in case of abandonment, whereas the questionnaire contained in Annex 3 addresses the implementation of the Guidelines on shipowners’ responsibility in respect of contractual claims for personal injury or death of seafarers.

A. Questionnaire on monitoring of Resolutions and Guidelines concerning the provision of financial security in case of abandonment of seafarers

1. Questions concerning the status of national laws and regulations

Question (1)(a) – Do your laws and regulations contain a definition of abandonment?

Affirmative: Australia, Cyprus, Germany, Greece.

Negative: Denmark, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

Comments

Australia. The Navigation Act 1912, Part 2, Division 16, “Protection of seamen” prescribes offences and requirements in relation to circumstances of seafarers being “wrongfully forced ashore and left behind”, and Division 19 defines a “distressed seaman” as one who “is in distress … by reason of having been discharged or left behind from or being shipwrecked in a ship”.  

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1 Annex 2 of IMO/ILO/WGLCCS 4/3.
Cyprus. Sections 67 and 68 of the Merchant Shipping (Masters and Seamen) Law 46 of 1963 as amended provide for a wider interpretation of abandonment, since it refers to “seamen in distress”. Repatriation costs and other expenses are borne by the “Assistance and Repatriation Fund to Indigent Seamen”. Furthermore, the Merchant Shipping (Criminal and Disciplinary Liability of Seafarers, Suspension or Cancellation of Certificates) Law of 2000 (Law 106(I)/2000) is highly relevant. Section 17 refers to the “abandonment of sick persons in a foreign country” and makes such deeds by a master a criminal offence. Lastly, the Convention Concerning the Repatriation of Seamen (Ratification) and for Matters Connected Therewith Law of 1995 (Law 12(III)/95) makes direct reference to the prohibition of abandonment of a seafarer, and the responsibility of the Republic for repatriation and other related provisions.

Denmark. Since no definition exists, abandoned seafarers are typically in contact with the ship’s representative (the shipbroker) and the police; their residence rights are governed by the Danish legislation applicable to foreigners.

Germany. Article 1 of the Law of 2 June 1902 concerning the obligation of merchant ships to convey seafarers wishing to be repatriated (RGBl.S.212) requires German vessels to take on board any seafarers who are in need of assistance. Article 71, No. 1, of the Seamen’s Law of 1957, last modified in March 2002, prohibits the master of a ship that flies the German flag to leave a seafarer in a place outside the ambit of the German Constitution without the permission of the responsible German seafarers’ inspectorate.

Greece. Article 29 of L.1220/81 covers the non-observance of wages and food provisions by the shipowner.

United States. While national statutes do not specifically define abandonment, there are provisions that protect United States mariners who become destitute while in foreign ports. The applicable 46 United States Code (U.S.C.) §11104 (attached) is entitled “Destitute seamen”. This statute provides protection to seafarers when the ties between shipowner and seafarer have been severed. United States law provides numerous protections, including repatriation, payment of wages, and maintenance expenses for sick or injured seafarers.

(b) If yes to (a), does it cover the situation of abandonment occurring both on board the ship and ashore?

Ashore only: Australia.

Situations both on board and ashore are covered: Cyprus, Germany, Greece.

Not applicable: Denmark, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

Comments

Cyprus. The relevant provision is drafted in very general terms, leaving the administration to decide the actions to be taken on a case-by-case basis.
(c) *If yes to (a) above, to what extent is your definition consistent with Resolution 930(22)?*

**Not applicable:** Denmark, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

**Comments**

**Australia.** See reply to question (1)(a) above.

**Cyprus.** The definition used is broader than the one contained in A.930(22).

**Germany.** The definition includes the situations mentioned in A.930(22).

**Greece.** The definition of A.930(22) is covered to a large extent, as protection is provided also as regards seafarers’ repatriation.

(d) *If no to (a) above, what is the practical definition as developed by courts or other authorities?*

**Not applicable:** Australia, Cyprus, Greece.

**Comments**

**Germany.** No case of abandonment has been discovered on ships that fly the German flag during the last 30 years.

**Hong Kong (China).** The term “left behind” is used in the Merchant Shipping (Seafarers) (Repatriation) Regulation. No definition is provided in the Regulation.

**Islamic Republic of Iran.** Regarding the practical definition and customary practice, communication with related authorities such as local maritime courts in major Iranian seaports exists. Results will be provided subsequently.

**Republic of Korea.** There is no definition of abandonment as such in the Republic of Korea. However, shipowners of ocean-going fishing vessels are required to provide insurance cover for the repatriation of their seafarers.

**Mexico.** Such definitions are based on the Federal Labour Code and collective agreements.

**Norway.** Norwegian legislation entitles seafarers to repatriation and eight weeks’ remuneration following the institution of bankruptcy/liquidation proceedings of the employing company.

**United States.** The practical definition is provided by the statute.

(e) *Who is covered by the definition contained in your national laws or regulations:*

(i) *Your nationals on board ships entitled to fly your flag?*

**Affirmative:** Australia, Cyprus, Germany, Greece, Hong Kong (China), Republic of Korea, Mexico, Norway, United States.
Other: Islamic Republic of Iran.

Comments

Islamic Republic of Iran. Clarification should be provided on this question.

Norway. All seafarers employed on board a vessel registered in the Norwegian Ordinary Ship Register (NOR) are, regardless of nationality, covered by the Norwegian National Insurance Scheme. Norwegian nationals and EU citizens on ships registered in the Norwegian International Ship Register (NIS) are also covered by the Norwegian National Insurance Scheme. All other seafarers employed on board a ship registered in the NIS are covered by mandatory guarantee schemes.

(ii) Your nationals on board foreign-flagged ships?

Affirmative: Australia, Germany, Greece, Republic of Korea, Norway.

Negative: Cyprus, Hong Kong (China), Mexico, United States.

Other: Islamic Republic of Iran.

Australia. The Navigation Act 1912 (Part 2) applies in so far as the majority of crew members are residents in Australia and the ship is operated by an Australian person or company. Section 148A of the Act, concerning seafarers being “wrongfully left behind”, applies to all ships, whether or not Part 2 is applicable to them.

Islamic Republic of Iran. See reply to question (i) above.

Republic of Korea. The manning agent is required to deposit some money for the repatriation of seafarers when the shipowner cannot fulfil his obligation.

Norway. When Norwegian residents are employed by a Norwegian employer on a foreign-flagged ship, they will be members of the National Insurance Scheme and thus covered.

(iii) Foreign seafarers on board ships entitled to fly your flag?

Affirmative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Republic of Korea, Norway, United States.

Negative: Mexico.

Other: Islamic Republic of Iran.

Comments

Islamic Republic of Iran. See reply to question (i) above.

(iv) Foreign seafarers on board foreign-flagged ships in your ports?

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Affirmative: Australia.

Negative: Cyprus, Germany, Greece, Mexico, Hong Kong (China), Republic of Korea, Norway, United States.

Other: Islamic Republic of Iran.

Comments

Australia. The Navigation Act 1912 (Part 2) applies in so far as the ship is licensed to engage in the Australian coasting trade. Section 148A of the Act, concerning seafarers being “wrongfully left behind”, applies to all ships, whether or not Part 2 is applicable to them.

Islamic Republic of Iran. See reply to question (i) above.

