

Abandoned Seafarers

*Mr. Angel Llorente
Mission de la Mer, F.A.A.M., France*

The sea knows no boundaries, and it is easy for internationalization to find its place there. Unfortunately, the liberal economy aspect proves to be the quickest to take advantage of its possibilities, leaving the social aspect behind it. Profit winds out over man, then we find abandoned aboard too many ships blocked in our ports.

There are many reasons for, and ways of blocking a ship:

Debt: In France, as in many other countries, it only takes one creditor who can present proof of a shipowner's debt to him to the President of a port's Court of Commerce for the ship to be seized or another ship of the same company calling in that port. A ship is seized as easily as a piano or a valuable piece of furniture without taking the crew on board into consideration. It should be pointed out that many, somewhat unscrupulous shipowners practice the policy of "one ship, one company" in order to limit the risks.

The crews whose salaries have not been paid for many months can also present themselves as creditors and have the ship seized and sold in order to get what is due to them.

Poor condition of the ship and risks for navigation and the environment: Following an inspection in the framework of the Paris Memorandum, the State maritime port authorities can impede a ship in poor condition that is dangerous for navigation or the environment, from going back to sea until the repairs are made. In March 2002, a team of maritime labor inspectors was also set up by the Direction of the People of the Sea and Maritime Affairs at the Ministry of Transportation to check on the working and living conditions of the seafarers on board.

Illegal transport: There have been some cases, including some recent ones, of coasters arrested by the customs authorities or the police because they were transporting illicit merchandise or stowaways.

Over these past years, the majority of French ports have experienced these problems of ships being blocked and crews abandoned by their owners. Each port did its best to give them help and aid. The cases are very different: they range from a small coaster, like the *Allianz* with a crew of five men, to the cruise ship with the Liberian flag, the *Karelyia*, which was seized when it arrived in the port of Noumea (New Caledonia) at the request of Swiss and German creditors. The crew included 221 persons of whom 76 were women. This ship, which was docked at the harbor station very close to the city and thus visible to all, aroused a great wave of solidarity and gave rise to the creation of a collection, "Karelyia Solidarity", in which the Society of St. Vincent de Paul was greatly involved. This made it possible to respond to the needs of the crew over a period of almost three months. Finally, an appeal judge overruled the first sentence of seizure of the ship and it was able to go back to sea without some thirty seamen whose nerves were shattered who had to be repatriated, and this was done thanks to the people's financial aid.

The hospitality centers are in the front line in sharing the first concerns of the crew who lack information and cannot help but be alarmed by certain signs: there are delays in paying salaries; the ship's chandler no longer provides food; the agent no longer assures the depositary service; there are no more commercial transactions. Despite this, the seafarers want to keep up hope and refuse to imagine the worse. The shipowner rarely announces that he is abandoning his ship. He lets the seafarers face the sad facts, often after several weeks of anxiety. To make matters worse, the ship is often hauled to a distant dock, a truly forgotten one that is far out of sight.

Often, at first glance, nothing distinguishes a seized ship from another, at least for a few days. It is only after some time that the people start to ask why there is no activity on board, and why the ship is staying such a long time in the wharf. This is even more difficult when the ship is at anchor among others that are waiting. The case of the *Broomsgaard Star* is a typical example. It was only during a conversation at the Seamen's Club of Port de Bouc that the chaplain learned that the boatswain of that ship had been hospitalized after an accident that took place on board the rescue boat. He was astonished by this because normally these boats cannot be used without the authorization of the port authorities. Permission had been granted to the ship because it was the only means for the crew to go on land. And so this is how the chaplain only found out on August 1st that this ship with a grayish Norwegian flag had been detained since June 23rd with a crew of 27 Filipinos. After being informed by the Seamen's Club, the local people went to the house in order to bring all the material and moral assistance possible to the seafarers who were left on board until December 20th and who returned to their country without any salary after six months of abandonment.

