



The face of seafarers' rights

An international and local perspective

By Darryl Anderson

Managing Director, Wave Point Consulting

Stephen Brooks, President of the Chamber of Marine Commerce, said: "Canada's shipping sector impacts every aspect of our lives from delivering the goods we use every day to supporting thousands of well-paying jobs. Marine shipping provides efficient, safe and environmentally smart transportation to manufacturing, retail and agriculture, ensuring their competitiveness in the global marketplace. With 97 per cent of our country's non-U.S. international trade carried on ships, the marine shipping industry is integral to the success of Canada's strategy to expand and diversify its trading relationships." In recognition of the importance of maritime commerce, this article will acknowledge the contribution that seafarers make to Canada's international trade efforts and explore some of the important issues these same individuals face while serving in the world's merchant fleet.

Day of the Seafarer — Faces of the Sea

The Day of the Seafarer is a celebration of seafarers around the world and those that either make their home in British Columbia or serve on the merchant fleets that visit our ports. June 25, 2013 marks the date for the third annual International Maritime Organization's (IMO) initiative. The theme this year is "Faces of the Sea" (last year's campaign focussed on "It came by sea and I can't live without it"). The IMO's universal outreach and use



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of social media helps to raise awareness of the vital role that seafarers play in our daily lives, enabling ships to carry more than 90 per cent of world trade and bring goods to our doors.

Ms. Karine Langlois, New Media Officer for the IMO, stated: "It is a very important campaign for IMO. First of all, the Day of the Seafarer has now been included in the annual list of United Nations Observances. This year, we will celebrate the third edition of the campaign that so far has taken the form of an online campaign, harnessing the power of social media to spread the message to as many people as possible." She went on to say that "our ultimate objective with the campaign is to pay tribute to the 1.5 million seafarers for the unique and all-too-often overlooked contribution to the well-being of the general public." By generating interaction on the IMO web about seafarers, Mr. Langlois indicated that it would be a good way for the public to show respect, recognition and gratitude to seafarers everywhere.

International seafarers' rights

On a global basis, Seafarers' Rights International (SRI) is the leading organization that gives a public face to seafarers' issues. SRI's mission is

to advance seafarers' rights in international and national forums through independent, high-quality research; education and training in laws concerning seafarers; empowerment of seafarers to realize their rights; and to protect their diverse interests worldwide. In summary, SRI is the public face for those who sail to shores beyond our borders and whose contribution to our well-being that can too easily be ignored.

Increased visibility and support for the work of the SRI demonstrates the long-term commitment of the international maritime community to promote the development and dissemination of seafarers' laws, and to improve seafarers' legal rights and their protection under a just rule of law.

SRI places the protection of seafarers' legal interests at the centre of its concerns. Important issues currently being advanced by the SRI include:

Seafarers and criminalization: It is an inherent risk in the working lives of seafarers that they may be subjected to criminal charges either of a professional or a non-professional nature. Seafaring is transnational by nature. As seafarers transit from port to port, they are subject to the entire range of criminal laws of those port states. SRI

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reports that in any survey conducted to determine the attitudes of seafarers, in order to establish and rank their concerns about contemporary issues, the risk of facing criminal proceedings because of their particular employment will be found high on the list of their worries.

Flag State responsibilities and seafarers' rights: The United Nations Conference on Trade and Development data indicates that we are living in the era of "international registries". An "international" register — a flag open to foreign tonnage, located in its home nation state (or in some offshore location associated with it) but closely associated with its home domestic administration. Among the top 35 ship-owning countries, 17 are located in Asia, 14 in Europe and four in the Americas. Four nations — Greece, Japan, Germany and China — own almost half of the world tonnage (49.7 per cent). The United Nations Conference on Trade and Development (UNCTAD) reported that the use of "open" registries has increased: an estimated 71.5 per cent of the world tonnage is now registered under foreign flag, that is, vessels operate under a different flag to that of the nationality of the owner. The open-registry fleet

has its highest fleet registered in the developing countries of Asia. At the same time as the creation of the international registers, the pressures led to some deregulation of national flag requirements, particularly the relaxation of national crewing and labour conditions, often leaving ship owners themselves as the self-regulators. Yet, vessel ownership does not necessarily imply that the ship-owning nations effectively operate or control the shipping companies. Thus, the traditional distinction between open flags of registration as compared with flags that cater only for national owners has become increasingly blurred. This suggests that the real economic interests of a Flag State and rights of the Coastal state have become much more indirect. SRI is concerned about the issue because there remains a considerable possibility that there will be a "patchwork" of Port State controls in every port it visited. This could have a detrimental impact on the rights of those who work aboard vessels.

Abandonment of seafarers: SRI reports that the problem of abandoned seafarers is a stark one of human hardship. They observe that

the International Labour Organization (ILO) keeps a database of cases of abandonment and, given the vital role of shipping in the global economy, the figures should be a source of concern. Between 2001 and 2010, 136 ships and 1,612 seafarers were abandoned. In 2009 alone, at the height of the global economic downturn, a total of 57 vessels were abandoned affecting 647 seafarers. The international community has worked on a regulatory framework designed to protect seafarers and geared to their very specific circumstances. The SRI's perspective is that the international efforts have been painfully slow. They note that the ILO Maritime Labour Convention (MLC), which was adopted in 2006, could go a long way to improving working conditions for those who earn their living at sea. But its immediate impact on the issue of abandonment remains to be seen. A policy alternative to deal with the specific issue would be an amendment to the MLC specifically addressing the issue of abandonment. The goal would be to create some form of a mandatory financial security net for abandoned seafarers, thereby eliminating seafarer abandonment as an attractive business decision. But while this potential international alternative solution unfolds, SRI remains concerned that ships' crews will continue to be abandoned, their basic rights breached and their family life strained at best, destroyed at worst.