Office summary

Seven of the 11 States that replied to this question do not have a legal definition of abandonment. It seems, however, that mechanisms often exist to address these problems at the national level. Due to their different legal systems, mechanisms to deal with abandonment vary greatly.

While States are often prepared to address the problems of their own nationals or ships flying their flag, the situation of foreign seafarers working aboard ships flying a foreign flag is often not specifically addressed by national legislation.
Question (2) – Do your existing laws and regulations contain protection for seafarers, which give effect to or are substantially equivalent to the provision of the Guidelines in respect of:

(a) Repatriation?

**Affirmative:** Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

**Comments**

**Germany.** Yes, article 72 of the Seamen’s Law.

**Republic of Korea.** There is only partial cover, however, since the relevant provisions apply to ocean-going fishing vessels only.

(b) Payment of wages?

**Affirmative:** Australia, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

**Negative:** Cyprus.

**Comments**

**Australia.** The master is obliged to account in full and to deliver to the seafarer or a proper authority the wages due to the seafarer.

**Germany.** In cases where the ship is lost because of an unforeseen event, or if the voyage cannot be commenced or continued because of war or other warlike events, embargo or blockade, the shipowner may cancel the employment contract with the seafarer in consideration of an adequate period. In these cases, the seafarer is entitled to basic pay for each day of de facto unemployment for a maximum period of two months. If the repatriation is only possible at a later date, the seafarer is entitled to payment of the basic pay until the date of repatriation. If the repatriation is not possible owing to circumstances for which the shipowner is not responsible, the seafarer is entitled to basic pay for a maximum period of three months. According to Articles 67 and 70 of the Seamen’s Law, a seafarer who denounces the employment contract because the shipowner defaults is entitled to one month’s pay.

**Mexico.** The period covered is determined by collective agreements.

**Hong Kong (China).** The regulation specifies that the wages due under a crew agreement shall be paid to the seafarer in full, if he is left behind in any place.

**Islamic Republic of Iran.** Wages are paid for the period of the contract.

**Republic of Korea.** Shipowners need to provide financial security for three months of outstanding wages.
Norway. Seafarers covered by the Norwegian National Insurance Scheme are entitled to remuneration accrued before the deadline. Remuneration is limited to three times the national insurance system’s basic amount, which today constitutes Nkr162,510 (US$23,778). Seafarers on NIS ships covered by the mandatory guarantee schemes are entitled to eight weeks of remuneration. The right to remuneration must have been earned within the last 18 months of the contract of employment or in the course of employment before the deadline. Remuneration is limited in the same way as under the Norwegian National Insurance Scheme.

United States. Pursuant to 46 U.S.C. §11106, United States consular officers can require a master to pay a United States seafarer who has been wrongfully discharged in a foreign port all wages due plus one month’s additional wages.

(c) Food and accommodation?

Affirmative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, United States.

Negative: Norway.

Comments

Australia. Items (c) and (d) are covered under national legislation, which specifies that the costs of repatriation include the costs of maintenance of the seafarer during the period in which the seafarer is entitled to repatriation, in accordance with relevant industrial awards or the ILO Repatriation of Seafarers Convention (Revised), 1987 (No. 166).

Germany. Article 72, No. 2, of the Seamen’s Law states that repatriation includes provision of food and accommodation.

(d) Health care?

Affirmative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, United States.

Negative: Norway.

Comments

Australia. See comment under (e).

Germany. Article 42, No. 1, of the Seamen’s Law and Article 617 of the German Civil Code contain such provisions.

Republic of Korea. Health care is covered by national health insurance and occupational accident insurance.

Norway. EU citizens are entitled to medical care under the EEA agreement while they are in the EEA.
Question (3) – In the framework of question 2 above, what systems or mechanisms concerning financial security concerning question 2 above do you have in place to give effect to the laws and regulations in respect of:

(a) Your nationals on board ships entitled to fly your flag?

Australia. Australia has a well-developed business environment, encompassing law on corporations, workplace relations and agreements, social security and related matters. Australian shipowners would be expected to comply with relevant standards regarding corporate management and financial probity, without any need for specific regulation requiring financial security for all aspects of their operations. The Navigation Act, 1912, (Part 2) does not require the provision of financial security by a shipowner, but does place obligations on shipowners in respect of repatriation, payment of wages and maintenance of seafarers that are partially equivalent to the Guidelines for seafarers covered by the Act. In practice, Australian shipowners will have a protection and indemnity (P&I) or other insurance to cover their obligations concerning repatriation of seafarers as part of their normal business operations. In addition, all seafarers may, through the Admiralty Act, 1988, seek arrest of ships and sue for recovery of unpaid wages and related costs.

Cyprus. Although the Government has extensively inquired into this possibility with major P&I Clubs, insurance companies, mortgagees and other interested parties, none of these entities is prepared to provide financial security for such risks.

Germany. According to Article 823, No. 2, of the German Civil Code, any person is entitled to compensation from another person who has violated a law which has been established for the protection of the former. This means that a German seafarer who according to the German Seamen’s Law is entitled to repatriation and financial compensation at the shipowner’s expense and who has not received this compensation may sue the shipowner in the German Labour Court. In case of abandonment, a German seafarer may appeal to the nearest consulate. German consulates are obliged to provide help to German citizens, including help in arranging travel to a person’s usual place of residence (Article 5, No. 4, of the German Consular Law). Article 2 of said Law specifically requires consulates to fulfil their statutory duties on behalf of seafarers.

Greece. Payment of up to three months’ arrears of wages and reimbursement of immediate repatriation expenses by a special fund for Greek seafarers.

Hong Kong (China). It is the employer’s responsibility to make such provisions under the regulation.

Islamic Republic of Iran. Financial security is provided.


Mexico. No Comments on this point.
Norway. All seafarers engaged in service on a vessel registered in the Norwegian Ordinary Ship Register (NOR), regardless of their nationality, are covered by the Norwegian National Insurance Scheme. Norwegian nationals and EEC citizens on ships registered in the Norwegian International Ship Register (NIS) are also covered by the Norwegian National Insurance Scheme. All other seafarers in service on a ship registered in the NIS are covered by mandatory guarantee schemes.

United States. 46 U.S.C. §11106 ensures repatriation and payment of wages for United States seafarers serving aboard United States flag vessels. Seafarers from the United States have the common law remedy of maintenance and cure to ensure that the shipowner provides food, accommodation and health care. Under certain circumstances these expenses may be borne by the United States Government. Furthermore, seafarers from the United States may avail themselves of all the services the United States provides to any of its citizens who find themselves in distress while overseas.

(b) Your nationals on board foreign-flagged ships?

Australia. See reply to question (a) above.

Cyprus. See reply to question (a) above.

Germany. Article 823, No. 2, of the German Civil Code applies also to seafarers on board foreign-flagged ships, if the employment contract has been concluded under German jurisdiction. Article 2 of the German Consular Law applies in any case.

Greece. See reply to question (a) above.

Hong Kong (China). It is the employer’s responsibility to make such provisions under the terms of service of the crew agreement.

Islamic Republic of Iran. These situations need to be covered by P&I Clubs or consular authorities.


Mexico. No Comments on this point.

Norway. Norwegian residents employed by a Norwegian employer on a foreign-flagged ship are members of the National Insurance Scheme. Voluntary members of the National Insurance Scheme are also covered.

United States. No statutory remedies, but the mariner may bring various actions for tort.

(c) Foreign seafarers on board ships entitled to fly your flag?

