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## ROLE OF FLAG STATE AND PORT STATE IN IMPLEMENTATION OF MARITIME LABOUR LAW

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### ABSTRACT

The maritime business is high-risk because seafarers encounter a variety of dangers while working on ships. To guarantee their safety and well-being, the International Labour Organization (ILO) created the Maritime Labour Convention (MLC), 2006, which establishes minimal working and housing standards for sailors. Both flag states and port states have particular duties and obligations to guarantee the successful execution of the MLC, 2006. The flag state is the nation in which the ship is listed, whereas the port state is the country in which the ship calls or operates.<sup>73</sup> Both flag states and port states have particular duties and obligations to guarantee the successful execution of the MLC, 2006.

**Keywords:** port, guarantee, sailors, maritime, obligations, flag duties, ship, international labor, organization, port, ships, flag, maritime, sailors, guarantee, inspection, harbor, standards

### INTRODUCTION

The maritime sector has always played an important role in worldwide trade and economy. It is, however, a high-risk profession, as seafarers encounter a variety of dangers while working on ships. To guarantee their safety and well-being, the International Labour Organization (ILO) created the Maritime Labour Convention (MLC), 2006, which establishes minimal working and housing standards for sailors. Flag states and harbour states must

work together to effectively execute the MLC, 2006. In this essay, we will look at the duties and obligations of flag states and port states in putting the MLC into effect in 2006.

The International Labour Organization (ILO) created the Maritime Labour Convention (MLC) in 2006 to safeguard sailors' rights and guarantee their safety and security. The MLC, 2006, establishes minimal standards for mariners' working and living circumstances, such as working and leisure hours, pay, health and safety, and access to medical treatment.

Both flag states and port states have particular duties and obligations to guarantee the successful execution of the MLC, 2006. The flag state is the nation in which the ship is listed, whereas the port state is the country in which the ship calls or operates.

### FLAG STATES

A ship's flag state is the country whose banner it is permitted to display. The flag state is ultimately responsible for ensuring that the ship conforms with all applicable international laws and rules, including the MLC, 2006. The flag state must guarantee that the ship is properly certified, including the Maritime Labour Certificate (MLC) and the Declaration of Maritime Labour Compliance. (DMLC).

The MLC, 2006, specifies precise criteria for ship certification. The flag state issues the Maritime Labour Certificate (MLC) following an examination of the ship's working and living circumstances. An authorised inspector conducts the examination, ensuring that the ship fulfils the standards of the MLC, 2006. The

<sup>73</sup> THE STATE RESPONSIBILITY ON THE IUU FISHING : THE REFLECTION OF THE 2015 ITLOS ADVISORY OPINION ON IUU FISHING AND ITS RELEVANCE TO INDONESIA  
<https://scite.ai/reports/10.15742/ilrev.v8n2.488>



MLC of 2006 also requires the flag state to develop a process for giving the Declaration of Maritime Labour Compliance. (DMLC). The DMLC is a document that details the steps that the shipowner has done to ensure that the ship meets the standards of the MLC, 2006. The DMLC must be stored on board the ship and its contents must be made known to the personnel. The flag state must also create a process for ensuring that the shipowner has adopted the DMLC measures. The involvement of the flag state in enacting the MLC, 2006 is critical, as it guarantees that ships carrying its flag fulfil the necessary standards. However, the flag state's effectiveness in implementing the MLC, 2006, depends on its commitment to enforcing the regulations and its ability to conduct inspections and audits effectively.

#### **PORTS STATE**

Port states are critical to the execution of the MLC, 2006, because they have the power to examine ships entering their ports. The port state is responsible for ensuring that ships conform with the MLC, 2006, and that the ship's licence is legitimate. The MLC of 2006 mandates port states to examine ships that enter their harbours. These checks are designed to ensure that the ship meets the standards of the MLC, 2006, and that the ship's certification is still legitimate. If the ship is discovered to be non-compliant, the port state may detain it until the flaws are rectified. The MLC, 2006, also requires port states to establish procedures for dealing with complaints from seafarers regarding their working and living conditions. Port states must investigate these complaints and take appropriate action if the ship is found to be non-compliant. The MLC of 2006 also mandates port states to create processes for coping with seafarer complaints about their working and living circumstances. If the ship is determined to be noncompliant, port states must examine the complaint and take proper action.

