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Iran's Maritime Code and UNCLOS: Is There a Connection between Maritime Training, Labour, and Safety?

Mostafa Abadikhah *

Abstract. Maritime training, labour, and safety are crucial aspects of commercial shipping, encompassed within both domestic maritime law and international law, including Iran's framework. The primary source of Iran's maritime law is its maritime code, while the cornerstone of international maritime law is the 1982 United Nations Convention on the Law of the Sea (UNCLOS), often deemed the constitution of the seas. Despite signing the UNCLOS in 1982, Iran has yet to ratify it. This paper investigates whether Iran adheres to UNCLOS provisions regarding maritime training, labour, and safety in its maritime trade practices, utilising theoretical knowledge and logical analysis of Iran's maritime code alongside relevant international conventions.

Keywords: *Iran's Maritime Code; the 1982 Convention on the Law of the Sea; Training; Safety; Labour.*

1. Introduction

The sea is a fundamental aspect of maritime law, while mercantile ships are vital to its practice. The relationship between international law of the sea and maritime law is undeniable, as the operational field for mercantile vessels lies within maritime zones¹. According to the United Nations

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¹ See Rachel Rogers, *The Sea of the Universe: How Maritime Law's Limitation on Liability Gets it Right, and Why Space Law Should Follow by Example*, Indiana J. Global L. Studies, Vol. 26, No. 2 (2019), pp. 741-760, <https://doi.org/10.2979/indjglolegstu.26.2.0741>.

Convention on the Law of the Sea 1982 (UNCLOS)², these zones include internal waters, the territorial sea³, contiguous zones, exclusive economic zones, the continental shelf, the high seas, and the seabed⁴.

Today, the OECD estimates that around 90% of global trade is conducted via sea transport, with ships travelling between trading ports located in both internal waterways and territorial seas of various states. Thus, to operate effectively within these maritime zones⁵, commercial vessels must adhere to the law of the sea in addition to domestic maritime regulations. The principles and rules governing the law of the sea are codified within UNCLOS. Although mercantile ships are regulated by maritime law, this branch is also part of each state's legal framework; therefore, the rules and provisions of maritime law should align with those of their respective national laws.

One specific area where owners or captains of commercial ships must consult their domestic laws in accordance with UNCLOS is in maritime safety, training, and labour regulations. Although some states, such as Iran⁶, have not ratified UNCLOS due to conflicts with domestic legislation, the Convention remains widely accepted as the constitution of the sea. Its rules offer essential protection for the order and security of

² U.N. Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397 [hereinafter UNCLOS].

³ Sometimes the term "territorial waters" was used instead of "territorial sea". See *Inmaris Perestroika Sailing Maritime Services GmbH and Others v. Ukraine*, ICSID Case No. ARB/08/8, ¶ 282 (Mar. 1, 2012).

⁴ Mostafa Abadikhah, Rishat Vakhidovich Nigmatullin & Latypova Natalia Sergeevna, *An introduction to the basic dimensions of investment protection in the archipelagic waters: a review of IILAs and UNCLOS*, ATLANTIC L. J. Vol. 26, pp. 74-109, (2023) at 80; *Also see* Mom Ravin, *ITLOS and Dispute Settlement Mechanisms of the United Nations Convention on the Law of the Sea* (United Nations-The Nippon Foundation Fellow Germany, March-December 2005) at 5, https://www.un.org/depts/los/nippon/unff_programme_home/fellows_pages/fellows_papers/mom_0506_cambodia_itlos.pdf.

⁵ OECD, Ocean shipping and shipbuilding (Mar. 2021, 7 pm), <https://www.oecd.org/ocean/topics/ocean-shipping/> (last visited Jan. 2, 2024). It should be noted that UNCTAD believes the maritime trade and business is around 80%. *see*, Conor Walsh & the others, *Trade and trade-offs: Shipping in changing climates*, Marine Policy, Vol. 106, (August 2019) 103537 <https://doi.org/10.1016/j.marpol.2019.103537>.

⁶ UNCLOS, *supra* note 3, *see* the members of the UNCLOS (Updated 2023), https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=en (last visited Jan. 2, 2024)

maritime zones⁷. Historically, the ocean has been central to international law, a notion developed by Hugo Grotius in his work, “The Free Sea”, which argued that all nations should have equal access to the ocean⁸. Given the necessity for order in this international domain, UNCLOS was established to regulate human interactions with the sea comprehensively⁹. Although various interests exist—ranging from shipping to fisheries and energy production—those engaged in maritime activities must respect the unified rules set forth by UNCLOS.