Australia. See reply to question (a) above.

Cyprus. See reply to question (a) above.
Germany. Article 823, No. 2, of the German Civil Code (BGB) applies to foreign seafarers on ships flying the German flag.

Greece. See reply to question (a) above.

Hong Kong (China). It is the employer’s responsibility to make such provisions under the regulation.

Islamic Republic of Iran. Financial security is provided.


Mexico. No Comments on this point.

Norway. All seafarers engaged in service on a vessel registered in the NOR are, regardless of their nationality, covered by the Norwegian National Insurance Scheme. EU citizens on ships registered in the Norwegian International Ship Register (NIS) are also covered by the Norwegian National Insurance Scheme. All other seafarers in service on a ship registered in the NIS are covered by mandatory guarantee schemes.

United States. Non-United States citizens lawfully admitted to the United States for permanent residence and serving as crew members aboard United States flag vessels enjoy the same statutory and common law remedies as United States citizens.

(d) Foreign seafarers on board ships flying foreign flags in your port?

Australia. See reply to question (a) above.

Cyprus. See reply to question (a) above.

Germany. There is no system or mechanism in place in Germany for securing financial security (question 2) for foreign seafarers on ships flying foreign flags.

Greece. See reply to question (a) above.

Hong Kong (China). No local legislation exists.

Islamic Republic of Iran. These situations need to be covered by P&I Clubs or consular authorities.

Republic of Korea. National legislation does not exist.

Mexico. No Comments on this point.

Norway. No arrangement exists.

United States. No statutory remedies, but the mariner may bring various actions for tort, provided that certain jurisdictional conditions are met.
Question (4) – Have there been any changes in your laws, regulations or practice since the adoption of the abovementioned Resolution and its entry into force on 1 January 2002?

Negative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

Comments

Australia. See reply to question (3) above.

Question (5) – Do you have any plans to change your laws, regulations or practice to comply with the requirements of the abovementioned Resolution in the near future?

Affirmative: Mexico, Islamic Republic of Iran, Norway.

Negative: Australia, Germany, Hong Kong (China), Republic of Korea, United States.

Other: Cyprus, Greece.

Comments

Australia. See reply to question (3) above.

Cyprus. No Comments on this point.

Greece. The relevant legislation is under constant review with a view to adapting it to changing requirements of modern maritime activities.

Islamic Republic of Iran. In order to cover the provision of financial security in cases of abandonment, the Ports and Shipping Organization of the Islamic Republic of Iran has signed a contract to amend the Maritime Code to comply with the requirements of the Resolution.

Mexico. Mexico is currently reforming its legislation on maritime navigation. The introduction of a new Title 9 on “administrative procedures” is being envisaged which will also include provisions on abandonment in articles 264-266.

Norway. The Norwegian guarantee scheme is linked to the institution of bankruptcy/liquidation proceedings. Seafarers may, however, experience hardships equivalent to abandonment before this stage has been reached. In these situations, seafarers are not entitled to take advantage of the guarantee scheme. In order to prevent such a situation, Norway is currently considering amending national legislation in order to allow for coverage before the employer has formally reached the stage of bankruptcy/liquidation.

United States. Statutory and common law in the United States provide greater protection for the abandoned or destitute seafarers than that provided in the Resolution and Guidelines.
Question (6) – Do you have any difficulties in implementing the abovementioned Resolutions and Guidelines?

Affirmative: Cyprus, Republic of Korea, Norway.

Negative: Australia, Germany, Hong Kong (China), Islamic Republic of Iran, Mexico.

Other: Greece.

Comments

Australia. While national law does not require the provision of financial security by shipowners against abandonment of seafarers as noted under question 3, Australian law and practice provides an appropriate framework in regard to matters covered by the Resolution and Guidelines.

Cyprus. See reply to question (3).

Greece. This issue has not been sufficiently considered for the Government to draw any final conclusions as yet.

Republic of Korea. Since the Resolution and Guidelines are of a recommendatory nature, it is difficult to persuade shipowners that they are obliged to provide for such financial security systems.

Norway. The Norwegian guarantee scheme is limited to eight weeks’ wages. The Guidelines, however, provide cover for all outstanding remuneration without any limitation. Without this limitation, no financial institution is willing to take over the responsibility of furnishing a guarantee. Unless necessary amendments are made in this regard, Norway will find it difficult to ratify a binding instrument. Moreover, the definition of abandonment is difficult to put into practice. This Government would prefer the wage guarantee to be linked to the bankruptcy/liquidation proceedings. As to the seafarers’ fundamental needs as regards repatriation we are considering making the guarantee effective before the institution of bankruptcy/liquidation proceedings.

United States. Not applicable.

Question (7) – See appendix for summarized information on cases of abandonment.

Question (8) – What are the major difficulties you encounter in dealing with foreign seafarers abandoned in your ports:

(a) Contact with flag State or consular authorities?

Affirmative: Republic of Korea.

Negative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Mexico, Norway, United States.
Comments

Australia. Adequate legal, consular, immigration and welfare mechanisms are in place for dealing with foreign seafarers who may be abandoned in Australian ports. These involve a mix of government and non-government services. The ease of resolution of abandonment cases depends on the individual circumstances of each case or seafarer.

Cyprus. A global workable solution to this problem should be sought.

Islamic Republic of Iran. No major difficulties have been encountered.

Mexico. No information is available.

(b) Contact with State of nationality of the seafarer?

Affirmative: Cyprus, Republic of Korea.

Negative: Australia, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Mexico, Norway, United States.

Comments

Australia. See reply to question (a).

Mexico. See reply to question (a).

(c) Contact with other organizations?

Negative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.

Comments

Australia. See reply to question (a).

Mexico. See reply to question (a).

(d) Absence of national arrangements for dealing with abandonment?

Affirmative: Greece.

Negative: Australia, Cyprus, Germany, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Mexico, Norway, United States.
Comments

Australia. See reply to question (a).

(e) Other, please indicate the details?

Affirmative: Hong Kong (China), Norway, United States.

Negative: Australia, Cyprus, Germany, Islamic Republic of Iran, Republic of Korea, Mexico.

Comments

Australia. See reply to question (a).

Hong Kong (China). From time to time Hong Kong is faced with problems of abandonment. Experience has shown that in most cases the flag state authorities or consulates are unlikely to be of help. Furthermore, the situation is very often complicated owing to unpaid wages and lack of water and food on board.

Mexico. See reply to question (a).

Norway. The absence of flag state arrangements requiring that the shipping company responsible for the abandoned seafarers have the necessary financial resources.

United States. While repatriation of foreign seafarers is generally accomplished with the assistance of the flag State and its consular officials, a number of States whose seafarers have been abandoned in United States ports lack established procedures and funding to effectuate repatriation.

Question (9) – As provided for in paragraph 7 of the Resolution, have you nominated a focal point(s) for dealing with cases of abandonment?

Affirmative: Greece, Hong Kong (China), Republic of Korea.

Negative: Australia, Cyprus, Germany, Mexico, Islamic Republic of Iran, United States.

Comments

Australia. The appropriate government or non-government agency with lead responsibility for handling abandonment cases will depend on the individual circumstances of each case.

Cyprus. All cases of abandonment are handled by the Administration of the Department of Merchant Shipping (“D.M.S. Administration”).

Germany. The German water police is responsible for dealing with cases of abandonment.