Port states, which have the power to examine ships and hold non-compliant ships, play an important part in ensuring that ships conform

with the MLC, 2006. The efficacy of port states in enacting the MLC, 2006 is dependent on their ability to conduct effective inspections and their dedication to enforcing the laws. Let us go over their duties and obligations in carrying out the MLC, 2006.

#### **Role and Responsibilities of Flag States:**

The flag state bears main responsibility for ensuring that ships carrying its name adhere to the MLC, 2006. The flag state is responsible for inspecting its ships on a regular basis to ensure that they fulfil the standards of the MLC, 2006. The flag state is also responsible for issuing and maintaining the ship's Maritime Labour Certificate (MLC) as well as the Declaration of Maritime Labour Compliance (DMLC) Parts I and II. According to the MLC, 2006, the flag state must ensure that sailors on its ships have access to sufficient medical treatment, sustenance, and safe potable water, as well as reasonable living circumstances. The flag state must also guarantee that seafarers are paid on time and have access to their employment contracts and other important papers. Furthermore, the flag state must create a system for getting and settling grievances from mariners, as well as ensure that suitable protocols for investigating mishaps and incidents aboard its ships are in place..

#### **Role and Responsibilities of Port States:**

The port authority is also critical to the successful execution of the MLC, 2006. The port state is responsible for inspecting foreign ships stopping at its terminals to guarantee that they comply with the MLC, 2006. The harbour state must also ensure that the ship's Maritime Labour Certificate (MLC) and Declaration of Maritime Labour Compliance (DMLC) Part I and II are both current and valid.

If the port state discovers any flaws during an examination, it must take proper corrective action, which may include detaining the ship until the flaws are fixed. For noncompliance with the MLC, 2006, the port state may also apply penalties or fees on the ship or its proprietors.



Additionally, the harbour state may provide assistance to mariners, such as medical treatment, return, and legal representation, if required. While their ship is in port, the port state must also guarantee that sailors have access to shore leave and other necessary services.

### **Comparison:**

Flag and harbour states both play critical roles in enacting the MLC, 2006. The flag state is responsible for ensuring that the ship conforms with the standards of the MLC, 2006, while the port state is responsible for ensuring that the ship's certification is legitimate and inspecting ships that approach their ports.

As the state in which the ship is listed, the flag state bears main responsibility for enacting the MLC, 2006. The flag state must guarantee that the ship complies with the MLC, 2006, and must issue the required certifications. However, the flag state's efficacy in enacting the MLC, 2006 is dependent on its dedication to upholding the laws and its ability to perform effective inspections and reports. The involvement of the port state in enacting the MLC, 2006, is also critical. Port states have the power to examine ships entering their terminals and must ensure that the ship's licence is current. Port states are also responsible for coping with seafarer concerns about their working and housing circumstances. The port state's capacity to conduct effective inspections and their dedication to enforcing the rules determine the port state's success in implementing the MLC, 2006. The responsibilities of flag states and port states vary in the implementation of the MLC, 2006. The flag state is responsible for ensuring that the ship conforms with the MLC, 2006, standards, while the port state is responsible for ensuring that the ship's certification is legitimate and up to date. . . However, both flag states and port states must work together to ensure that ships comply with the MLC, 2006, requirements.

### **Challenges in implementing the MLC, 2006:**

The 2006 MLC execution poses several obstacles for flag states and port states. One of the major issues is a lack of funding and knowledge. Many flag and harbour states may lack the means and skills to conduct effective checks and reports. This can result in non-compliant ships being permitted to function, putting seafarers' safety and well-being at danger.