Moreover, treaties like UNCLOS signify the process of globalisation, as their provisions serve as a central point for both public and private sectors within the international community. In today’s interconnected world, particularly in commerce, relevant sectors increasingly depend on one another, necessitating stronger international ties. When private entities enter the global stage, they must comply with international regulations such as UNCLOS that govern their operations. Consequently, even states that have not ratified UNCLOS, like Iran, frequently reference its rules to ensure the safe operation of their mercantile vessels; Iran has implemented UNCLOS guidelines within its maritime law and code. The topics of training, safety, and labour reflect the influence of UNCLOS on Iranian maritime law.

This paper advances four hypotheses. First, despite being distinct branches of law—one private and the other public—international law of the sea and maritime law are interconnected. When a mercantile vessel departs from its port of origin towards its destination, it navigates various maritime zones governed by international law, necessitating due regard for these rules by shipowners and the state of origin. Second, while Iran has not ratified UNCLOS, it has adhered to its principles within its maritime law. Third, maritime labour in Iran is state-protected, meaning that maritime labour contracts, even for private vessels, must follow state guidelines to ensure safety for both the vessel and the sea. Fourth, the training of seafarers is a governmental requirement; thus, private owners cannot hire untrained crew members according to Iranian maritime law, as

⁷ Dorota Pyć, *The Role of the Law of the Sea in Marine Spatial Planning* (Maritime Spatial Planning. Palgrave Macmillan, Cham. Jan. 24, 2019) at 375, https://doi.org/10.1007/978-3-319-98696-8_16

⁸ See, Hugo Grotius, the free sea, translated by Richard Hakluyt, Liberty Fund Publication, 2004, available at, https://scholar.harvard.edu/files/armitage/files/free_sea_ebook.pdf

⁹ Global Constitutionalism, Volume 13, Issue 1, March 2024, pp. 13 – 15 DOI: <https://doi.org/10.1017/S2045381723000138>

this relates to safety concerns. In support of this requirement, maritime academic centres—public or private—have been established with the backing of the Iranian government.

To answer the primary research question—whether Iran has implemented the Convention on the Law of the Sea concerning maritime safety, training, and labour in its maritime trade—the paper employs both quantitative and qualitative methods. Quantitatively, it analyses Iran’s relevant maritime code and law of the sea conventions, while qualitatively, it investigates the challenges presented by Iran’s maritime codes and practices. The paper is structured into five sections: first (part 2), it examines maritime training, including subsections on maritime training within the Iranian legal framework, educational systems, and international law of the sea. The aim is to assess Iran’s domestic maritime training system in relation to the law of the sea. Second (part 3), the study focuses on maritime labour, addressing domestic and international perspectives of labour law and current issues within the Iranian legal context. Third (part 4), it explores maritime safety under both Iranian law and the law of the sea. The final section presents the conclusion.

2. Maritime Training

Maritime education is a significant element in the philosophy of shipping, as the key factor in the successful management of a ship is its human component—namely, the crew¹⁰. A skilled, trained, and certified crew is essential to ensuring the security, safety, and efficiency of the vessel. Consequently, there is an unbreakable link between ensuring a ship’s safety through effective crew performance and the training of that crew, alongside the issuance of seamanship certificates¹¹. Viewed more broadly, the training of seafarers plays a substantial role in maritime safety and the preservation of the marine environment¹². Therefore, professional training is a necessary prerequisite for employment in seafaring¹³, one that must be

¹⁰ Marlow Navigation, *Seafarer Training and Development* (Mar. 6, 2020, 12:30 PM), <http://marlow-navigation.com/en/russia-information/seafarer-training-development.html> (Last visited Jan. 1, 2024)

¹¹ Marlow Navigation, *Standards you can rely on: wherever, whenever* (Jul. 16, 2021, 14 PM), <http://marlow-navigation.com/en/training-and-safety.html> (Last visited Jan. 1, 2024)

¹² Lalith Edirisinghe, *The Seafarers’ Training and Education*, (Dec. 22, 2018), https://www.researchgate.net/publication/329862569_The_Seafarers'_Training_and_Education (Last visited Jan. 1, 2024)

¹³ Moira McConnell, Dominick Devlin & Cleopatra Doumbia-Henry, *The Maritime Labour Convention, 2006*:

prioritised more than ever in the current century. It serves as a foundational mindset to confront the challenges faced by the shipping industry and is considered fundamental to effective management and ship safety¹⁴.

This section of the paper will first examine Iran's domestic provisions regarding maritime training, followed by an analysis of international standards and Iran's compliance with them.