Greece. According to the Operation Regulation of the Ministry of the Mercantile Marine, the Seamen’s Labour Division is responsible for the provision of necessary protection to abandoned seafarers.
Hong Kong (China). The Chief Assistant Registrar in the Shipping Registry and Mercantile Marine Office is assigned as focal point.

Mexico. The Mexican Government has not designated a specific focal point, but the maritime authorities are currently handling such cases.

Republic of Korea. The Deputy Director of the Seafarers and Labour Policy Division in the Shipping and Logistics Bureau is assigned as focal point.

Office summary

The national systems in place to deal with abandonment cases vary widely. While most areas (such as repatriation and health care) are covered by national legislation, differences exist regarding the payment of wages, as well as the provision of food and accommodation. Legal limitations are often in place, in particular regarding the payment of wages, which do not fully satisfy the requirements contained in the Guidelines, since the Guidelines do not foresee any such limitations.

No changes to legislation as a result of the Guidelines have yet occurred, although three States have indicated that they are willing to amend their legislation accordingly.

The assignment of focal points by countries is to be noted, since it constitutes a first step towards implementation.

B. Practical aspects of implementation

Incidents of abandonment

Although few replies to the questionnaire were received, a relatively high number of recorded cases of abandonment was reported. The main contributors were the ICFTU and the ITF, which are keeping a database on such cases, and the United States, which has reported cases dealt with by the Center for Seafarers’ Rights (CSR).

Cyprus, the Republic of Korea and the United States reported an additional 20 cases, which are included in the appendix, although they did not fall within the period January to end of July 2003.

Of the 25 cases in question, five have been reported as already concluded. All other 20 cases are still pending.

Some flag States, in particular Honduras (four cases), Panama and Tonga (three cases each) have been confronted with these problems more regularly than others.

While this might be taken as an indication of the standards observed by a flag State, it is important to note that Cyprus reported four cases involving ships flying its flag, of which two fell within the first half of 2003. This should therefore be considered when comparing the data.
Since the collection of data has only now begun in the framework of Resolution A.930(22) and the main source remains the joint ICFTU/ITF database, a truly global picture cannot yet be observed. One clear indication can, however, be derived from the cases reported: the number of seafarers affected remains high. The number of seafarers affected from January to July 2003 is at least 340 (the total number of seafarers reported to be affected was 524). This number does not include 18 cases reported by the United States.

Since this first report is based on the material provided for the first half of 2003, it is not yet possible to identify the trends.

C. Implementation of Guidelines on shipowners’ responsibilities in respect of contractual claims for personal injury to or death of seafarers – questionnaire to States on implementation

*Question (1) – In accordance with paragraph 2 of the operative provisions of Resolution A.931(22), has your Government brought or does it intend to bring the Resolution and Guidelines to the attention of:

(a) shipowners and their representative organizations; and

(b) seafarers and their representative organizations?*

Please provide relevant details, including the names of the organizations concerned.

*To both shipowners’ and seafarers’ organizations: Cyprus, Germany, Greece, Hong Kong (China), Republic of Korea, Norway.*

*To shipowners’ organizations: Denmark, Islamic Republic of Iran.*

*Other Comments: Australia, United States.*

**Comments**

*Australia.* Copies of the IMO Resolutions and Guidelines are made available to the Australian shipping industry employers and employees and their representative organizations via the Australian Maritime Safety Authority web site. Australia has a well-established system for providing IMO documentation to its shipping industry through this mechanism, which is regularly used by the industry.

*Cyprus.* The Resolutions and Guidelines were brought to the attention of: *(a) employers’ organizations:* Cyprus Employers’ and Industrialists’ Federation, Cyprus Chamber of Commerce and Industry, Cyprus Shipping Council, Union of Cypriot Shipowners, Union of Cypriot Shipowners (SEAROVERS) Ltd; *(b) workers’ organizations:* Transport Workers’ Federation, Port and Seaman Trade Union, Democratic Labour Federation of Cyprus.

*Denmark.* The Resolutions were sent to the most representative organizations of shipowners.

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2 Annex 3 of *IMO/ILO/WGLCCS 4/3.*

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Germany. The Resolutions and Guidelines were brought to the attention of: (a) employers’ organizations: Association of German Shipowners (VDR); (b) workers’ organizations: United Services’ Union (VerDi).

Greece. The Resolutions and Guidelines were brought to the attention of: (a) employers’ organizations: Union of Greek Shipowners; (b) workers’ organizations: Panhellenic Seamen’s Federation.

Hong Kong (China). The Resolutions and Guidelines were brought to the attention of: (a) employers’ organizations: Hong Kong Shipowners’ Association, Hong Kong General Chamber of Commerce, Hong Kong Shipper Council; (b) workers’ organizations: Hong Kong Merchant Navy Officers’ Guild, Hong Kong Seamen’s Union.

Islamic Republic of Iran. Guidelines dispatched to Iranian shipping companies.

Republic of Korea. The Resolutions and Guidelines were brought to the attention of: (a) employers’ organizations: Korean Shipowners’ Association (KSA), Korean Deep Sea Fisheries Association (KDSFA); (b) workers’ organization: Federation of Korean Seafarers’ Unions (FKSU).

Norway. The Resolutions and Guidelines were brought to the attention of: (a) employers’ organizations: Norwegian Shipowners’ Association, Association of Cargo Freighters; (b) workers’ organizations: Norwegian Seamen’s Union, Norwegian Maritime Officers’ Union, Norwegian Union of Marine Engineers.

United States. With respect to contractual claims for death and personal injury, United States domestic legislation and common law provide extensive coverage for seafarers and their next of kin. Aggrieved seafarers have a variety of contractual, statutory and common law remedies. Shipping article agreements (labour contracts between the seafarers and the vessel owner/operator/master) may stipulate damages for seafarers aboard United States vessels engaged in foreign trade, as allowed under 46 U.S.C. §§10301-10302. In addition, 46 App. U.S.C. §688 provides for recovery in tort for personal injury or death due to negligence. Common law in the United States recognizes an action for expenses relating to maintenance and cure for illness or injury. Furthermore, common law allows for an action in tort for unseaworthiness. This final remedy is available for both injured seafarers and for surviving spouses of killed seafarers. Seafarers may also bring combined causes of action in court for maintenance and cure, “Jones Act” negligence, and unseaworthiness. The seafarer may also bring in rem proceedings against the vessel to satisfy the judgement. Settlements and judgements on behalf of United States seafarers and their next of kin have proven to be substantial. These actions are not limited to United States citizens. If certain jurisdictional elements are met, foreign seafarers may also be able to take advantage of these causes of action as well. United States statutory and common law exceed the seafarer protections called for in the Guidelines to the Resolution. The drafters of the Resolution specifically did not call for the adoption of additional mechanisms where national legislation already meets or exceeds the provisions on behalf of seafarers in the Guidelines. United States shipowners and maritime unions are aware of the Resolution and the Guidelines, since their representatives serve as advisers to the United States delegate to the Working Group. The United States-based advisers include representatives of the International Council of Cruise Lines, the P&I Club, the Seafarers’ International Union, the International Organization of Masters, Mates and Pilots and the Seamen’s Church Institute.
Question (2)(a) – In accordance with paragraph 3 of the operative provisions of the Resolution, has your Government taken steps or does it intend to take steps to ensure that shipowners comply with the Guidelines?