Maritime Labour Convention: The coming into force of the *Maritime Labour Convention, 2006 (MLC, 2006)* in August 2013 will no doubt impact seafarers' working conditions. There are a number of issues that gave rise to the need for minimum international standards for seafarers. Working and living conditions, occupational health and safety, causes of fatigue, crew retention and motivation, and recruitment are some of the most important reasons. As a result, the *MLC, 2006* covers conditions of employment, accommodation, food and catering, health protection, medical care, welfare and social issues, and recreational facilities. Subject to few exceptions, the convention applies to all ships — whether publicly or privately owned — ordinarily



Reverend Nick Parker with the Mission to Seafarers welcomes ships' crew to Vancouver.

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engaged in commercial activities. The issue of seafarers' complaints warrants discussion because the *MLC, 2006* has a number of requirements. Most notably, ships are required to have onboard procedures for the fair, effective and prompt handling of seafarers' complaints alleging breaches of the requirements of the Convention. Seafarers have the right to complain directly to the master and, where they consider it necessary, to an appropriate external authority. In addition, Port States must have procedures for complaints made while onshore.

B.C. perspective

On a regional basis, the Mission to Seafarers' centres at Vancouver and Roberts Bank provide practical support to a seafarer's well-being by providing a welcoming face to crew from around the world. Evidence of this practical concern is the "Flying Angel Club" which is located on Vancouver's waterfront. The club offers seafarers a comfortable lounge, chapel, billiards room, used clothing store, shop for snacks, souvenirs and toiletries, telephone booths, a computer cyber-cafe for internet access and e-mail, international money transfers, cable television, XOXO and Euro Direct cards, free magazines and books. Mass can be held either at the Mission or on board ship when requested. Three Chaplains visit ships and are always available.

British Columbia's shipping industry leaders also recognize the important work that seafarers perform. Captain Stephen Brown, President Chamber of Shipping of British Columbia stated: "International trade has never been more important to the people of British Columbia and our fellow Canadians than it is today. Whether it is the clothes we wear, the cars we drive, the coffee we drink or the computers that shape our careers, we have a dependence on the reliability of shipping to meet our daily lifestyle expectations. Around 80,000 ships trading internationally, manned by hundreds of thousands of seafarers, are responsible for safely executing more than 90 per cent of the world's trade. We owe them an enormous debt of gratitude for the professional manner in which they quietly go about their business. May we take time to spare them a thought and wish them well on this 2013 International Day of the Seafarer.

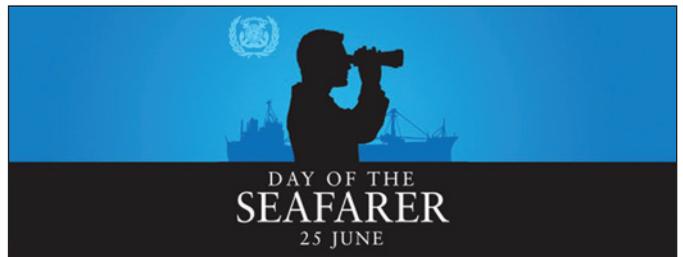
Conclusions

The IMO is asking people around the world to say "Thank you, seafarers" on Facebook, via tweets, by posting a video on Youtube, discussing it on LinkedIn, or writing an inspirational blog. On June 25, the IMO is asking different groups to contribute in slightly different ways to this year's theme: *Faces of the Sea*. For example: ship owners and companies are being asked to take photos of their staff and post them on a social platform of their choice, and tell how many of their employees are currently at sea. The IMO is asking retailers or charterers to take a photo of their most popular product post it on a channel and say "thank you, seafarer". This year, seafarers are also asked to participate, so for those who have internet access, the IMO would like to see photos with a surprising angle or some aspect of their work at sea.

The Day of the Seafarer is not only an opportunity to

raise awareness of the vital role that shipping and seafarers play in the international trade that supports B.C.'s ports and Canada's economy, but the occasion also affords us an opportunity to reflect more deeply on some of the issues occurring globally that impact seafarers' well-being. By giving a face to these issues, some *BC Shipping News* readers may feel inclined to financially support the efforts of local organizations such as the Mission to Seafarers and the Apostleship of the Sea. Others may feel inclined to take a more active interest in the scope of work in which the Chamber of Shipping of British Columbia or the Chamber of Maritime Commerce are involved. The business community in our province is well served when both global and local seafaring issues are adequately supported and addressed.

Darryl Anderson is a Victoria-based consultant. He maintains an active independent research practice focusing exclusively on maritime transportation and policy issues. www.wavepointconsulting.ca.

The logo for The Mission to Seafarers, featuring a circular emblem with a seafarer and the text "THE MISSION TO SEAFARERS".

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