2.1. Maritime Training and the Iranian Domestic Legal System

The importance of training is acknowledged within domestic legal systems, with many states addressing this issue in their maritime laws¹⁵, both before and after international attention was drawn to it. In the citizenship section of the first chapter of Iran's maritime code, Articles 2 and 3 address maritime training. Article 2 states: "The ship owner must train Iranian nationals to work on board at his own expense and must employ them in place of foreign employees." Additionally, "The internship programme is established by the ship owners and executed, following approval from the Ports and Shipping Organization, by the same owners."¹⁶

Two points can be drawn from this article. First, the Iranian legislator's emphasis on safety, security, and order aboard the ship and at sea has led to a particular focus on employing trained crews. Second, the Iranian legislator prioritises trained crews regardless of their nationality. Approximately 60 years ago (at the time the maritime code was approved in 1963), due to a shortage of trained Iranian crews, ship owners were compelled to employ foreign nationals. Consequently, for several years, many of the hired crews were foreigners, leading to a perception within Iranian society that working on board was unattainable for locals, as ship owners preferred foreign crew members. However, the Iranian legislator believed that this mindset was erroneous, asserting that trained crews are

A Legal Primer to an Emerging International Regime, Minimum Requirements For Seafarers To Work On A Ship (2011) at 243, <https://doi.org/10.1163/ej.97890004183759.i-708.47>

¹⁴ Kadir Cicek, Emre Akyuz & Metin Celik, *Future Skills Requirements Analysis in Maritime Industry*, *Procedia Computer Science*, Vol. 158, pp. 270-274, (2019) at 270.

¹⁵ *Such as* the maritime regulations of Norway; *see* Norwegian Maritime Code. 1994-06-24 No. Ship Safety and Security Act. 2007-02-16 No. Ship Labour Act. 2013-06-21 No. <https://www.sdir.no/en/shipping/legislation/> (Last visited Jan. 2, 2024)

¹⁶ Iranian parliament, Iranian Maritime code, art. 2, approved in 1963, <https://rc.majlis.ir/fa/law/show/95589> (Last visited Jan. 2, 2024).

crucial and that any trained individual, regardless of nationality, can work on board.

Moreover, ship owners often complained about the extra expenses incurred by employing foreign nationals. In response, Article 2 stipulates that if owners wish to employ Iranian nationals to eliminate these additional costs, they must first fulfil the requirement of providing training facilities for Iranian nationals at their own expense, after which they may hire them. This process illustrates that preference was not based on nationality at the time; rather, it was rooted in maritime training.

Article 3 of the code mandates that “the Ministry of Economy is obliged to establish a training school for mercantile maritime crews in one of the southern ports within a year from the date of approval of the code.”¹⁷

This proactive approach by the Iranian legislator in the realm of maritime law is noteworthy; the provisions of the first chapter were approved without being adapted from other maritime laws or international conventions. Unfortunately, the 1958 Geneva Conventions on the Law of the Sea, which serve as primary documents of public international law in this field, do acknowledge the work of ship crews but fail to emphasise the importance of training in this context. Thus, the Iranian legislator’s focus on the necessity of training can be regarded as a significant advancement in the initial steps of maritime legislation.

2.1. Maritime Training and Iranian Educational System

Based on Article 3 of Iran’s maritime law, 21 universities, colleges and institutes have been established for training of skilled crews. Relevant universities and institutions can be seen in the table below:

Figure 1. List of the maritime training universities and institutes of Iran (from 1963 to 2023)

Name of the University/Institutes	Year of establishment (maritime education)	Province
1. Amir Kabir University, Faculty of Marine Engineering	1987	

¹⁷ *Id*, art. 3

2. Islamic Azad University, Science and Research Unit, Faculty of Marine Sciences and Techniques	2001	Tehran
3. Islamic Azad University, North Tehran Branch, Faculty of Marine Sciences and Techniques	1991	
4. Sharif University of Technology, Department of Marine Mechanics	1990	
5. University of Tehran, Department of Civil Engineering in Marine Structures	1985	
6. Shipping Training Institute of the Islamic Republic of Iran	1990	
7. Malik Ashtar university of technology, Marine Science and Technology Complex	1983	
8. Sahand University of Technology, Marine structure	1990	East Azerbaijan
9. Islamic Azad University Khark branch, Faculty of Maritime Affairs (Kharg Island)	1999	Bushehr
10. Persian Gulf University, Faculty of Shipbuilding Engineering (Bushehr)	2018	
11. Maritime Training Institute of the Islamic Republic of Iran (Bushehr)	1990	
12. Imam Khomeini University of Marine Sciences and Techniques (Nowshahr) of the Navy of the Islamic Republic of Iran	1982	Mazandaran
13. Tarbiat Modares University, Faculty of Natural Resources and Marine Sciences (Noor)	1985	

14. Marine Science School of Iran National Oil Tanker Company (Mahmoudabad)	1990	
15. Sanat Naft University, Faculty of Marine Sciences (Mahmoudabad)	1989	
16. University of marine Technology, Babol Noshirvani	1983	
17. Khorramshahr Marine Science and Technology University	1994	Khuzestan
18. Chabahar University of Maritime and Marine Sciences	1976	Sistan and Baluchestan
19. Hormozgan university, Amir Kabir University of Marine Industries (Bandar Abbas)	2011	Hormozgan
20. Imam Khamenei University of Marine Sciences and Techniques of the Islamic Revolutionary Guard Corps Navy (Zibakanar)	2013	Gilan
21. Shahid Khodadadi School of Marine Sciences and Techniques (Bander Anzali)	1990	

Source: Own elaboration (2024).