Another issue is a dearth of collaboration between flag and port nations. Some flag states may refuse to cooperate or provide required information to port states, making it difficult for port states to validate the ship's certification. This can cause checks and reports to be delayed, reducing the efficiency of port operations. Another issue is a dearth of knowledge and comprehension of the MLC, 2006. Many shipowners, sailors, and even flag states and port states may be unaware of the provisions of the MLC, 2006. This can lead to noncompliance with laws, placing seafarers' safety and well-being at danger.

The MLC, 2006, execution faces several obstacles, including a lack of resources and experience, a lack of collaboration between flag states and port states, and a lack of recognition and comprehension of the MLC, 2006. Addressing these issues will necessitate the dedication and collaboration of all maritime stakeholders. Flag states, port states, shipowners, sailors, and foreign organisations such as the foreign Maritime Organization (IMO) and the International Labour Organization (ILO) are all included. Flag states must also create a comprehensive inspection and auditing system to guarantee that ships meet the standards of the MLC, 2006. It is the duty of the flag state to guarantee that the ship complies with the MLC, 2006, requirements and to give the required certifications. The flag state's success in enacting the MLC, 2006 is determined by its dedication to enforcing the laws and its ability to perform effective inspections and audits. Flag states must also guarantee that they have the



expertise needed to detect and address noncompliance problems. Port states have the power to examine ships entering their terminals and must ensure that the ship's licence is current. The port state's capacity to conduct effective inspections and their dedication to enforcing the rules determine the port state's success in implementing the MLC, 2006. Port states can seek technical help and instruction from international organisations such as the International Maritime Organization (IMO) and the International Labour Organization (ILO) to resolve a dearth of resources and expertise.

Another barrier to implementing the MLC, 2006, is a dearth of collaboration between flag and port nations. Some flag states may refuse to cooperate or provide required information to port states, making it difficult for port states to validate the ship's certification. This can cause checks and reports to be delayed, reducing the efficiency of port operations. To handle this issue, flag states and port states must create efficient communication and information-sharing mechanisms to facilitate cooperation and guarantee port states have access to required information.<sup>74</sup>

Another barrier to implementing the MLC, 2006, is a dearth of knowledge and comprehension of the requirements of the MLC, 2006. Many shipowners, sailors, and even flag states and port states may be unaware of the provisions of the MLC, 2006. This can lead to noncompliance with laws, placing seafarers' safety and well-being at danger. To handle this issue, flag states, port states, and international organisations must prioritise awareness-raising and capacity-building efforts to ensure that all parties are aware of the requirements of the MLC, 2006. To handle this issue, flag states and port states must create efficient communication and information-sharing mechanisms to facilitate cooperation and guarantee port states have access to required information.

Another barrier to implementing the MLC, 2006, is a dearth of knowledge and comprehension of the requirements of the MLC, 2006. Many shipowners, sailors, and even flag states and port states may be unaware of the provisions of the MLC, 2006. This can lead to noncompliance with laws, placing seafarers' safety and well-being at danger. To handle this issue, flag states, port states, and international organisations must prioritise awareness-raising and capacity-building efforts to ensure that all parties are aware of the requirements of the MLC, 2006. The successful execution of the MLC, 2006, necessitates the dedication and collaboration of all maritime stakeholders. Flag states, port states, shipowners, sailors, and foreign organisations like the foreign Maritime Organization (IMO) and the International Labour Organization are all included. (ILO). These parties can ensure that the MLC, 2006, is successfully enacted and that seafarers are safeguarded from exploitation and abuse by working together. Shipowners also play an important part in enacting the MLC, 2006. They are responsible for ensuring that their ships meet the standards of the MLC, 2006, and that they provide seafar Top of Form Maritime labour laws are critical to ensuring the wellbeing and protection of seafarers working on boats all over the world. The successful execution of the MLC, 2006, necessitates the dedication and collaboration of all maritime stakeholders. Flag states, port states, shipowners, sailors, and foreign organisations like the foreign Maritime Organization (IMO) and the International Labour Organization are all included. (ILO).<sup>75</sup> These parties can ensure that the MLC, 2006, is successfully enacted and that seafarers are safeguarded from exploitation and abuse by working together. Shipowners also play an important part in enacting the MLC, 2006. They are responsible for ensuring that their ships meet the standards of the MLC, 2006, and that they provide seafar Top of Form Maritime labour laws are critical to ensuring the wellbeing and

