

Facilitating crew changes and repatriation of seafarers during the COVID-19 pandemic and beyond

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With the shipping industry transporting over 80 per cent of world trade, seafarers have continued to demonstrate great professionalism and dedication during the COVID-19 pandemic, playing a vital role in delivering food, medicines, fuel, and other essential goods, and helping to keep supply chains active and global commerce running.

Key shipping stakeholders, including international bodies, governments, and industry, have issued several recommendations and guidance^[i] aimed at ensuring, first, that seafarers are protected from COVID-19, are medically fit and have access to medical care; and that ships and port facilities met international sanitary requirements, while securing the flow of goods across global supply chains.

At the same time, border closures, lockdowns and preventive measures have been imposed by governments, aiming to reduce the exposure to COVID-19 risk. This includes the temporary suspension of crew changes and prohibition of crew disembarking at port terminals. Unfortunately, due to these restrictions, and scarce availability of international flights brought about by the pandemic, hundreds of thousands of seafarers remain stranded at sea far beyond the expiration of their contracts, while no global consensus has been achieved yet on uniform measures that may allow for efficient crew changes and transfer.

Despite some recent developments, crew changes need to be facilitated further

On 1 December 2020, the UN General Assembly unanimously adopted a [resolution](#) on “International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains” (A/RES/75/17). Indonesia, a key global supplier of maritime labour force, served as facilitator for its negotiation, supported by UNCTAD, ILO and IMO.

Co-sponsored by 71 countries, the resolution among others:

- Urges Member States to designate seafarers and other marine personnel as key workers (para 3).
- Encourages governments and other stakeholders to implement the [IMO protocols](#) to ensure safe ship crew changes and travel during the COVID-19 (para 4); and
- Calls upon governments to promptly implement relevant measures to facilitate maritime crew changes, including by enabling their embarkment and disembarkment, expediting travel and repatriation efforts, and ensuring access to medical care (para 5).

Reflecting these calls, in January 2021, more than 600 companies and organizations signed the [Neptune Declaration on Seafarer Wellbeing and Crew Change](#), recognizing their shared responsibility to resolve the crew change crisis.

For seafarers, issues at stake encompass a broad range of human rights and applicable labour standards, aiming to ensure that their working and living conditions comply with the [Maritime Labour Convention, 2006](#), and other relevant instruments, guaranteeing their health, safety, security and welfare.

In this context, repeated calls by [international organizations](#), [industry bodies](#) and [governments](#), have urged Member States to designate seafarers and other marine personnel as key workers, accept seafarers' identity documents as evidence of their key worker status, and allow flexibility for ship owners/managers to divert ships and call in ports where crew change is possible, without imposing

penalties. According to [IMO](#), as of the end of January 2021, 53 Member States and one Associate Member had signed on to designate seafarers as key workers.

However, despite a gradual easing, many countries still maintain restrictions on crew changes making them subject to conditions such as travel history and/or crew nationalities. In addition, the so-called “no crew change” clauses in certain contracts of carriage, preventing crew changes while the charterer’s cargo is onboard and not allowing the ship to deviate to ports where crew changes could take place, are causing concern. Also, difficulties faced by seafarers in obtaining visas or travel permits to transit countries, may further complicate the situation. Thus, it is apparent that crew changes and repatriation of seafarers still entail serious logistical challenges for stakeholders and need to be facilitated further.

Improving implementation of existing international legal instruments could help

Several relevant provisions in international conventions and instruments are already in place, aiming to reduce formalities and documents required, facilitate and simplify crew changes, including seafarers' repatriation, transit and joining ships, as well as regulate the issuance and harmonization of seafarers' identity documents, while enhancing border and port security. These may help with easing the situation of seafarers during the ongoing COVID-19 pandemic and beyond.

- The ILO [Maritime Labour Convention, 2006](#) (MLC, 2006), for instance, provides for facilitation of repatriation and replacement of seafarers serving onboard ships, however, it has only been ratified by slightly over half of ILO Member States.
- The IMO [Convention on Facilitation of International Maritime Traffic, 1965](#) (FAL Convention), has been widely ratified, and some of its latest amendments, among others, call for recognition of seafarers' identity documents as basic documents providing public authorities with information relating to crew members on arrival or departure of a ship. Also, in the context of related instruments associated with this Convention, seafarers' identity documents and related databases can potentially become part of national single windows.
- In addition, there are a number of legal provisions in place, in particular those of the latest [ILO Convention No. 185 on Seafarers' Identity Documents \(Revised\) 2003, as amended in 2016](#), specifically regulating the issuance and harmonization of seafarers' identity documents by the national authorities of their countries of nationality. Approximately 2 million seafarers working and living on ships involved in international trade, might potentially benefit from these documents which conform with the latest [ICAO standards](#) - universally followed for travel and similar documents, containing the latest security features, readable and verifiable with the same equipment as an e-Passport.

The use of such documents would, among others, facilitate seafarers' entry and transit to join their ships, their disembarking in ports, and crossing international borders, while enhancing security using an internationally recognized document. However, the ILO Convention No. 185 has so far only been ratified by less than 20 per cent of Member States, and some challenges regarding its implementation that pre-date the pandemic still need to be addressed. In the meantime, about 35 per cent of ILO Member States remain parties to the earlier [ILO Convention No. 108 on Seafarers' Identity Documents, 1958](#), which does not require or envisage any security features, or specific form or format of such documents.

In these circumstances, labour supplying, flag and port States, should consider becoming parties to and implementing the latest versions of the relevant international legal instruments. In addition, involvement of States and other stakeholders as relevant, in meetings on seafarers' issues at ILO and IMO, including the IMO FAL Committee, as the main mechanisms for continuous updates of the relevant legal instruments, should be encouraged and facilitated.

On a more general note, relevant public and private sector stakeholders should also continue to exchange views and best practices on seafarers' situation and needs, and lessons learned, including from the COVID-19 pandemic, and promote further harmonization and standardization.

Reflecting the continued need to raise awareness and alleviate the plight of seafarers, while recognizing their vital role in world trade, it is worth noting that "[Seafarers: at the core of shipping's future](#)" has been selected as the World Maritime theme for 2021.

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