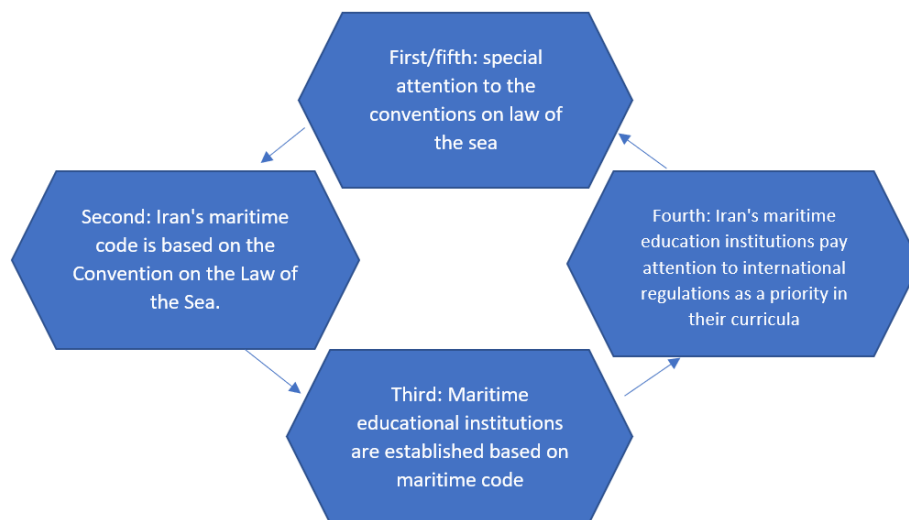
The relationship between Iran’s maritime education system, the Iranian maritime code, and the conventions on the law of the sea can be likened to interconnected links in a chain. This is because Iran’s maritime code, which was approved for the first time in 1963, places special emphasis on the four Geneva Conventions relating to the law of the sea (1958). As mentioned, the focus on maritime education within the Iranian maritime code is derived from these conventions.

Based on the Iranian maritime code, maritime educational institutions were established. It is noteworthy that in the maritime education system of Iran, international standards and conventions on the law of the sea are prioritised. Consequently, the curriculum for students includes sections dedicated to teaching international regulations and laws, with the conventions on the law of the sea being discussed as the constitution of the sea.

Thus, the development of Iran's maritime education system can be traced back to the conventions on the law of the sea, forming a cohesive relationship in four stages as follows:

1. The Convention on the Law of the Sea.
2. The approval of the maritime code based on the Convention on the Law of the Sea.
3. The establishment of educational institutions in line with maritime law.
4. The prioritisation of international regulations in the curricula of Iranian maritime education institutions.
5. A special emphasis on the conventions of the law of the sea.

Figure 2. The relationship between the Conventions on the Law of the Sea, Iran's Maritime Law and Iran's Maritime Education Institutions



Source: Own elaboration (2024).

2.3. Maritime Training and Law of the Sea

Over time, as the need for effective communication grew, circumstances gradually changed. Although the 1958 Geneva Convention on the High Seas did not adequately address the importance of maritime training, the escalating significance of this training for maintaining international order prompted states to establish precise and uniform international provisions in this context. The International Maritime Organization (IMO), a pioneer in the harmonisation of maritime regulations, designed a convention

focused on seafarers' training standards¹⁸. This convention, titled the "International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)," was signed by the majority of states in 1978.¹⁹ It pertains to the technical qualifications and professional training of seafarers and highlights the critical role of the human element in ensuring maritime safety²⁰.

The existing challenge in international maritime law, stemming from insufficient attention to seafarer training within the Geneva Conventions, led the international community to place greater emphasis on training ship crews in 1982, the same year the United Nations Convention on the Law of the Sea (UNCLOS) was signed. As stated in Part B of the third paragraph of Article 94, "Each State shall take such measures as are necessary to ensure the safety of ships flying its flag, including: b) the management of the ship... and the training of its crew, in accordance with prevailing international regulations."²¹

The emphasis that UNCLOS places on "international maritime regulations" cannot be overlooked, as the mention of these regulations in the paragraph indicates that international maritime law recognises the significance of this issue and acknowledges the existence of established international regulations in the field of training. Many years later, the first chapter of the Maritime Labour Convention, in addition to the provisions concerning the professional and training conditions of crews under the STCW, titled "Minimum Conditions for Seafarers to Work on Board," also highlighted the importance of training as a requisite for attaining the qualifications and competencies necessary for performing duties at sea²².

