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POLICY BRIEF

Key points

- The world's 1.9 million seafarers, many of whom are from developing countries, are playing a vital role in ensuring the flow of critical goods along supply chains and keeping world trade moving throughout the ongoing COVID-19 pandemic
- However, border closures, restrictions and other measures to contain the spread of COVID-19 have caused a humanitarian crew change crisis, bringing working conditions in the shipping sector into the spotlight. Despite important international efforts and support, this crisis continues, and seafarers are still facing serious problems, which need to be addressed
- Continued concerted collaboration among Governments and all other relevant stakeholders is needed to ensure that international obligations are respected and effectively implemented, and that seafarers are recognized as key workers and prioritized for vaccination. All should be working together to protect seafarers' human rights and advance the objectives of Sustainable Development Goal 8 on decent work and economic growth, for sustainable development

Strengthening international response and cooperation to address the seafarer crisis and keep global supply chains open during the ongoing COVID-19 pandemic¹

Border closures, restrictions and other measures taken by countries to contain the spread of the coronavirus disease (COVID-19) have caused large numbers of seafarers – peaking at an estimated 400,000 in September 2020 – to remain stranded at sea, far beyond contract expiration dates and the 11-month maximum period of continuous service on board ships. This has caused a humanitarian crew change crisis and brought working conditions in the shipping sector into the spotlight. Governments and industry should continue to collaborate with all other relevant stakeholders to address the crew change crisis and ensure that seafarers are designated as key workers and are prioritized for vaccinations.

The humanitarian crew change crisis

Since the start of the COVID-19 pandemic, among border closures and other measures taken by countries to contain the spread of the virus, the shipping industry, relying on the world's 1.9 million seafarers, has played a vital role in the global response, continuing to deliver food, medical supplies, fuel and other essential goods and helping to keep global supply chains and flows of commerce running.

However, this has come at some risk to the health, safety, security and well-being of seafarers, resulting in a humanitarian crew change crisis and bringing working conditions in the shipping sector into the spotlight. Due to public health and travel-related restrictions, many seafarers have been unable to leave ships, remaining stranded at sea far beyond the expiration dates of their contracts and the default 11-month maximum period of continuous service on board. This has caused significant mental strain, fatigue and the increased risk of accidents.

¹ This policy brief builds on the findings in chapter 5 of UNCTAD, 2021, *Review of Maritime Transport 2021* (United Nations publication, Sales No. E.21.II.D.21, Geneva). The chapter was prepared in response to a request made by the General Assembly of the United Nations in its resolution 75/17 and may be consulted for further details and references (see <http://unctad.org/RMT>).
Note: All websites referred to in footnotes were accessed in December 2021.

In these circumstances, relevant stakeholders in the shipping sector have been called upon to conduct due diligence to identify, prevent, mitigate and address adverse human rights-related impacts on seafarers resulting from restrictions to crew changes and to ensure responsible business conduct. In addition, protection afforded under existing standards, including those in the Maritime Labour Convention, 2006, needs to be maintained. Irresponsible practices jeopardizing seafarer rights that have been observed include the appearance of no-crew-change clauses in contracts between charterers and shipowners.

The initial force majeure situation due to border closures worldwide resulted in contract extensions beyond the 11-month maximum period. This situation is no longer applicable, yet the crew change crisis continues. Crew changes may now be possible, but remain difficult to effect, as they may require the rerouting of vessels, lengthy quarantine arrangements for incoming and outgoing crews and irregular international flights at a high cost. Nevertheless, a continuing decrease in the number of stranded seafarers needs to be maintained, to alleviate and eventually resolve the humanitarian crisis.

International response and cooperation

In response to the crew change crisis, key shipping stakeholders, including Governments, industry representatives and international bodies such as the International Chamber of Shipping, International Labour Organization, International Maritime Organization, International Transport Workers' Federation and UNCTAD have issued guidance and recommendations.² The aim is to ensure that seafarers are medically fit and have access to medical care, with mechanisms to prevent and respond to pandemic-related emergencies at sea, and that ships and port facilities meet international sanitary requirements. In particular, seafarers should be recognized as key workers and vaccinated as a matter of priority.

In December 2020, the General Assembly of the United Nations adopted resolution 75/17 on international cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains, in which it urged Member States to designate seafarers and other marine personnel as key workers and called upon Governments to “promptly implement relevant measures designed to facilitate maritime crew changes, including by enabling embarkment and disembarkment and expediting travel and repatriation efforts as well as ensuring access to medical care”.³

Echoing the calls by international bodies, in January 2021, more than 600 companies and organizations signed the Neptune Declaration on Seafarer Well-being and Crew Change.⁴ As at September 2021, the declaration had been signed by over 850 companies and organizations. The declaration recognizes their shared responsibility to ensure that the crew change crisis is resolved and states that, to make tangible improvements, the following actions should be implemented:

1. Recognize seafarers as key workers and give them priority access to COVID-19 vaccines
2. Establish and implement gold standard health protocols based on existing best practice

² See, for example, UNCTAD, 2020, COVID-19: A 10-point action plan to strengthen international trade and transport facilitation in times of pandemic, Policy Brief No. 79, available at <https://unctad.org/webflyer/covid-19-10-point-action-plan-strengthen-international-trade-and-transport-facilitation>; and UNCTAD and International Maritime Organization, 2020, Joint statement in support of keeping ships moving, ports open and cross-border trade flowing during the COVID-19 pandemic, available at <https://unctad.org/news/keep-ships-moving-ports-open-and-trade-flowing-urge-un-entities>.

³ A/RES/75/17, available at <https://undocs.org/en/A/RES/75/17>. Inter alia, UNCTAD and the International Maritime Organization have also been requested to report on issues related to the resolution.

