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Press Release

KMA Repatriates Kenyan Seafarers from Mozambique

The Kenya Maritime Authority (KMA) in partnership with the State Department of Shipping and Maritime, Ministry of Foreign Affairs and the International Transport Workers Federation (ITF), have assisted to bring back to Kenya 10 seafarers who were abandoned onboard MV Nina on 3rd August, 2019, in the Port of Pemba, in Mozambique. They are: Frank Tom Mbotela, Mbarak Nassor Sultan, Gabriel Okumu, Norman Khan, Okelo Peter Ochola, Raphael Ochina, Mbarak Timami, Haad Mashuhuri, Joseph Mwanyambo and Kali Mwamose (See attached crew list). The 10 seafarers, who arrived back in the country on 7th January, 2020, had contacted the KMA for assistance on 21st October, 2019 citing that the ship had ran out of fuel, had no lighting and had no provisions onboard ship including fresh water and ship stores. They also requested to be repatriated as the ship-owner had not paid their salaries for the two months they had worked on board MV Nina.

On receipt of the abandonment report from the Kenyan crew onboard MV Nina, the Authority commenced investigations into the matter guided by the International Labour Organization (ILO) Maritime Labour Convention, 2006. KMA reported the issue to the Flag State, which is the Republic of Comoros, for their intervention. The Authority also reported the claim to the Port State Control in Mozambique (INAMAR) which led to the detention of the ship following a requirement for it to address the issues raised (abandonment, poor working conditions onboard

MV Nina for crew and unpaid salaries) . The matter was also reported to the International Labour Organization (ILO), who also informed the International Maritime Organization (IMO) in line with seafarers' abandonment procedures.

Investigations into the case by KMA on the recruitment procedures applied on the crew found out that the seafarers were directly contracted by the Ship's Agent, Spanfreight Ltd Mozambique. The Kenyan seafarers did not inform the Authority of their recruitment or submit the Seafarers' Employment Agreement to the Registrar of Seafarers at the Authority as required under Section 118 of the Merchant Shipping Act, 2009. The Authority also found out that the ship owner had not signed the Seafarers Employment Agreements with the Kenyan crew as is required and thus the seafarers had been working without Seafarers' Employment Agreements.

Furthermore, KMA also found out that the Kenyan seafarers' passports and Continuous Discharge Certificates (CDCs) and Record books were confiscated by the Mozambique Port State Control (INAMAR) and immigration officials during the Port State Control inspection conducted in October, 2019.

Accordingly, the Authority in collaboration with the Mozambique Port State Control (INAMAR) obtained the release of the CDCs from INAMAR. The Kenyan Ministry of Foreign Affairs in collaboration with the State Department for Shipping and Maritime facilitated the release of the Kenyan crew passports from the Immigration Department in Pemba.

KMA reminds seafarers that while abandonment is an international challenge, the same has been addressed by Regulation 2.5 of the Maritime Labour Convention, 2006 to a large extent, whereby ship-owners are required to hold a financial security and guarantee for repatriation of seafarers abandoned onboard their ships. This is however, applicable if seafarers are recruited through the laid down recruitment procedures using licensed recruitment and placement agents. By accepting recruitment by agents not licensed by the Kenya Maritime Authority (KMA), seafarers expose themselves to the infringement of their rights and freedom as they are not

covered by the insurance policies and have no safety net, if abandoned. The Authority, therefore, urges seafarers to work with and use recruitment and placement agents that have been licensed by KMA to avoid such cases of abandonment that violate their rights. The licensed recruitment and placement agents currently licensed by KMA include the Alpha logistics, Diverse Shipping Limited, the East African Shipping Limited, the MSC Ship management Limited, Seaforth (K) Shipping Limited and Shipmarc Agency and Logistics Limited. KMA finally urges seafarers to contact the Authority's Seafarers' Registrar's office for assistance in matters of employment agreements with crewing agencies and any other queries.

Maj (Rtd) George Nyamoko Okong'o
DIRECTOR GENERAL,
KENYA MARITIME AUTHORITY (KMA)
MOMBASA

For further information or any clarification, kindly contact us using the Email: info@kma.go.ke
or pr@kma.go.ke

www.kma.go.ke

Twitter handle: @KmaKenya

Facebook: Kenya Maritime Authority