Despite the international focus on maritime training and the expansion of this issue within international maritime law, the Iranian legislator did not

¹⁸ It should be noted that prior to this convention, three international agreements regarding the training of seafarers had been signed by states. However, due to their advisory nature, they differed significantly from the present convention.

1. Agreement No. 53, approved in 1936, titled "Certificate of Competence for Ship Crews," established the requirement for seafarers to complete training courses in order to work on board.

2. Agreement No. 74, approved in 1946, was titled "Certificate of Skilled Seafarers."

3. Agreement No. 147, approved in 1976, stated that the member states of the agreement were responsible for conducting training courses.

¹⁹ The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, Jul. 7, 1978, 1361/1362 U.N.T.S. [hereinafter STCW].

²⁰ The Iranian Parliament approved the Convention on 28 July 1996.

²¹ Geneva Convention on the High Seas, Apr. 29, 1958, 450 U.N.T.S. art 94.

²² Maritime Labour Convention, Fec. 23, 2006, 2952 U.N.T.S. [hereinafter MLC].

reform Articles 2 and 3 of the Maritime Code during the latest amendments to the Iranian Maritime Code in 2011. Consequently, the Iranian Maritime Code remains unchanged from its original approved text. This stance suggests that the Iranian legislator perceives the attention to crew training in UNCLOS as having little impact on the new amendments; thus, they regard the convention's recent emphasis merely as a reiteration of an already acknowledged issue. In fact, the importance of maritime training as a matter of public law is underscored by the 1982 convention, which designated this as one of the duties of states, a duty that Iran has adhered to in accordance with UNCLOS.

3. Maritime Labour

Working on board mercantile ships during voyages, which often last for months, is one of the most sensitive and specialised jobs, and it is also highly dangerous. The occupational sensitivity of maritime labour—connected with the safety of ships at sea, the health and safety of passengers, the marine environment, and the secure transportation of cargo—demands constant preparedness to confront emergency situations²³. The dangers associated with shipping and voyages are so significant that over the years they have led to the establishment of various customs and specific rules under the title of maritime law. Incidents such as sinkings and the seizure of ships in ports directly impact seafarers and ship crews, as well as other parties involved in transportation contracts. Therefore, from a public law perspective, ensuring the safety of shipping across various aspects—including compliance with technical standards in equipment production and ship construction, adherence to maritime rules and techniques, the existence of scientific, technical, and practical qualifications among crew members, oversight of appropriate working conditions on board, and the provision of necessary occupational and social support to seafarers—has a strong connection with the responsibilities of the state²⁴. This section of the paper will first consider regulations at the international level before examining Iran's domestic legal system in detail.

²³ See Fotteler, M.L., Andrioti Bygyraa, D. & Jensen, O.C. *The impact of the Maritime Labor Convention on seafarers' working and living conditions: an analysis of port state control statistics*. BMC Pub. Health 20, 1586 (2020). <https://doi.org/10.1186/s12889-020-09682-6>

²⁴ European Maritime safety agency, *The EU Maritime Profile - maritime safety*, (Dec. 2022), <https://www.emsa.europa.eu/eumaritimeprofile/section-3-maritime-safety.html> (Last visited Jan. 1, 2024)

3.1. Maritime Labour and Law of the Sea

The employment process for crews serving as seafarers on commercial ships—from pre-employment stages to the concluding contract, including the content of the contract, methods of termination, safety of work on board, and the guarantee of decent living and working conditions—includes elements that necessitate direct state intervention and monitoring of implementation. Consequently, the employment contract for seafarers is regarded as an administrative contract²⁵. Given that everything on the ship, including working conditions, is influenced by safety concerns, these provisions cannot be left solely to the agreement of private parties. In other words, the responsibility for ensuring the labour rights of seafarers and the safety of mercantile shipping also rests with states.

Any defects or disruptions in appropriate working conditions can jeopardise shipping safety and endanger the health and safety of passengers on board. Furthermore, considering the international aspect of mercantile shipping, any failure to ensure safety and proper labour conditions may impact the rights and benefits of other states. Therefore, states must guarantee adherence to relevant international standards and regulations on ships registered under their flags. In this regard, Professor Laura Carballo from the University of Santiago asserts: "Although maritime employment and labour relations are primarily governed by states, there are deficiencies that can occasionally be addressed through the application of international law of the sea. However, it is significant that public international law places the responsibility for maritime labour issues on the flag state."²⁶ This statement aligns precisely with the principles established by UNCLOS.