⁴ Global Maritime Forum, 2021a, Neptune Declaration, available at <https://www.globalmaritimeforum.org/neptune-declaration>.

3. Increase collaboration between ship operators and charterers to facilitate crew changes
4. Ensure air connectivity between key maritime hubs for seafarers

Subsequently, the signatories developed a set of best practices to serve as a framework for charterers to facilitate crew changes and work with shipowners to minimize disruptions to operations.

The crew change crisis in numbers

The International Maritime Organization, based on industry analysis, estimates that the number of seafarers requiring repatriation after completing contracts declined from a high of around 400,000 in September 2020 to around 200,000 in March 2021, with a similar number waiting to join ships.⁵ However, this number could rise again. In July 2021, the International Chamber of Shipping estimated that the number of seafarers remaining on board beyond the expiration dates of contracts remained at around 250,000.

In addition, since accessible data on the number of seafarers impacted by the crew change crisis is limited, signatories to the Neptune Declaration have developed a crew change indicator based on aggregated data from 10 leading ship managers, covering about 90,000 seafarers on board ships.⁶

Following the significant deterioration of the situation since May 2021, indicators since August 2021 have pointed to stabilization and the start of an alleviation. According to data from the indicator from December 2021, the number of seafarers on board vessels beyond the expiration dates of their contracts decreased from 7.1 per cent in November to 4.7 per cent in December; and the number of seafarers on board for over 11 months fell to 0.7 per cent (see table). However, travel restrictions, strict crew change requirements and flight cancellations continue to prevent seafarers from returning home; the Omicron variant is likely to pose new challenges.

Neptune Declaration crew change indicator, 2021

	Share of seafarers on board beyond the expiration dates of their contracts		Share of seafarers on board for over 11 months	
	Monthly percentage	Percentage point change from previous month	Monthly percentage	Percentage point change from previous month
May	5.8	-	0.4	-
June	7.2	+1.4	0.4	0
July	8.8	+1.6	1.0	+0.6
August	9.0	+0.2	1.3	+0.3
September	8.9	-0.1	1.2	-0.1
October	7.9	-1.0	1.0	-0.2
November	7.1	-0.8	1.0	0
December	4.7	-2.4	0.7	-0.3

Source: Global Maritime Forum, 2021b (data as at December 2021).

The data also show that the vaccination of seafarers is progressing. Programmes are being established, in particular in the United States of America and some countries in Europe, to offer vaccines to international seafarers. The vaccination rate of seafarers, according to data from the crew change indicator, rose from 41 per cent in November 2021 to 49.5 per cent in December 2021. In comparison,

⁵ International Maritime Organization, 2021, COVID-19 crew change crisis still a challenge, 19 March, available at <https://www.imo.org/en/MediaCentre/PressBriefings/pages/Crew-change-COVID-19.aspx>.

⁶ Global Maritime Forum, 2021b, Neptune Declaration: Crew change indicator, available at <https://www.globalmaritimeforum.org/neptune-declaration/crew-change-indicator>.

the fully vaccinated share of the population in most developed countries is close to or above 60 per cent.⁷ One of the main difficulties is related to the fact that the leading maritime crew nations continue to have low vaccination rates and seafarers continue to have limited access to vaccines.

Recommendations for priority areas of action

Governments, international organizations and other public and private stakeholders should continue to cooperate to protect seafarer rights; implement relevant standards, including those in the Maritime Labour Convention, 2006; and, in particular, alleviate the crew change crisis resulting from the pandemic. Such support should be part of the broader progress towards achieving the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 8 on decent work and economic growth. Beyond protecting the rights and welfare of seafarers and their families, such actions would also help support the economies of the home countries of seafarers; maintain world trade; and ensure the flow of goods along supply chains.

Urgent action is needed in the following important areas:

- 1. Vaccinations.** Concerted collaborative efforts by Governments, industry and international organizations should ensure that seafarers are designated as key workers and are provided vaccinations as a matter of priority
- 2. Crew changes.** Governments and industry should continue to work together, including through the Neptune Declaration initiative, and in collaboration with relevant international organizations, to facilitate crew changes, in accordance with international standards and in line with public health considerations; and should also ensure the availability of and access to related seafarer data
- 3. Route deviations.** Charterers and other industry stakeholders should be flexible in accepting requests from shipping companies for route deviations to facilitate crew changes and should refrain from using no-crew-change clauses in charterparty contracts
- 4. International legal framework.** States and other relevant stakeholders should, in consultations and meetings on seafarer issues at the International Labour Organization and the International Maritime Organization, keep the relevant legal framework under review; and ensure that international obligations are respected and implemented
- 5. Maritime single windows.** Port community systems should implement the single window concept, similar to the customs-centric single window powered by the Automated System for Customs Data (ASYCUDA) of UNCTAD, to cover all information and formalities resulting from the Convention on Facilitation of International Maritime Traffic, 1965, as amended, and other relevant instruments
- 6. Information exchanges.** Relevant public and private sector stakeholders should continue to regularly exchange views and best practices on seafarer situations and needs, as well as lessons learned, including during the pandemic, and promote further harmonization and standardization
- 7. Outbreaks and emergencies at sea.** In line with evolving scientific insights, Governments and other stakeholders should regularly update specific guidance on measures to prevent and deal with COVID-19 and other outbreaks of disease at sea and ensure that mechanisms are in place to reduce and effectively respond to medical emergencies at sea

⁷ European Centre for Disease Prevention and Control, 2021, COVID-19 vaccine tracker, available at <https://vaccinetracker.ecdc.europa.eu/public/extensions/COVID-19/vaccine-tracker.html#uptake-tab>; <https://www.nytimes.com/interactive/2021/world/covid-vaccinations-tracker.html>.

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