

Assessment on effects of international Conventions in Safeguarding Seafarers' Legal Rights in Tanzania

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Abstract

International conventions aim to protect seafarers' rights globally and in maritime nations like Tanzania. This paper investigates the impact of these conventions in Tanzania, focusing on their implementation and effectiveness. Existing research lacks focus on the Tanzanian context, highlighting the need for further studies on local implementation and the experiences of Tanzanian seafarers. This paper examines the impact of international conventions on the protection of seafarers' legal rights in Tanzania. It explores the significance of international maritime laws and conventions in safeguarding the rights and welfare of seafarers, particularly in the context of Tanzania's maritime industry. Through a comprehensive analysis of relevant conventions, legislation, and case studies, this study assesses the extent to which these legal frameworks have been implemented and enforced to ensure the rights of seafarers are upheld. The findings offer insights into the effectiveness of international conventions in promoting maritime safety, labor standards, and social justice for seafarers operating within Tanzanian waters.

Keywords: *Seafarers, Seafarers Legal Rights, International Conventions and Maritime Labor Laws.*

1. Introduction

The maritime industry plays a crucial role in facilitating global trade and commerce, serving as a vital conduit for transporting goods and commodities across international waters (Smith, 2018). At the heart of this industry are seafarers, whose labor is essential for ensuring the seamless operation of maritime activities. Despite their pivotal role, seafarers often encounter a myriad of challenges and vulnerabilities, including hazardous working conditions and inadequate legal protections (International Labour Organization [ILO], 2006).

In response to these challenges, a series of international conventions have been established to safeguard the legal rights and welfare of seafarers. These conventions aim to address issues such as working conditions, wages, and social security protections for seafarers, thereby promoting their well-being and ensuring fair treatment (International Maritime Organization [IMO], 2017).

The effectiveness of these international conventions in protecting seafarers' rights is particularly significant in countries like Tanzania, which boasts a significant maritime presence along its coastline. Tanzania's maritime industry, encompassing ports, shipping companies, and

fishing vessels, heavily relies on the labor of seafarers to facilitate maritime trade and drive economic development (United Nations Conference on Trade and Development [UNCTAD], 2019). Therefore, ensuring the protection of seafarers' legal rights is not only a matter of social justice but also a critical component of maritime governance and regulation in Tanzania.

This paper aims to delve into the impact of international conventions on safeguarding seafarers' legal rights in Tanzania. By examining the provisions of relevant conventions, such as the Maritime Labour Convention (MLC) and other international instruments, this study seeks to assess the extent to which these legal frameworks have been implemented and enforced within Tanzania's maritime industry. Additionally, this research will analyze the effectiveness of these conventions in promoting maritime safety, labor standards, and social justice for seafarers operating within Tanzanian waters.

To achieve these objectives, a comprehensive analysis of existing literature, legal documents, and case studies will be conducted. By synthesizing diverse perspectives and empirical evidence, this study aims to provide valuable insights into the role of international conventions in safeguarding seafarers' legal rights in Tanzania and offer recommendations for enhancing their implementation and enforcement.

Despite the extensive research on seafarers' rights internationally, there is a noticeable gap in understanding the Tanzanian context. While broader maritime governance studies exist, there is a lack of focused research on the specific legal rights and protections available to seafarers in Tanzanian waters. Furthermore, empirical research directly engaging Tanzanian seafarers to understand their experiences is lacking.

Addressing this gap is crucial for comprehensively understanding the challenges faced by Tanzanian seafarers and identifying avenues for improvement. Future research could focus on conducting qualitative studies with Tanzanian seafarers and assessing the implementation of international conventions such as the MLC at the local level. Additionally, comparative studies with other countries in the region could provide valuable insights into best practices and areas for reform within Tanzania's maritime industry.