The 1958 Geneva Convention on the High Seas acknowledges the importance of safety and its connection with maritime labour. In part (b) of paragraph one of Article 10, it states: "All flag states are obliged to ensure the safety of ships at sea by taking the necessary measures, especially in the following cases: ... b) The labour conditions and composition of the ship's crews are regulated based on the current

²⁵ Of course, it is based on the Iranian legal system, especially the maritime code. See also *the Administration's terms and conditions for seafarers to work on a ship under the MLC* (Sep. 11, 2020) https://www.ilo.org/dyn/normlex/en/f?p=1000:53:::53:P53_FILE_ID:3131178 (Last visited Jan. 2, 2024)

²⁶ Laura Carballo Pineiro, *International Maritime Labour Law* (International Max Planck Research School for Maritime Affairs at the University of Hamburg, springer,2015) at 11.

international labour regulations and approvals."²⁷. The emphasis on "especially" in this paper implies three significant points: first, that attention to appropriate labour conditions by flag states is linked to the safety of the ship; second, that flag states are required to regulate labour conditions, establishing accountability in cases of non-compliance; and third, that designating flag states as responsible in this regard supports international order.

Following the 1958 Convention, the international community took an important step under UNCLOS, reflecting on the significance of maritime labour. In Part B of the third paragraph of Article 94, using similar legal terminology as the 1958 Convention, it views maritime work from the perspective of ship safety, stating: "Each flag state shall take the special measures which are necessary to ensure the safety of the ship at sea, including: b) the manning of ships, labour conditions, and the training of crews, taking into account the applicable international instruments."²⁸

2.3. Maritime Labour and the Iranian Domestic Legal System

It is clear that, according to the conventions on the law of the sea, the determination of labour conditions falls within the jurisdiction of individual states. Consequently, states must establish appropriate labour conditions within their domestic legal systems, taking into account the regulations of the International Labour Organization (ILO). The Iranian government, like others, enacted a labour code in the same year the 1958 Geneva Conventions were signed, which does address maritime labour to some extent. However, attention to this significant issue within the context of the Maritime Code, as the primary source of Iran's maritime trade, is essential.

Unfortunately, Iran's Maritime Code does not adequately address this matter, and even the amendments to the code have not considered maritime labour sufficiently. Article 2 of the Iranian Maritime Code, titled "Nationality of the Ship's Captain, Officers and Crews," is the only provision that briefly references maritime labour. It states: "The captain, officers, and crews of the ship may be non-Iranian nationals if necessary. The ship owner must train Iranian nationals to work on board at their own expense and employ them instead of foreign workers. The training programme will be established by the owners and will be executed after

²⁷ *Supra* note 22, art 10.

²⁸ J. Grdinic, *Improving Safety at Sea Through the Compliance with the International Maritime Safety Codes*, J. of Maritime Research, Vol XIII. No. I, pp 5–14 ISSN: 1697-4040, (2016) at 6.

approval from the Ports and Shipping Organization. In any case, at least half of the ship's crew must be Iranian nationals within four years from the date of acceptance of Iranian citizenship."²⁹

In relation to maritime labour, Iran's maritime law has operated similarly to the 1958 conventions, generally addressing maritime labour in a transient manner and leaving many details to specific laws. However, it should be noted that these conventions do not aim to prescribe detailed terms of maritime law; instead, they highlight the importance of the issue by allocating specific articles or clauses to it. In any case, the connection between maritime labour in Iran's domestic legal system and international law of the sea is evident from these articles.

2.4 Maritime Labour and the Current Problems within the Iranian System

In line with the connection between maritime training and labour, and to achieve a more practical understanding of maritime labour issues, we conducted an academic survey. We posed questions to students from ten maritime universities in Iran in a discreet and completely anonymous manner for detailed evaluation. The fundamental question in this questionnaire was: "What is the primary problem of maritime labour and work on board in Iran?"

In the questionnaire, five default answers were provided:

1. Lack of suitable equipment for maritime labour and work on board
2. Lack of safety in maritime labour and shipping
3. Lack of proper universities to train specialised crews for maritime labour
4. Lack of professors who are specialists in the training process
5. Lack of a suitable maritime labour contract.