**Australia.** The Government has established a statutory authority (the Seafarers Safety, Rehabilitation and Compensation Authority) to administer the operation of the Seafarers Rehabilitation and Compensation Act, 1992. All employers are required to have a policy or indemnity from an authorized insurer or to be a member of an approved protection or indemnity association to cover the employer’s full liability for compensation.

**Cyprus.** Steps to ensure effective implementation are currently under consideration.

**Denmark.** Seafarers working on a vessel registered under the Danish Shipping Register or the Danish International Shipping Register are covered by the Act on Protection against the Consequences of Industrial Injuries, which covers personal injury and death. Supplementary insurance is not mandatory.

**Germany.** German legislation requires that every worker on a ship flying the German flag be covered by accident insurance. This insurance is provided by the Maritime Liability Insurance Association (Seevereitgenossenschaft), which provides liability coverage for all German shipping companies. Membership is obligatory for all ships flying the German flag.

**Greece.** All legislation governing seafarers’ social security protection and labour conditions is constantly under review, so that it adapts to the changing requirements of modern maritime transport activities. The issue has not been sufficiently considered for the Greek Government to draw conclusions. No particular measures have been taken as regards the Resolution’s arrangements.

**Hong Kong (China).** The attention of shipowners, ship managers and masters of Hong Kong has been drawn to the relevant Resolution and the Guidelines via the Hong Kong Merchant Shipping Information Note.

**Islamic Republic of Iran.** The Iranian Maritime Code is currently under review and necessary amendments will be made to ensure compliance with the Guidelines.

**Republic of Korea.** The Government intends to take steps to ensure that shipowners comply with the Guidelines. The Korean Seafarers’ Act requires that shipowners provide insurance coverage for occupational accidents involving their seafarers. However, time will be needed to persuade shipowners.

**Norway.** National legislation is largely in compliance with the Guidelines. Therefore, the Norwegian Government does not intend to amend legislation in the near future. The outcome of the work on a binding instrument and the steps taken by other States will be monitored.

**United States.** Not applicable, for the reasons stated in the reply to question 1 above.
Question (2)(b) – In particular, do you ensure that shipowners, whose ships are entitled to fly your flag, have on board an insurance certificate issued by the insurer, which is posted in a prominent position in the crew accommodation area?

Affirmative: Germany, Hong Kong (China), Islamic Republic of Iran.

Negative: Australia, Cyprus, Denmark, Greece, Republic of Korea, Norway, United States.

Comments

Australia. Such a requirement does not exist under national legislation. See reply to question 5 below.

Cyprus. Steps to ensure effective implementation are currently under consideration.

Denmark. Insurance is statutory and, therefore, if an insurance agreement is cancelled, a new policy has to be taken out immediately. There is no obligation to communicate this to either the maritime authorities or crew. Since the National Board of Industrial Injuries will pay the benefits to the person in advance, even if the employer does not fulfil his obligations to arrange for protection, injured persons are protected and will be compensated under the Act.

Germany. The Social Insurance for Seafarers’ Occupational Accidents ensures that a sign is posted in a prominent position on board and states that the shipping company is an obligatory member of this organization.

Greece. See reply to question 2(a) above.

Hong Kong (China). The Employees’ Compensation Ordinance, Cap. 282, requires employers to display such a notice in both English and Chinese.

Islamic Republic of Iran. Necessary steps have been taken.

Republic of Korea. The Seafarers’ Act does not require certificates to be posted in a prominent position in the crew accommodation area.

Norway. Norwegian citizens and EU citizens are covered by the National Insurance Scheme. All seafarers serving on ships on the Norwegian Ordinary Ship Register (NOR), regardless of nationality, are covered by this scheme in respect of occupational injury or death. Seafarers other than EU citizens serving on ships on the Norwegian International Ship Register (NIS) need to be covered by mandatory insurance before registration. Such insurance is provided by P&I Clubs. Since coverage is mandatory, an insurance certificate is superfluous.

United States. Not applicable for the reasons stated in the reply to question 1 above.
Question (2)(c) – Have you taken measures to encourage shipowners, and through them their insurers, to use the model receipt and release form, as recommended in the Guidelines, for the prompt settlement of contractual claims?

Negative: Australia, Cyprus, Germany, Greece, Republic of Korea, Norway, United States.

Other: Islamic Republic of Iran, Hong Kong (China).

Comments

Cyprus. No steps have been taken so far, but a relevant circular will be forwarded to shipowners and ship managers soon.

Germany. The model receipt and release form are not suitable, because a statutory right to compensation exists under German legislation.

Greece. See reply to question 2(a) above.

Hong Kong (China). See reply to question 2(a) above.

Islamic Republic of Iran. Measures are under consideration.

United States. Not applicable, for the reasons stated in the reply to question 1 above.

Question (2)(d) – Please provide details of any monitoring mechanism that you have put or intend to put in place.

Australia. The Seacare Authority is responsible for monitoring shipowners’ compliance with the Seafarers Rehabilitation and Compensation Act, 1992. Insurance details of all employees covered by this Act are reported to the Seacare Authority on a quarterly basis. Non-compliance is investigated and penalty provisions may apply.

Cyprus. Monitoring will be provided through the flag State implementation network. Currently 28 surveyors are employed and 43 inspectors have been appointed in 29 ports in 17 countries around the world. An annual inspection of each vessel is targeted.

Denmark. See reply to question (2)(b).

Germany. The Federal Insurance Office supervises the Maritime Liability Insurance Association (Seevertrauflschaft). Reviews are performed every five years. The statutes and budget of the Maritime Liability Insurance Association need to be approved by the Federal Insurance Office or the Ministry of Health and Social Security. Complaints are dealt with by the Federal Insurance Office, which takes final decisions after examining statements from the Maritime Liability Insurance Association.

Greece. See reply to question 2(a) above.

Hong Kong (China). See reply to question 2(a) above.
Islamic Republic of Iran. Port state control officers in major Iranian seaports have been instructed to monitor such measures.

Republic of Korea. The Seafarers’ Act contains provisions regarding a screening system requiring the regional maritime and fisheries offices to check whether or not shipowners have appropriate insurance coverage. It is a normal practice for these offices to require an insurance certificate issued by an insurer.

Norway. No Comments on this point.

United States. Not applicable, for the reasons stated in the reply to question 1 above.

Question (3) – Do your national laws and regulations meet or exceed the requirements of the Guidelines and are seafarers employed or engaged on ships entitled to fly your flag protected, in case of contractual claims for personal injury or death, by a financial security equivalent or similar to that envisaged in the Guidelines? If yes, please explain.

Affirmative: Australia, Germany, Hong Kong (China), Republic of Korea, United States.

Negative: Cyprus, Norway.

Other: Greece, Islamic Republic of Iran.

Comments

Australia. The Seafarers Rehabilitation and Compensation Act, 1992, exceeds the requirements of the Guidelines. Seafarers covered are entitled to claim compensation for death or injury in connection with their employment. Employers are required to maintain appropriate insurance or indemnity cover and, if a default occurs, employees may claim against a Safety Net Fund established under the legislation, which acts in place of the defaulting employer.

Cyprus. National laws and regulations do not fully meet the requirements of the Guidelines.

Germany. The requirements of the Guidelines are exceeded by German legislation.

Greece. The legislative framework governing seafarers’ protection differs from that of the Guidelines.