Faced with these problems, each port tries to respond as best as possible to the needs and to find solutions. Our Seamen's Clubs have been compared to charitable persons of good will living near dangerous crossroads who fly to the aid of the wounded whenever an accident occurs. These volunteer rescuers can be equipped with posters and medical first aid kits, but they can also reflect and ask themselves if these situations should be denounced, ring the alarm bell, and take steps to get these crossroads fixed and have the causes of the accidents removed. In the same way, the French Seamen's Clubs have come to ask themselves this question: *"Wouldn't it be possible to define together a common position for the persons in charge of hospitality who because of their situation, are often put in the situation of being intermediaries involved in fact in the defense of the seafarers' rights?"*

These questions have been discussed for years at the annual meetings of the receiving ports, but following the new outbreak of cases, it seemed necessary to broaden the discussion and involve other partners in it. Therefore, in June 1993, under the sponsorship of the CCFD, the Mission of the Sea and Juristes Solidarité, about 30 persons representing the "Groupe Mer" of the CCFD, jurists, delegates from the welcoming port houses, CIMADE, the Center for Seafarers' Rights, the Apostleship of the Sea, the Mission of the Sea, the Mission to Seamen, the Association pour la Gestion des Institutions Socio-Maritimes (AGISM), Deutsche Seemannsmission, ITF and labor unionists met in Paris to share their experiences and to try and find answers to the problems raised by the abandonment of seafarers. These exchanges of ideas continued with the new hospitality houses that were being created that soon found themselves confronting these problems too. One of the first decisions made was to publish a column on "seafarers' rights" in the newsletter "Lettre Intergroupes" which is published monthly by the Maritime Community of Dunkirk.

Five years later, in April 1998, a second colloquium entitled "Blocked Ships – Abandoned Seamen" was held in Nantes, once again under the sponsorship of the CCFD with much greater participation than the 1993 meeting. During the second day of the meeting—which had the theme, *"What partners for what solidarity?"*—it was illustrated how the hospitality houses are the natural spokespersons for these seafarers in difficulty in order to coordinate the humanitarian aid and sensitize the seafarers to take the necessary legal action. The delegates of the Marseilles Association of Seafarers' Friends cited their initiative to create a solidarity fund based on personal donations. These funds were supposed to, and did enable abandoned seafarers, after claiming their debt before the law with the help of a lawyer, to return home with an advance on their salaries, with the balance to be paid to them upon sale of the ship whose revenue also enabled the Association to recover the sum advanced and build up the fund again. Unfortunately, one of the ships that was aided had no market value and this made a considerable dent in the fund. This demonstrated the limits of a kind of solidarity based on volunteer work and the need to think about other courses of action:

- better coordination of the pivotal action of the hospitality houses (setting up a federation, creating information files on the very different cases of these ships)
- urgent meeting of a work group bringing together the current spokespersons and the representatives of the State (Ministries of Transportation and of the Interior) in order to propose solutions such as the modification of texts regarding the rank of maritime privileges, or the advance by the State of a part of the salaries and expenses of repatriation when the sale procedure is under way
- continuation of the action begun by ITF with the international bodies (the International Maritime Organization [IMO] and the International Labor Organization [ILO] just created a joint commission to deal with this problem) in order to create compulsory assistance for every shipowner from the risk of “abandonment of seafarers”.

Although most of the hospitality houses or associations in France include many members of the Mission of the Sea, they are not grouped together under a religious label as is done among our European neighbors and others. There were many bonds of friendship and common interest between them, but this was not structured, and so the creation of a federation seemed necessary. A few weeks later, during the annual General Assembly of the Mission of the Sea, the project was launched. The federation was officially created in September 1998 and was called the Federation of Associations of Hospitality to Seafarers (FAAM). Its objective is to bring the different associations together, without endangering their autonomy, for the purpose of:

- better reciprocal information between the hospitality houses;
- greater coordination of the actions undertaken to solve problems, such as abandoned seafarers, and better representation and defense of the associations with the authorities;
- development of international cooperation, especially with the European partners.

