

# Exploring the Impact of Flags of Convenience on the Rights and Safety of Sailors

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## Introduction

The shipping industry is one of the most influential commercial enterprises in the world. For centuries, humanity has been using the oceans to transport large amounts of goods from far away places. A city's proximity to the water can determine the type of food its citizens eat, the clothes they wear, and the diversity of their population. Even with all of this influence, issues surrounding bodies of water, particularly oceans, are not considered unless one is planning on taking a cruise.

An American boarding a ship in the United States may feel as if they are as safe as they would be at any business on land. However, the oceans are a legal grey area that offers little in the way of protection for the rights of both sailors and passengers. Ships in international waters are treated as extensions of the country whose flag they fly, much like an embassy in a foreign country. Due to the strict guidelines of more developed nations, many shipowners have decided to sail their vessels under the registries of second-world countries, where standards are lower. This practice has become known as flying a Flag of Convenience (FOC), and has allowed inferior sailing practices which result in abuses on the environment and those on board.

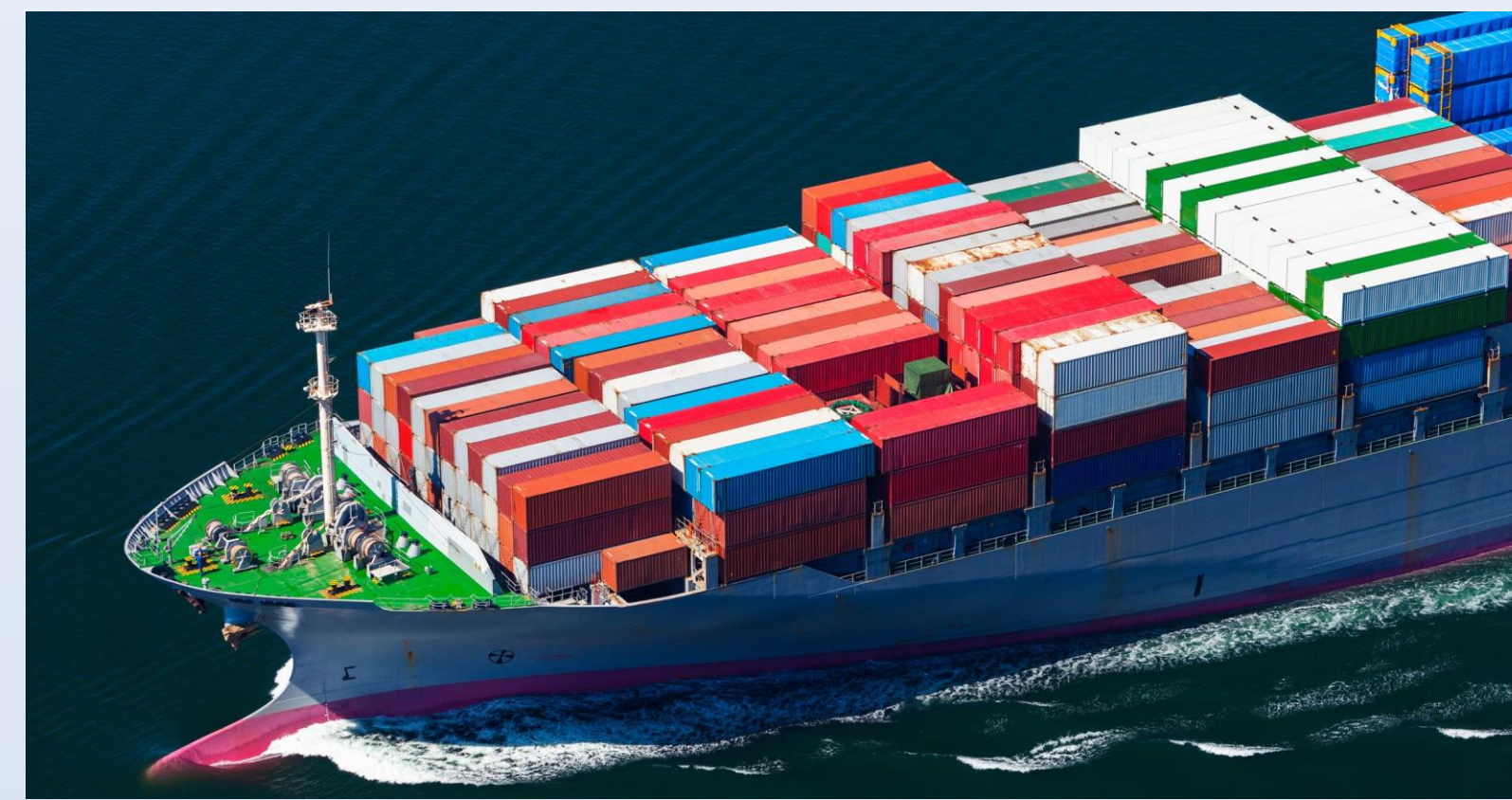
## Research Question

In particular, FOCs have for decades intruded upon the human rights of sailors from all over the world. Recently, there has been some debate over whether efforts should be extended toward creating international legislation outlawing FOCs, or if the current system can actually be gamed to protect sailors. Because of this, it is important that careful consideration is given to the past and current effects of this system by asking ourselves

**WHAT IS THE IMPACT OF FLAGS OF CONVENIENCE ON THE RIGHTS AND SAFETY OF SAILORS?**

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## Literature Review

Maritime lawyer Carlos Negret (2016) has catalogued the extent of the problem, finding that up to 75% of ships currently fly a flag of convenience. Included among these are not just companies responsible for shipping cargo, but also every major cruise line, many of which are headquartered in the US despite having their vessels registered elsewhere (Negret, 2016).

Shoddy regulatory bodies can take a particular toll on those working on board, as found by anthropological study conducted by Tiangco and Jackson (2002). Shipowners utilizing FOCs take advantage of low certification standards by operating vessels which have faulty equipment. In addition to working long hours in poor conditions, these sailors are often not paid the wages agreed upon in their contract, with more than 70% earning less than the international standard set by the International Transport Workers Federation (ITF) (Tiangco and Jackson, 2002).