Hong Kong (China). Employers are liable for payment of compensation for death or personal injury as a result of an accident arising out of and in the course of employment. Employers are required to take out insurance policies to cover their liabilities for injuries at work for every employee.

Islamic Republic of Iran. The present Iranian labour law as well as the judiciary system protect and promote the right of every seafarer to contractual claims for personal injury and death, as it is set fourth in constitutional and Sharia Law.
Republic of Korea. It is not necessary to amend the Seafarers’ Act to meet the requirements of the Guidelines.

Norway. Norwegian citizens and EU citizens are covered by the National Insurance Scheme. Regardless of nationality, all seafarers serving on ships on the Norwegian Ordinary Ship Register (NOR) are covered by this scheme in respect of occupational injury or death. Seafarers other than EU citizens serving on ships on the Norwegian International Ship Register (NIS) need to be covered by mandatory insurance before registration. Such insurance is provided by P&I Clubs. However, since guaranties are provided by P&I Clubs pursuant to their club rules, Norway cannot be deemed to be fully compliant.

United States. Reference is made to the reply to question 1 above.

Question (4) – If your national laws and regulations do not meet the requirements of the Guidelines, please indicate:

(a) Type of protection afforded to seafarers as regards financial security for claims for death and injury.

Australia. National laws meet the requirements of the Guidelines.

Cyprus. In accordance with Part III of Law 13(III)/1995, the responsibility of the shipowners is limited to the obligation to provide medical care and wages until the seafarer has been cured or until incapacity of a permanent character has been declared. The shipowner may limit his liability to a period of no less than 16 weeks from the day of the injury or commencement of the seafarer’s sickness.

Germany. German national laws meet the requirements of the Guidelines.

Greece. Shipowners are obliged to assume seafarer’s protection, and seafarers may also have recourse to judicial authorities when the shipowner does not meet its obligations. Medical care is also provided by the Seafarers’ Social Security Agency.

Hong Kong (China). National legislation meets the requirements of the Guidelines.

Islamic Republic of Iran. No Comments on this point.

Republic of Korea. The Korean system allows seafarers direct access to the financial security system. However, P&I insurances are also accepted.

Norway. See reply to question 3 above.

United States. Not applicable, for the reasons stated in the reply to question 1 above.

(b) Action you intend to take to ensure that the requirements of the Guidelines are met.

Australia. National laws meet the requirements of the Guidelines.
Cyprus. Measures to ensure effective implementation are currently under consideration.

Germany. German national laws meet the requirements of the Guidelines.

Hong Kong (China). National legislation meets the requirements of the Guidelines.

Islamic Republic of Iran. After finalization of the new Iranian Maritime Code, steps will be taken to amend the contents of manning and recruitment contracts in line with the Guidelines.

Norway. Total compliance with the Guidelines depends on the willingness of the P&I Clubs to change their rules regarding “Pay to be paid” and “Direct access” for the seafarer.

United States. Not applicable, for the reasons stated in the reply to question 1 above.

Question (5) – Do you consider that there is a need to amend any part of the Guidelines? If so, please indicate the part of the Guidelines that needs to be amended, the reasons and the suggested text of the amendments.

Affirmative: Australia, Cyprus, Norway.

Negative: Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, United States.

Comments

Australia. Change paragraph 4.4. to read “Shipowners should provide seafarers with information on and access to the contact details of the persons or entity responsible for handling claims covered by these Guidelines”. Paragraph 4.4 is very prescriptive and may not be the most effective means of communicating this information. It should be the responsibility of the shipowners to provide this information in the most effective way for their employees, which may or may not be by displaying the contact information in crew accommodation. Paragraph 7.1 should similarly be amended, so that the Guidelines do not prescribe where a certificate should be posted. In paragraph 7.3, the vessel information is not necessary, as the insurance often covers the employees, not the vessels on which they are employed.

Cyprus. Guidelines should become mandatory within the framework of the IMO International Safety Management (ISM) Code, and verification of certificates of financial security should be carried out during a company’s and a vessel’s ISM audits.

Norway. If it is not possible to ensure the necessary financial security by means other than P&I insurance and the P&I Clubs are not willing to alter their practice, the Guidelines should be amended accordingly. Instead of requiring a certificate from the insurer, effective insurance cover could also be ensured if such cover became a condition for entering the ship on the register. In that case, the flag State would be responsible for ensuring that all ships flying its flag were in possession of the necessary financial security.

United States. The Guidelines are the result of considered deliberations and are clear.
Question (6) – Do you consider any explanations to the Guidelines necessary? If so, please identify the part of the Guidelines for which explanations are required and the reasons for such explanations.

Negative: Australia, Cyprus, Germany, Greece, Hong Kong (China), Islamic Republic of Iran, Republic of Korea, Norway.

Comments

United States. The Guidelines are the result of considered deliberations and are clear.

Office summary

The Guidelines were widely communicated to the social partners by the member States which responded to the questionnaire. As to the steps to be taken by Governments to ensure compliance, varying answers were given. Five Governments indicated that they had law and practice which complied with the Guidelines, and two Governments indicated that there was no need to change their legislation. These States considered that the protection offered is already largely equivalent.

Concerning paragraph 7, only three States indicated that the communication requirement was met. This provision was identified as a possible candidate for review. Since the number of replies is relatively low, this might not reflect a true picture.

One comment suggested that the Working Group should further pursue a binding long-term solution, as suggested in the Preamble to A.931(22), while another suggested that possibilities should continue to be explored to convince P&I Clubs to alter their standing practices or amend the Guidelines accordingly.

Finally, there was no expressed desire to modify the explanations to the Guidelines.
### Appendix

Reported cases of abandonment (January to August 2003)