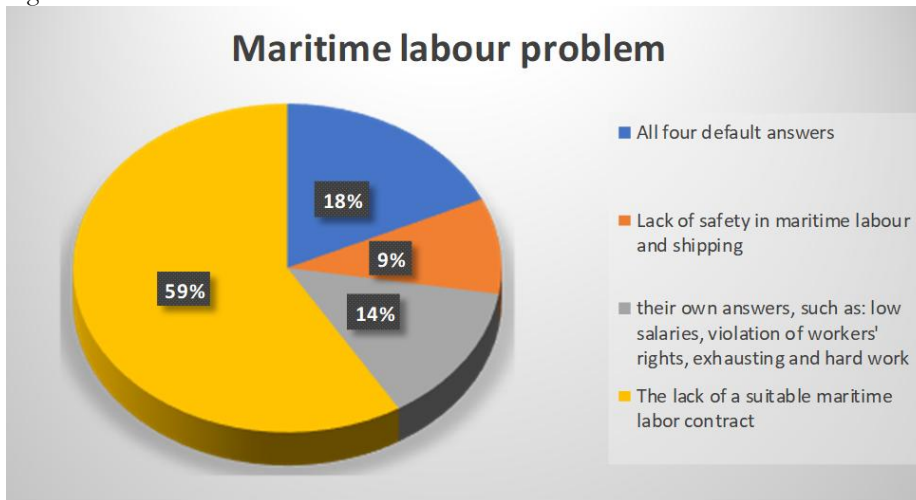
Finally, participants were encouraged to provide their own answers if their preferred response was not among the default options, along with any suggestions for improving the situation. A total of 260 individuals participated in this evaluation: approximately 200 were undergraduate students, and the remainder were graduates.

Most respondents highlighted the lack of a suitable maritime labour contract, with their collective suggestion being the establishment of a robust, useful, and comprehensive model contract that upholds the rights

²⁹ *Supra* note 15, art. 2

of workers and maritime crews. About 59% of the students cited the absence of an appropriate maritime labour contract. Approximately 9% noted only the lack of maritime safety in Iran, while about 18% selected all four default responses. Moreover, 14% did not choose any default answers and instead provided their own, mentioning issues such as low salaries, violations of workers' rights, and exhausting work conditions. Figure 3 outlines these statistics in detail.

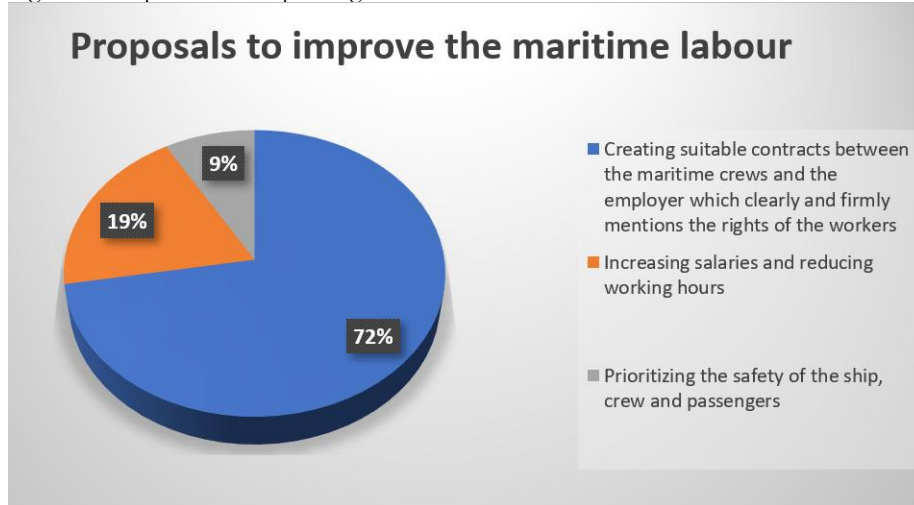
Figure 3: The Maritime Labour Law Problem in Iran



Source: Own Elaboration, 2024.

Students were also asked to provide their proposals for improving conditions. Four responses stood out as particularly noteworthy. The students' answers are displayed in Figure 4.

Figure 4: Proposals for Improving Maritime Labour Conditions in Iran



Source: Own Elaboration, 2024.

Fortunately, following numerous complaints regarding the absence of a healthy, sustainable, and coherent maritime labour contract, as well as the violation of workers’ rights in this context, Iranian officials took action. After three years of extensive discussions and investigations involving professors from the aforementioned maritime universities, as well as consultations with lawyers and relevant authorities, a model maritime labour contract was developed at the end of 2022³⁰. According to the official statement from the Minister of Labour and Social Welfare of Iran, this contract comprises 16 articles that address seafarers’ rights, including provisions for vacations, working hours, rest periods, and return-to-work timings. Furthermore, the contract is grounded in domestic labour laws as well as international regulations, including those of the International Labour Organization, the International Maritime Organization, and the United Nations Convention on the Law of the Sea³¹.