Despite the frequency of sailor mistreatment under FOCs, some have argued that their existence can be used to force better workplace standards. Philip Chapman (1992) has explored the efforts of the previously mentioned ITF to take ships from open-registries to task. As a non-governmental group, ITF began organizing dock workers unions that would refuse to accommodate ships flying FOCs unless they met certain workplace standards. Though their efforts have resulted in somewhat higher wages, Chapman (1992) found that the results of their efforts often fell short of their goals.

## Method

The focus of the project will be two-fold: examining the current legal framework in place surrounding flags of convenience, and looking into a correlation between flags of convenience and human rights and safety abuse.

- The first will be addressed through an intense examination of the international maritime guidelines put in place by the United Nations, as well as an evaluation of the shipping laws of the countries with the largest number of ships on their logs.
- Unfortunately, because many abuses occur under the radar, the number of case studies to look into are limited. That being said, the second focus will be addressed by looking at the legal records of international court cases involving human rights abuses on ships, and the investigations of shipping accidents that have occurred over the last two decades. These case studies will be evaluated by a rubric based on the UN Declaration of Human Rights.



<https://minorityrights.org/wp-content/uploads/2018/12/UDHR-eleanor.jpg>



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## Expected Results

I am very confident that I will find a strong correlation between ships flying flags of convenience and mistreatment of sailors. However, I believe that a close look at the laws will also show how desperately entangled the laws of the international shipping industry are, revealing the truly immense difficulty one would face should they try to amend legislation.

Very recently, the effects of poorly regulated ships have been apparent to the world, with COVID-19 turning many cruise ships into virtual hotbeds. Unfortunately, the media has only chosen to focus on the plights of the passengers on board, ignoring the dangers faced by the staff as well. I hope that by examining the cases of these cruise ships, along with other recent maritime disasters, I can draw attention to a group who are essential to the worldwide economy but have little in the way of legal protection.

## Sources

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