<table>
<thead>
<tr>
<th>Vessel name</th>
<th>Flag</th>
<th>IMO</th>
<th>Number of seafarers</th>
<th>Nationality of seafarers</th>
<th>Name of port</th>
<th>Circumstances of abandonment</th>
<th>Date of incident</th>
<th>Date of notification to flag State</th>
<th>Other actions taken</th>
<th>Date on which incident was resolved, if applicable</th>
<th>Reporting State or organization</th>
<th>Concluded</th>
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</thead>
<tbody>
<tr>
<td>Nikolaos</td>
<td>Panama</td>
<td>7357490</td>
<td>20</td>
<td>Greek, Sri Lankan</td>
<td>Algeciras</td>
<td>Bankruptcy</td>
<td>Jan. 03</td>
<td>Jan. 03</td>
<td>Arrest</td>
<td>Ship auctioned. Ongoing</td>
<td>ITF</td>
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<td>Alda K</td>
<td>Tonga*</td>
<td>5276965</td>
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<td>Syrian, Ukrainian</td>
<td>Dublin</td>
<td>Detention</td>
<td>Feb. 03</td>
<td>--</td>
<td>Assistance given</td>
<td>Crew repatriated. Ongoing</td>
<td>ITF</td>
<td></td>
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<td>Tonga</td>
<td>7413555</td>
<td>13</td>
<td>Indian, Pakistani</td>
<td>Algier</td>
<td>Financial difficulties</td>
<td>Feb. 03</td>
<td>--</td>
<td>Assistance given</td>
<td>Ongoing</td>
<td>ITF</td>
<td></td>
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<td>13</td>
<td>Italian, Romanian, Ukrainian</td>
<td>Izola, Slovenia</td>
<td>Financial difficulties</td>
<td>Feb. 03</td>
<td>--</td>
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<td>Ongoing</td>
<td>ITF</td>
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<td>Ella L</td>
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<td>Algeciras</td>
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<td>Feb. 03</td>
<td>--</td>
<td>Arrest</td>
<td>Crew repatriated, ongoing</td>
<td>ITF</td>
<td></td>
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<tr>
<td>Jeanny Cay</td>
<td>Honduras</td>
<td></td>
<td></td>
<td>Honduran</td>
<td>Gonaives, Haiti</td>
<td>28 Feb. 03</td>
<td></td>
<td></td>
<td>Crew repatriated without nine months' wages.</td>
<td>US (CSR)</td>
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<tr>
<td>Aqua Sierra**</td>
<td>Cyprus</td>
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<td>Myanmar, Peruvian, Ukrainian, Yugoslavian</td>
<td>Monrovia</td>
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<td>Mar. 03</td>
<td>Mar. 03</td>
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<td>Death of one crew member, crew later forced to leave. Ongoing</td>
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<td>New Lily</td>
<td>Egypt</td>
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<td>Marsala</td>
<td>Arrest</td>
<td>Mar. 03</td>
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<td>Ongoing</td>
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<td>Krimea M.</td>
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<td>4</td>
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<td>Turkey</td>
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<td>Mar. 03</td>
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<td>Russian</td>
<td>Fujairah, UAE</td>
<td>Bankruptcy</td>
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<td>Monitoring</td>
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<td>Polish, Latvian</td>
<td>Naantali, Finland</td>
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<td>Apr. 03</td>
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<td>Assistance given</td>
<td>Crew repatriated. Ongoing</td>
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<td>Vessel name</td>
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<td>IMO</td>
<td>Number of seafarers</td>
<td>Nationality of seafarers</td>
<td>Name of port</td>
<td>Circumstances of abandonment</td>
<td>Date of incident</td>
<td>Date of notification to flag State</td>
<td>Other actions taken</td>
<td>Date on which incident was resolved, if applicable</td>
<td>Reporting State or organization</td>
<td>Concluded</td>
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<td>Pusan Kor</td>
<td>Bankruptcy</td>
<td>Apr. 03</td>
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<td>Yemen</td>
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<td></td>
<td>May 03</td>
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<td>May 03</td>
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<td>Ongoing</td>
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<td>Limassol</td>
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<td>May 03</td>
<td>--</td>
<td>Monitoring</td>
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<td>Detained</td>
<td>May 03</td>
<td>--</td>
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<td>Las Palmas</td>
<td>Contracts expired</td>
<td>May 03</td>
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<td>ITF</td>
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<td>Bahamas</td>
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<td>Aug. 03</td>
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<td>Ukrainian, Russian,</td>
<td>Seaham, UK</td>
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<td>Jan. 03</td>
<td>--</td>
<td>Assistance given</td>
<td>Ship auctioned</td>
<td>ITF</td>
<td>x</td>
</tr>
<tr>
<td>Poseidon</td>
<td>Malta</td>
<td>7029483</td>
<td>22</td>
<td>Greek, Egyptian, Syrian,</td>
<td>Safaga, Egypt</td>
<td>Financial difficulties</td>
<td>Jan. 03</td>
<td>--</td>
<td>Arrest</td>
<td>Ship auctioned</td>
<td>ITF</td>
<td>x</td>
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<tr>
<td>Essco Spirit</td>
<td>Panama</td>
<td>7906162</td>
<td>20</td>
<td>Moldovan, Bulgarian,</td>
<td>Halifax</td>
<td>Detained</td>
<td>Feb. 03</td>
<td>--</td>
<td>Assistance given</td>
<td>Crew repatriated and paid</td>
<td>ITF</td>
<td>x</td>
</tr>
<tr>
<td>Agios Dimitros</td>
<td>Honduras</td>
<td>7409097</td>
<td>6</td>
<td>Pakistani</td>
<td>Turkey</td>
<td>Ship grounded</td>
<td>Feb. 03</td>
<td>--</td>
<td>Monitoring</td>
<td>Crew repatriated</td>
<td>ITF</td>
<td>x</td>
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<tr>
<td>Kinyu</td>
<td>Honduras</td>
<td>7854353</td>
<td>8</td>
<td>Indian</td>
<td>Miyazaki</td>
<td>Ship grounded</td>
<td>Apr. 03</td>
<td>--</td>
<td>Assistance given</td>
<td>Crew repatriated and paid</td>
<td>ITF</td>
<td>x</td>
</tr>
<tr>
<td>Murphy's Law</td>
<td>US</td>
<td>US 96873</td>
<td>18</td>
<td>Pakistani</td>
<td>Gibraltar</td>
<td></td>
<td>18 Aug. 03</td>
<td>--</td>
<td>Seeking reimbursement for travel plus lodging expenses</td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total number of seafarers**: 340

* Flag later withdrawn due to failure to pay registration fees and failure to supply documentation.
** One seafarer died during the incident.
*** Total number of seafarers affected between January 2003 and April 2003. This figure does not include the crew of the Jeanny Cay.
### Reported cases of abandonment before January 2003