At present the FAAM includes twenty associations or members in Metropolitan France and one on the Island of Reunion. It also has some associated members: the “Mission de la Mer”, the Mission to Seafarers, Deutsch Seemannsmission, the “Groupe Mer” of the CCFD, and an association (APMA) which brings together both seafarers and members of polar or Antarctic expeditions.

In its activity FAAM tries to achieve the objectives set down at its creation:

- 1) better information: this is provided by a bulletin “France Ports Accueil”, which is published approximately every two months. This bulletin is distributed to all the members and to different authorities and organizations by mail or e-mail. Every two years, the national meeting of the host port, during which the FAAM has its general assembly, makes a very broad exchange of experiences and information possible.
Thanks to financing from the Welfare Trust of the ITF, an intranet network has been set up among the different houses. This makes it possible to exchange information, but also to receive press clippings from foreign countries (the Philippines, Ukraine, Romania, Indonesia, etc.), which are produced in particular by Father Mario Cisotto of the Apostleship of the Sea of Venice. The seafarers appreciate these documents very much. The network is also made available to the seafarers for their personal communications by e-mail.
- 2) In the fight against the scandal of abandoned seafarers, the FAAM has increased the authorities’ awareness and contributed to setting up the work group called the Gilory group, created by the Ministry of Transportation. The FAAM has taken part in these work sessions which have resulted in some proposals on the national, European and international levels. It is part of the two operational and juridical sub-groups. The FAAM makes sure that the proposals accepted by the minister will actually become a reality and, in particular, the continuation of the work by experts of the IMO and the ILO to set up an international coverage for the risk of abandonment, and the ratification of the Convention on repatriation.

This will enable the French State to turn to the State of the flag for reimbursement of the expenses involved, and to provide an interim solution with the necessary financial means (the French government has made funds available for this purpose) in order to take over from the local volunteers, especially for the advances on salaries while awaiting the distribution of the revenue from the ship's sale judicially. The FAAM is also a founding member of the Observatory of Seafarers' Rights and takes part in the work of the Maritime Labor Inspection.

The FAAM policy regarding abandoned seafarers is as follows:

- to aid seafarers in getting their debt recognized by the court. We think that once this debt is recognized, it is useless for the seafarer to remain on board and wait for the sale of the ship because it takes months for a ship to be sold and often just as long before the revenue from the sale is distributed. We also believe that once a seafarer has returned to his country and is with his family, he can look for another job. The French maritime authorities agree to an advance on the salaries of \$2,000 (US) to the debarking seafarers with the rest to be paid upon sale of the ship. A seafarer who does not come from the European Community can take advantage of repatriation (together with a gratuity of 152 Euros, approximately \$US 152) provided by the Office of International Migrations.
- caretaking of the ship by volunteer seafarers who get a good remuneration.

The FAAM proposes that:

- the seafarers' salary debts will be guaranteed by a first rate privilege (application of the 1983 Geneva International Convention);
- a more rapid solution will be sought on the European level than on the international level;
- communications and exchanges of ideas will be developed between our houses and associations on the European level;
- an information service will be set up for the abandoned seafarers.

In the area of seafarers' welfare, the FAAM has continued its effective cooperation with different bodies whose mission is to improve hospitality for seafarers: that is, on the international level, with the International Committee for Seafarers' Welfare (ICSW) and the Seafarers' Trust of the ITF, and on the national level with the AGISM and the Société des Oeuvres de Mer founded in 1897. It is also working to set up a Port Welfare Council as provided for by Recommendation No. 173 of the ILO.

Some may think that the FAAM's action is not enough. It should be said that its functioning is provided entirely and solely by volunteers who are already working in the management and running of the houses, sometimes in addition to their own weighty professional commitments. They do what they can with what they have sustained by their faith. They get their satisfaction from feeling useful, rendering service, and sometimes from the compensation of testimonies such as the one written by a Chinese seafarer in the Golden Book of the Seamen's Club of Port de Bouc: "*Give us love and we will give it to the world*".

This is the internationalization we want.