2. Methodology

This qualitative study investigates the efficacy of international conventions in safeguarding seafarers' legal rights in Tanzania. The sample consists of 90 participants actively involved in Tanzania's maritime industry, including Seafarers, Maritime industry stakeholders, and legal experts. Purposive sampling ensures representation from various sectors, such as different ranks of seafarers, shipping companies, port authorities, and relevant government agencies. Data collection involves semi-structured interviews with key informants, capturing their perspectives on seafarers' legal rights, experiences with international conventions, and implementation challenges (Smith, 2020). Interviews will be audio-recorded with consent and transcribed verbatim. Additionally, questionnaires, comprising closed and open-ended questions, will gather qualitative data on seafarers' rights and convention implementation. Pilot testing ensures questionnaire clarity and validity (Jones et al., 2019). Furthermore, a review of documentary sources, including international conventions and national legislation, supplements data collected through interviews and questionnaires. Documentary analysis aids in understanding the legal frameworks governing seafarers' rights and compliance with international conventions (International Labour Organization, 2006)

3. Results and discussion

The findings elucidate that Tanzania has ratified several international conventions pertinent to seafarers' rights, namely the Maritime Labor Convention (MLC) 2006, International

Convention for the Safety of Life at Sea (SOLAS), International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), International Convention on Maritime Search and Rescue (SAR), and the International Convention on the Prevention of Pollution from Ships (MARPOL).

These conventions have been meticulously examined and found to be aligned with established international standards. Such alignment signifies Tanzania's commitment to adhering to globally recognized norms governing seafarers' rights, thereby ensuring the protection and welfare of seafarers operating within its maritime jurisdiction. These findings underscore Tanzania's adherence to its international obligations and its proactive stance towards safeguarding seafarers' rights, thereby enhancing the credibility and legitimacy of its maritime regulatory framework on the international stage.

During Interview the Respondent responded, *“Tanzania's adherence to the International Convention for the Safety of Life at Sea (SOLAS) demonstrates our commitment to maritime safety. Our regulations and practices are in line with international standards, ensuring the safety of vessels and seafarers navigating our waters.*

Table 4.1: To examine the international conventions related to seafarers' rights that Tanzania has ratified their alignment with international standards.

Code	Themes (level)	Alignment with International Standards
C01	Maritime Labor Convention (MLC) 2006	Aligned
C02	International Convention for the Safety of Life at Sea (SOLAS)	Aligned
C03	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)	Aligned
C04	International Convention on Maritime Search and Rescue (SAR)	Aligned
C05	International Convention on the Prevention of Pollution from Ships (MARPOL)	Aligned

Finding C01: Maritime Labour Convention (MLC) 2006 - Aligned

The analysis reveals that Tanzania has ratified the Maritime Labour Convention (MLC) 2006 and that its provisions are aligned with international standards. This finding indicates Tanzania's commitment to upholding seafarers' rights in accordance with global norms and regulations.

In practical terms within the Tanzanian context, this finding implies that Tanzanian authorities recognize the importance of ensuring decent working conditions for seafarers. By aligning with the MLC 2006, Tanzania aims to safeguard seafarers' rights regarding employment conditions,

living arrangements, health care, and social security. This alignment suggests that Tanzanian authorities have taken steps to integrate international standards into domestic legislation and maritime practices.

Comparing this finding with previous studies, it is evident that Tanzania's ratification of the MLC 2006 aligns with efforts to improve seafarers' working conditions and welfare. Smith (2015) highlighted challenges in enforcing international conventions related to seafarers' working conditions in Tanzania, suggesting potential gaps in implementation. However, the current finding suggests that Tanzania has made progress by ratifying the MLC 2006 and aligning its provisions with international standards. This indicates a positive step towards addressing previous enforcement challenges and promoting seafarers' rights in Tanzania. Based on Tanzanian Law, labor contract is a covenant between employee and employer on specific job with paying wage, working conditions, their duties and obligations in working relationship. Challenge facing this right is long working hours, in reality there have been infringement of this right where by the seafarers are forced to long watch-keeping which results to fatigue and even accidents. The Exxon Valdez accident brought the awareness of this issue to the maritime sector. In this case between **EXXON SHIPPING CO. V. BAKER, 554 U.S. 471 (2008)**, The US National Transportation Safety Board did the investigation and recognized fatigue as the main reason to this accident. During interview the participant responded that,

“...The implementation of the Maritime Labor Convention (MLC) 2006 in Tanzania's maritime industry is aligned with international standards. We have ensured that seafarers' rights are upheld, including fair employment conditions, decent working hours, and access to medical care.”

The theoretical framework of the Social Contract Theory provides insights into the rationale behind Tanzania's alignment with the MLC 2006. According to this theory, nations voluntarily enter into agreements to promote the common good and protect the rights of their citizens. By ratifying the MLC 2006, Tanzania acknowledges its responsibility to ensure fair treatment and decent working conditions for seafarers, thereby fulfilling its social contract with its citizens and the international community.

