



A Nautilus Federation message to the maritime industry

The effects of Covid-19 on the maritime and shipping industry have been well documented throughout 2020. The devastating impact of the pandemic on maritime professionals – the seafarers we represent – is also widely known.

Despite these facts, every passing day more and more seafarers are becoming implicated in the Crew Change Crisis, due to the inaction of many governments and Flag States worldwide.

Some Flag States appear, in fact, to have exacerbated the crisis, with reports of a number extending the maximum duration for which a seafarer can be expected to remain onboard a vessel beyond the maximum permitted under the provisions of the ILO Maritime Labour Convention, 2006 (as amended) i.e. 11 months.

In many cases, the Flag States who have most graphically demonstrated their inability to enforce the fundamental rights of seafarers have been those designated as Flags of Convenience (FOCs). The top three ship registers in the world are all FOCs namely Panama, Marshall Islands and Liberia and they together represent 41% of total world tonnage by deadweight (UNCTAD 2019).

Many FOCs were quick to ratify the MLC upon its adoption by the International Labour Organization (ILO) in 2006. While the speedy ratification and entry into force of the MLC is rightly to be applauded, the ease and speed by which many Flag States subsequently ignored the rights of seafarers is a stain on the entire maritime industry. The inability of the major FOC Flag States to respond to this crisis and the injustices that have followed is an outrage.

The crisis has threatened the safety of life at sea and the protection of the marine environment. It was only a matter of time before tragedy struck and the grounding and breaking apart of the Panama-flagged MV Wakashio in Mauritius is alleged to have links to fatigue caused by the lack of timely crew changes. Despite this allegation, officers and crew have found themselves arrested and face criminalisation for the incident even before the facts have been established. Questions about the fatigue of crew are also being asked following the sinking of MV Gulf Livestock 1.

Safety is also at risk due to the continued extension of the validity of seafarers' certificates beyond expiry dates and due to the inability of seafarers to access the required training to revalidate such documents. It has been reported that some courses have been delivered to seafarers via computer and while they have been standing watch or resting, a further breach of maritime regulations.

Further extensions will result in labour supply shortages, as administrations will be unable to deal with the volume of applications for renewal of certificates. The availability of revalidation courses for seafarers will also be diminished.



Without the required concerted action from Flag States, the United Nations, the ILO and the International Maritime Organization (IMO), the crisis is now a humanitarian disaster too.

With the maritime and shipping industry in crisis and in the absence of clear, coordinated, global action from governments and industry to resolve the Crew Change Crisis, FOC complicity in exacerbating the problems faced by seafarers can no longer be tolerated.

The undersigned affiliates of the Nautilus Federation, also affiliated or recognised by the International Transport Workers' Federation (ITF), have worked hard with their own national jurisdictions and Flag States, and have demonstrated numerous examples of attempts to resolve the crisis at national level.

However, in no longer tolerating the breaches of MLC 2006 provisions or other such obligations, the time has now come for the ITF to approach the International Labour Organization to publicly highlight the failures of Flag States and hold them to account for failing to respect the fundamental rights of seafarers.

The major Flag States have the ability to resolve the Crew Change Crisis by refusing to allow seafarers on their ships to be denied their fundamental human rights. They must act now to ensure that breaches of MLC are no longer tolerated as the conditions of *force majeure* no longer exist. We call on all Port States to assist the Flag States by enforcing the provisions of the MLC and detaining ships that do not comply. Similar actions must also be taken for those people working onboard vessels sailing on inland waterways, many of whom are facing the same denial of human rights.

All maritime and shipping professionals should be able to travel freely and safely to and from their vessels in accordance with their seafarers' employment agreements and recognising also the Protocols for safe crew changes agreed by the industry and the IMO and ILO. They should have worldwide recognition as key workers.

We are all proud affiliates of (or recognised by) the ITF and our long and successful history of working together in the interests of maritime professionals will ensure that seafarers continue to receive the representation they deserve.

Our shared history of collaborative working within the Nautilus Federation and our continued desire to reform our industry for the better will ensure that the pressure required to effect that change will be escalated and targeted at the areas that need the most urgent reform.

24 September 2020
World Maritime Day

NAUTILUS FEDERATION

A Federation of Maritime Professionals

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