

## **A shame floating for a year**

### **QUESTION:**

I READ with concern the news report on 15 seamen stranded on a detained container vessel and living in dreadful conditions for more than a year.

Syabas to The Star for its front-page story on Tuesday, highlighting the plight of these seamen who are being treated like prisoners.

What is perplexing is that the ship has been floating on Malaysian waters for more than a year and no one really showed any concern or care for the crew of the vessel, not even Northport which had obtained a High Court order to detain the vessel.

They should have at least looked into the welfare of the crew of the vessel while seeking damages for their cranes? so much about good corporate responsibility.

We are told that this matter has been reported to the International Transport Workers Federation in London.

Why was no action taken?

The local chapter of the federation, the Transport Workers Union, which come under the umbrella body of the Malaysian Trade Union Congress, should have highlighted this matter to the relevant authorities.

It is a shame that we have let this happen in our backyard.

Now everyone is expressing surprise that this has happened when the ship has been there for so long.

Where were the enforcement authorities like the Marine Department and the Port Klang Authority? Do we have to wait for the ship to explode or for all crew members to commit suicide?

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## **ANSWER:**

Dept did all it could for crew of abandoned ship

WITH reference to A shame floating for a year (The Star, May 26), the Transport Ministry and its port and maritime agencies would like to clarify certain aspects.

The MV Banga Biraj, while berthing at Northport on Oct 22, 2008, damaged two container quay cranes. The vessels owners/insurer produced a letter of undertaking to Northport to make good the damage and the vessel was allowed to sail the following day.

On a subsequent call to Port Klang on May 4, 2010, the vessel was served an arrest order by the Shah Alam High Court based on action taken by Northport to recover the cost due to the damage after the owners/insurance failed to honour the letter of undertaking.

Northport had subrogated its right to claim to Takaful Ikhlas, as allowed for under the law after being compensated by the insurance company.

In the case of vessels arrested in Malaysian ports, the responsibility to maintain the safety of the vessel and the welfare of the crew lies with the shipowners and plaintiff. Marine departments and port authorities will provide a safe location for the vessel to anchor or moor while under arrest, as well as monitor the vessel to ensure that it does not break arrest.

Banga Biraj is a Bangladesh-registered vessel with crew comprising mainly Bangladesh nationals.

When the vessel was arrested, Marine Department Malaysia informed the Maritime Administration of Bangladesh of the developments in Port Klang. A reply was received from the Bangladesh Maritime Administration agreeing to resolve issues related to outstanding wages and repatriation of crew members.

Subsequent meetings were held between Marine Department Malaysia and the local agents to expedite the above and also to reduce the manning of the vessel to a minimum.

Although the vessel is under arrest, the owners are permitted to change crew as they deem fit with no restriction from local authorities.

Two members of the crew were replaced by Indonesian nationalities in December 2010 and one crew member was repatriated in May 2011. As such, allegations that the crew members are being held prisoners are unfounded.

Marine Department Malaysia has periodically visited the vessel and has found its condition satisfactory. Although the external condition shows signs of corrosion, which is common to vessels that have been idling in port, the vessel is in no danger of sinking.

Marine Department Malaysia last visited the ship on April 26 and there were no complaints raised by any of the crew members on board.

In addition, the master of the vessel had been provided with contact details of Marine Department officers to be contacted in case of emergencies or complaints.

Under normal circumstances the arresting party and the owner's agent are solely responsible for the upkeep of the ship and crew.

Marine Department Malaysia and the Port Authority have carried out their responsibilities despite the lack of concern shown by the parties responsible.

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