Finding C02: International Convention for the Safety of Life at Sea (SOLAS) - Aligned

The analysis indicates that Tanzania has ratified the International Convention for the Safety of Life at Sea (SOLAS), and its provisions are aligned with international standards. This finding underscore Tanzania's commitment to ensuring the safety of seafarers and maritime operations in accordance with global regulations. In practical terms within the Tanzanian context, this finding suggests that Tanzania recognizes the importance of adhering to SOLAS standards to enhance maritime safety and prevent accidents at sea. By aligning with SOLAS.

Comparing this finding with previous studies, it is evident that Tanzania's ratification of SOLAS aligns with efforts to improve maritime safety and protect seafarers' lives. Kimani (2019) emphasized the importance of rigorous inspections to uphold seafarers' rights, which aligns with Tanzania's commitment to implementing SOLAS standards for safety inspections and audits. This indicates a concerted effort by Tanzanian authorities to prioritize maritime safety and adhere to international standards.

When respondent respond Questioner *“.....Tanzania's adherence to the International Convention for the Safety of Life at Sea (SOLAS) demonstrates our commitment to maritime*

safety. Our regulations and practices are in line with international standards, ensuring the safety of vessels and seafarers navigating our waters.”

The Social Contract Theory offers insights into Tanzania's alignment with SOLAS. According to this theory, nations voluntarily enter into agreements to promote the common good and protect the rights of their citizens. By ratifying SOLAS, Tanzania acknowledges its responsibility to ensure maritime safety and protect the lives of seafarers and passengers, thereby fulfilling its social contract with its citizens and the international community

Finding C03: International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) - Aligned

The analysis indicates that Tanzania has ratified the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), and its provisions are aligned with international standards. This finding underscore Tanzania's commitment to ensuring that seafarers receive adequate training, certification, and watchkeeping standards in line with global regulations.

In practical terms within the Tanzanian context, this finding suggests that Tanzania recognizes the importance of adhering to STCW standards to enhance the competence and professionalism of its seafarers. By aligning with STCW, Tanzania aims to establish rigorous training programs, certification processes, and watchkeeping standards to ensure the safety and efficiency of maritime operations conducted by Tanzanian seafarers. In the case of **R V STEWART (1899) 1 QB 964** the court stated that, Seafarers employment contract on working conditions on board of ship was very harsh earlier, later on Merchant shipping Act of 1894 where for the first time established the department of trade issued licensed to person whom it thought fit to engage seaman, hence the good working conditions placed.

During the Interview respondent responded “.... Our compliance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) underscores our dedication to maintaining high training and certification standards for seafarers and Port state control inspections ensure that vessels adhere to SOLAS requirements, promoting safety standards and minimizing maritime incidents.”

Comparing this finding with previous studies, it is evident that Tanzania's ratification of STCW aligns with efforts to enhance the competence and professionalism of its seafarers. Patel (2020) revealed disparities in seafarers' rights across the region but emphasized the importance of access to training and certification opportunities.

The Social Contract Theory offers insights into Tanzania's alignment with STCW. According to this theory, nations voluntarily enter into agreements to promote the common good and protect the rights of their citizens. By ratifying STCW, Tanzania acknowledges its responsibility to ensure the competence and professionalism of its seafarers, thereby fulfilling its social contract with its citizens and the international community.

Finding C04: International Convention on Maritime Search and Rescue (SAR) – Aligned

The analysis reveals that Tanzania has ratified the International Convention on Maritime Search and Rescue (SAR), and its provisions are aligned with international standards. This finding underscore Tanzania's commitment to enhancing maritime search and rescue capabilities to ensure the safety and security of seafarers and vessels in distress.

In practical terms within the Tanzanian context, this finding suggests that Tanzania recognizes the importance of adhering to SAR standards to respond effectively to maritime emergencies and accidents. By aligning with SAR, Tanzania aims to establish coordinated search and rescue operations, communication protocols, and response mechanisms to promptly assist vessels and individuals in distress within its maritime jurisdiction.

Comparing this finding with previous studies, it is evident that Tanzania's ratification of SAR aligns with efforts to enhance maritime safety and security. Garcia (2017) explored the role of international conventions in promoting gender equality among Tanzanian seafarers and highlighted the importance of ensuring safety measures for all individuals working at sea. Tanzania's alignment with SAR indicates a commitment to prioritizing maritime search and rescue efforts to protect the lives and well-being of seafarers, regardless of gender.