<table>
<thead>
<tr>
<th>Vessel name</th>
<th>Flag</th>
<th>IMO</th>
<th>Number of seafarers</th>
<th>Nationality of seafarers</th>
<th>Name of port</th>
<th>Circumstances of abandonment</th>
<th>Date of incident</th>
<th>Date of notification to flag State</th>
<th>Other actions taken</th>
<th>Date on which incident was resolved, if applicable</th>
<th>Reporting State or organization</th>
<th>Concluded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romana 1</td>
<td>Panama</td>
<td></td>
<td></td>
<td>Lithuanian, Russian</td>
<td>Port Haiti</td>
<td>Arrest</td>
<td>2 Feb. 00</td>
<td></td>
<td>CSR repatriated crew</td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avrig</td>
<td>Panama</td>
<td></td>
<td></td>
<td>Romanian</td>
<td>Port Douala, Cameroon</td>
<td>16 May 00</td>
<td></td>
<td></td>
<td>Crew not paid since December 1999. Owner did not provide food or water. CSR put in touch with local attorney</td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sealink Express</td>
<td>Panama</td>
<td></td>
<td></td>
<td>Ukrainian</td>
<td>Dominican Republic (Ozama River)</td>
<td>13 June 00</td>
<td></td>
<td></td>
<td>Owed eight months’ pay. CSR contacted local agency</td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romana 1</td>
<td>Panama</td>
<td></td>
<td></td>
<td>Lithuanian, Russian</td>
<td>Port Haiti</td>
<td>Arrest</td>
<td>2 Feb. 00</td>
<td></td>
<td>CSR repatriated crew</td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avrig</td>
<td>Panama</td>
<td></td>
<td></td>
<td>Romanian</td>
<td>Port Douala, Cameroon</td>
<td>16 May 00</td>
<td></td>
<td></td>
<td>Crew not paid since December 1999. Owner did not provide food or water. CSR put in touch with local attorney</td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sealink Express</td>
<td>Panama</td>
<td></td>
<td></td>
<td>Ukrainian</td>
<td>Dominican Republic (Ozama River)</td>
<td>13 June 00</td>
<td></td>
<td></td>
<td>Owed eight months’ pay. CSR contacted local agency</td>
<td>US (CSR)</td>
<td></td>
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<tr>
<td>Peter Mauritania</td>
<td>Mauritania</td>
<td></td>
<td></td>
<td></td>
<td>Sinking</td>
<td>18 Aug. 00</td>
<td></td>
<td></td>
<td>US (CSR)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Big Red Boat II</td>
<td>Mauritania</td>
<td></td>
<td>Hundreds</td>
<td></td>
<td>Staten Island, NY</td>
<td>Arrest 26 Sep. 00</td>
<td></td>
<td>Crew eventually repatriated and paid by mortgage owner</td>
<td>US (CSR)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F/B Olga J.</td>
<td>Honduras</td>
<td>13</td>
<td>Ghana, Bulgaria</td>
<td></td>
<td>3 Nov. 00</td>
<td></td>
<td></td>
<td></td>
<td>ITF repatriated seafarers</td>
<td>US (CSR)</td>
<td></td>
<td></td>
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<tr>
<td>Zagara</td>
<td>Mauritania</td>
<td></td>
<td></td>
<td></td>
<td>St. Nazaire, France</td>
<td>Bankruptcy 5 Apr. 01</td>
<td></td>
<td>Vessel arrested and sold. CSR repatriated crew. Crew received wages</td>
<td>US (CSR)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Vega</td>
<td>Panama</td>
<td></td>
<td>Bangladeshi, Cameroonian, Romanian</td>
<td>Libreville, Gabon</td>
<td>Abandonment 20 Mar. 01</td>
<td></td>
<td>Crew not paid their wages for the last seven months.</td>
<td>US (CSR)</td>
<td></td>
<td></td>
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<tr>
<td>Aegios Minos</td>
<td>Panama</td>
<td>9</td>
<td>Greek, Honduran, Panamanian</td>
<td>Brunswick, GA (US)</td>
<td>Arrest 5 Apr. 01</td>
<td></td>
<td></td>
<td>Vessel arrested and sold. CSR repatriated crew. Crew received wages</td>
<td>US (CSR)</td>
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<tr>
<td>Alliance</td>
<td>Cyprus</td>
<td>7727126</td>
<td>Ukraine, Netherlands, Cape Verde</td>
<td>St. Nazaire, France</td>
<td>Detention 4 June 01</td>
<td>14 Nov. 02</td>
<td>Assistance given</td>
<td>Crew repatriated and partly paid, ship auctioned</td>
<td>Cyprus</td>
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<tr>
<td>Arcadia</td>
<td>Greece</td>
<td>6816970</td>
<td>Croatian, Greek, Philippine</td>
<td>Montreal</td>
<td>Bankruptcy Sep. 01</td>
<td>–</td>
<td>Protection in accordance with nat. legislation</td>
<td>Crew repatriated and paid</td>
<td>Greece</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Vessel name</td>
<td>Flag</td>
<td>IMO</td>
<td>Number of seafarers</td>
<td>Nationality of seafarers</td>
<td>Name of port</td>
<td>Circumstances of abandonment</td>
<td>Date of incident</td>
<td>Date of notification to flag State</td>
<td>Other actions taken</td>
<td>Date on which incident was resolved, if applicable</td>
<td>Reporting State or organization</td>
<td>Concluded</td>
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</tr>
<tr>
<td>Master Cody</td>
<td>Belize</td>
<td></td>
<td></td>
<td>Ukrainian, Russian, Rumanian, Sri Lankan, Indonesian</td>
<td>Singapore</td>
<td></td>
<td>30 Nov. 01</td>
<td></td>
<td>Crew repatriated but did not receive wages</td>
<td></td>
<td>US (CSR)</td>
<td></td>
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<tr>
<td>Meera</td>
<td></td>
<td></td>
<td></td>
<td>Atman Port, UAE</td>
<td></td>
<td>4 Dec. 01</td>
<td></td>
<td>The vessel has been at the port since 16 July 01. Salary of the crew not paid since joining the vessel. Port dues have not been paid. Port authorities promised help, but only after 180 days</td>
<td></td>
<td>US (CSR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reliable II</td>
<td>United States</td>
<td></td>
<td>Honduran, Lithuanian</td>
<td>Staten Island, NY</td>
<td></td>
<td>Sale of vessel</td>
<td>16 June 02</td>
<td></td>
<td>Honduran crew returned home. Two Lithuanian crew members stayed in US until July 2002, at which point owner paid partial wages and airfare. CSR working with attorney in Georgia to recover remainder of wages</td>
<td></td>
<td>US (CSR)</td>
<td></td>
</tr>
<tr>
<td>Rama #10, #11</td>
<td>Republic of Korea</td>
<td></td>
<td>16 Chinese, Korean</td>
<td>Bali</td>
<td>Bankruptcy</td>
<td>12 Mar. 02</td>
<td>Repatriation after payment by shipowner</td>
<td>Crew repatriated and paid for approximately three months</td>
<td>Korea</td>
<td></td>
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<tr>
<td>Svyataya Maria</td>
<td>Ukrainian</td>
<td></td>
<td>Ukrainian</td>
<td>Sfax, Tunisia</td>
<td></td>
<td></td>
<td>17 Apr. 02</td>
<td></td>
<td>Crew abandoned in Sfax, Tunisia</td>
<td></td>
<td>US (CSR)</td>
<td></td>
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<tr>
<td>Akhun</td>
<td>Georgia</td>
<td></td>
<td></td>
<td>Luanda, Angola</td>
<td>Abandonment</td>
<td>29 Apr. 02</td>
<td></td>
<td>Crew want their wages and repatriation. CSR contacted owner, referred to private attorney</td>
<td></td>
<td>US (CSR)</td>
<td></td>
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</tr>
<tr>
<td>Natol</td>
<td>St. Vincent and the Grenadines</td>
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<td>Ukrainian</td>
<td>Jakarta, Indonesia</td>
<td></td>
<td></td>
<td>29 Apr. 02</td>
<td></td>
<td>Local Port authorities confiscated passports and charged fee for return. CSR contacted embassies, owner, flag, ITF, etc. New owner paid part wages, embassy repatriated crew</td>
<td></td>
<td>US (CSR)</td>
<td></td>
</tr>
<tr>
<td>Vessel name</td>
<td>Flag</td>
<td>IMO</td>
<td>Number of seafarers</td>
<td>Nationality of seafarers</td>
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<tr>
<td>Sea Serenade</td>
<td>Cyprus</td>
<td>7425558</td>
<td>39</td>
<td>Greek, Bulgarian, Burmese, Indian, Ukrainian, Albanian</td>
<td>Trieste, Italy</td>
<td>Arrest</td>
<td>21 June 02</td>
<td>--</td>
<td>Crew repatriated, ongoing</td>
<td>--</td>
<td>Cyprus</td>
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<tr>
<td>Elpida</td>
<td>Greece</td>
<td>Tug boat</td>
<td>5</td>
<td>Greek</td>
<td>Split</td>
<td>Detention</td>
<td>Jul. 02</td>
<td>--</td>
<td>Protection in accordance with nat. legislation</td>
<td>Crew repatriated and paid</td>
<td>Greece</td>
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<tr>
<td><strong>Total number of seafarers</strong>*</td>
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</tr>
</tbody>
</table>

* Total numbers of seafarers reported to be affected before January 2003. Twelve vessels have not been included due to lack of information.