<sup>74</sup> Regulation of Thrombin-Induced Lung Endothelial Cell Barrier Disruption by Protein Kinase C Delta  
<https://scite.ai/reports/10.1371/journal.pone.0158865>

<sup>75</sup> Analysing the prospect of the maritime common information sharing environment's implementation and feasibility in Montenegro  
<https://scite.ai/reports/10.31217/p.35.2.8>



protection of seafarers working on boats all over the world. Failure to implement marine labour laws can have serious repercussions, including endangering the lives of seafarers, harming the maritime industry's image, and jeopardising global commerce. As a result, efficient implementation of these rules should be a top concern for all business stakeholders.

Furthermore, it is critical to acknowledge that seafarers play a critical part in ensuring that products are transported securely and effectively around the globe. However, this comes at a high personal expense because they frequently labour long hours in dangerous circumstances, away from their families for extended periods of time. As a result, it is dependent on all stakeholders in the marine sector to ensure that sailors' rights are safeguarded and maintained. This includes providing sufficient living quarters on ships that meet international safety standards, as well as assuring access to quality medical treatment when necessary and reasonably compensating workers for their services provided. Furthermore, working conditions must be consistently monitored through regular inspections conducted not only by flag states but also by independent bodies such as non-governmental organisations (NGOs). Achieving compliance with maritime labour laws requires more than just enforcement mechanisms; it entails putting in place structures that protect the welfare of those who work in this critical sector while maintaining high safety standards. When performed successfully through cooperation between parties responsible for supervising vessel operation, both at sea and in port settings around the globe will improve dramatically, leading to long-term development across countries! It is our responsibility as a responsible stakeholder in the maritime business to guarantee that seafarers are handled honestly and with regard. As a result, we urge all parties concerned to take their responsibilities seriously and work together to achieve the shared objective of honouring marine employment laws,

safeguarding sailors' rights, and keeping the high standards that support this important sector. The roles of the name State and the Port State in the application of marine employment law are critical, as both parties are responsible for ensuring that all boats carrying their name conform with applicable international treaties and laws. Flag States must employ utmost care in vessel registration and continuous surveillance to ensure that all marine work laws are followed. Port States must also ensure that all vessels accessing their terminals comply with all relevant agreements and laws. This is accomplished through frequent vessel checks and the issuing of marine labour certificates, which attest to compliance with international standards. It is critical that both the Flag State and the Port State collaborate to accomplish the shared objective of ensuring the safety of seafarers. We strongly encourage Flag States and Port States to recognise the critical importance of their responsibilities in advancing social responsibility in the marine sector.<sup>76</sup>

### **Conclusion:**

The most important details in this text are that both flag states and port states are critical to the successful execution of the MLC, 2006. The flag state is responsible for ensuring that its ships conform with the standards of the 2006, while the port states are responsible for confirming compliance during inspections and taking suitable action if noncompliance is discovered. Stakeholders must prioritize resource allocation, create efficient communication and information-sharing methods, and prioritise awareness-raising and capacity-building efforts to ensure that the MLC is successfully enacted and that seafarers are safeguarded from exploitation and abuse. To achieve this, stakeholders must work together to safeguard sailors' rights and well-being, and

<sup>76</sup> Partial Analysis of ECDIS EHO Research: Port State Control  
<https://scite.ai/reports/10.17818/nm/2021/2.5>



ensure that they operate in safe and acceptable circumstances while at sea.<sup>77</sup>

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### Website Links

1. [What Is Happening in the Indian Ocean? - Carnegie Endowment for International Peace](#)
2. [Oceans and the Law of the Sea | United Nations](#)

<sup>77</sup> Implementation of MLC 2006 for Indonesian Seafarers: A Gap Analysis in Aspects of Health Care and Social Security of Seafarers on Board  
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