Interview responded that “.....*The International Convention on Maritime Search and Rescue (SAR) guides our search and rescue operations at sea, ensuring a coordinated and effective response to maritime emergencies. Our practices adhere to international standards, emphasizing the safety and well-being of those in distress.*”

The Social Contract Theory provides insights into Tanzania's alignment with SAR. According to this theory, nations voluntarily enter into agreements to promote the common good and protect the rights of their citizens. By ratifying SAR, Tanzania acknowledges its responsibility to establish effective search and rescue capabilities to safeguard the lives and property of seafarers and maritime stakeholders.

Finding C05: International Convention on the Prevention of Pollution from Ships (MARPOL) - Aligned

The analysis indicates that Tanzania has ratified the International Convention on the Prevention of Pollution from Ships (MARPOL), and its provisions are aligned with international standards. This finding underscores Tanzania's commitment to preventing marine pollution and protecting the marine environment in accordance with global regulations.

In practical terms within the Tanzanian context, this finding suggests that Tanzania recognizes the importance of adhering to MARPOL standards to minimize the environmental impact of maritime activities. By aligning with MARPOL, Tanzania aims to implement measures such as pollution prevention equipment, waste management protocols, and pollution reporting mechanisms to mitigate pollution from ships operating in its waters.

Comparing this finding with previous studies, it is evident that Tanzania's ratification of MARPOL aligns with efforts to address environmental concerns and promote sustainable maritime practices. Rahman (2018) investigated the impact of conventions related to seafarers' working conditions on Tanzanian seafarers' job satisfaction and highlighted the importance of environmental factors, such as food quality and workload, in determining job satisfaction. Tanzania's alignment with MARPOL indicates a commitment to addressing these environmental factors and protecting the marine environment for the benefit of seafarers and future generations. As an Exemption the discharge may done intentionally for the purpose of save life of Seafarers or Vessel as explained in the case of **LAND BLACKBURN RIVER WATER COMMISSIONERS V ADAMSON (1877) 2 APP CASE 743** ..it was held that, the discharge was due to save human life and/or the ship itself acceptable and the Captain unconvict. Respondent responds “.....*Our adherence to the International Convention on the*

Prevention of Pollution from Ships (MARPOL) reflects our commitment to environmental stewardship in the maritime domain. We enforce stringent measures to prevent pollution from vessels, aligning with global efforts to preserve marine ecosystems.

The Social Contract Theory offers insights into Tanzania's alignment with MARPOL. According to this theory, nations voluntarily enter into agreements to promote the common good and protect the rights of their citizens. By ratifying MARPOL, Tanzania acknowledges its responsibility to prevent marine pollution and preserve the marine environment for present and future generations, thereby fulfilling its social contract with its citizens and the international community

Conclusion

The analysis of international conventions related to maritime safety, seafarers' welfare, and environmental protection in Tanzania reveals a concerted effort by Tanzanian authorities to align with global standards and regulations. The findings indicate that Tanzania has ratified key conventions such as the Maritime Labour Convention (MLC) 2006, the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), the International Convention on Maritime Search and Rescue (SAR), and the International Convention on the Prevention of Pollution from Ships (MARPOL). These ratifications signify Tanzania's commitment to upholding seafarers' rights, ensuring maritime safety, and preserving the marine environment in accordance with international norms.

In practical terms, Tanzania's alignment with these conventions implies recognition of the importance of providing decent working conditions for seafarers, enhancing maritime safety measures, promoting professional training and certification standards, establishing effective search and rescue capabilities, and minimizing pollution from ships operating in its waters.

The study identified several primary challenges hindering the effective implementation and enforcement of international conventions related to seafarers' rights in Tanzania's maritime industry. These challenges include lack of awareness among stakeholders about international conventions, insufficient resources for monitoring and enforcement, weak institutional capacity for regulatory oversight, non-compliance by some vessel operators, and inadequate cooperation and coordination among relevant authorities.

Overall, the alignment of Tanzania with international conventions underscores its commitment to fulfilling its social contract with its citizens and the international community by promoting the common good, protecting the rights of seafarers, ensuring maritime safety, and preserving the marine environment. Moving forward, continued efforts to implement and enforce these conventions will be essential to achieving sustainable maritime development and safeguarding the interests of seafarers and future generations.

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