³⁰ Tarabaran, Iranian Official maritime media, *reforming the maritime labour contracts* (Oct. 19, 2022, 11 AM) <https://tarabaran.com/%D9%82%D8%B1%D8%A7%D8%B1%D8%AF%D8%A7%D8%AF-%DA%A9%D8%A7%D8%B1-%D8%AF%D8%B1%DB%8C%D8%A7%D9%86%D9%88%D8%B1%D8%AF%D8%A7%D9%86-%D8%AA%D8%BA%DB%8C%DB%8C%D8%B1-%DA%A9%D8%B1%D8%AF/> (Last visited Jan. 2, 2024)

³¹ It is important to note that the issue of the maritime labour contract remains contentious. A year after the drafting of this contract, the present article is limited to

3. Maritime and Shipping Safety

This section of the paper will address two issues: first, a review of international documents related to maritime safety, and second, an analysis of Iran's legal system in relation to maritime safety.

4.1. Maritime Safety and the Law of the Sea

In many countries, specific laws have been established concerning ship and maritime safety, as well as the provision of proper labour conditions on board and the establishment of relations between ship crews and their employers. Given the increasing interactions among states via maritime routes and the transiting of each other's maritime zones or high seas, maritime rights and shipping safety have been jeopardised by the diversity of shipping provisions related to safety and maritime labour. Consequently, the International Maritime Organization (IMO) believes that the most effective way to enhance maritime safety is through the development of international provisions and regulations that are adhered to by all shipping nations³².

The IMO is a specialised agency of the United Nations that deals with international shipping. Its primary objective is to establish, protect, and maintain a comprehensive regulatory framework for shipping. Its formal duties today include maritime safety, environmental concerns, and the harmonisation of legal matters. To achieve its goals, the IMO has facilitated the adoption of several documents such as conventions, codes, and recommendations concerning shipping safety, pollution prevention, collision prevention, and related issues. Many of these documents include safety requirements for ships³³. The IMO's first duty upon its

reflecting the statements made by the Minister of Labour for two reasons: 1. There is no available sample of the new maritime labour contract on Iranian websites or databases; all official and unofficial sources merely state that such a contract was drafted as a model. 2. The author of this article has made numerous attempts to contact the Iranian Ports and Maritime Organization in order to request a sample of the model contract, but on each occasion, the organisation has indicated that the labour contracts are confidential and cannot be shared. Consequently, this article confines itself to outlining a series of generalities regarding the model contract.

³² International Maritime Organization, *Maritime Safety* (May 12, 2023) <https://www.imo.org/en/OurWork/Safety/Pages/default.aspx> (Last visited Jan. 2, 2024)

³³ See Wieslaw Tarelko, *Origins of ship safety requirements formulated by International Maritime Organization*, International Symposium on Safety Science and Technology, *Procedia Engineering* 45, pp. 847 – 856, (2012) p 847 www.sciencedirect.com (Last visited Jan. 2, 2024)

establishment in 1959 was to adopt a revised version of the International Convention for the Safety of Life at Sea (SOLAS)³⁴, the most significant treaty addressing maritime safety. Two years after the adoption of SOLAS, another international convention was ratified by the International Labour Organization (ILO) titled the "Merchant Shipping (Minimum Standards) Convention"³⁵. According to Article 5, "the Convention is open to the ratification of Members which are parties to the SOLAS 1974."³⁶ Additionally, "the Maritime Labour Convention," which connects to SOLAS, was approved in 2006, representing a significant attempt at unifying maritime law provisions. The preamble to this convention emphasises the international safety standards for ships as outlined in SOLAS³⁷ and reiterates the relationship between ship safety and maritime labour³⁸. This convention came into force on June 11, 2015, after receiving approval from the Iranian parliament. Therefore, the interconnection among the relevant conventions in the text and preamble illustrates the undeniable link between training, safety, and maritime labour.

4.2. Maritime Safety and the Iranian Domestic Legal System

Iran's maritime code was considered one of the most progressive laws of its time. During the Pahlavi period, experts from Europe were enlisted to draft Iran's maritime code, resulting in a commendable legal framework. One area of particular interest for legislators was maritime training and labour in relation to safety at sea. However, following the 1978 revolution in Iran, those who took control of the government sought to revise many laws without adherence to sound legislative principles and lacking the necessary expertise, merely imposing an Islamic perspective. Fortunately, they were unable to reform Iran's maritime code, which remains in use today. It is evident that Iranian lawmakers paid particular attention to the 1958 conventions during the drafting of the code in 1963, incorporating the text of these conventions into Iranian maritime law.

³⁴ International Convention for the Safety of Life at Sea, Nov. 1, 1974, 1184 U.N.T.S. [hereinafter SOLAS].

³⁵ Merchant Shipping (Minimum Standards) Convention, Oct. 29, 1976, 147 U.N.T.S.

³⁶ *Id.*, art 5.

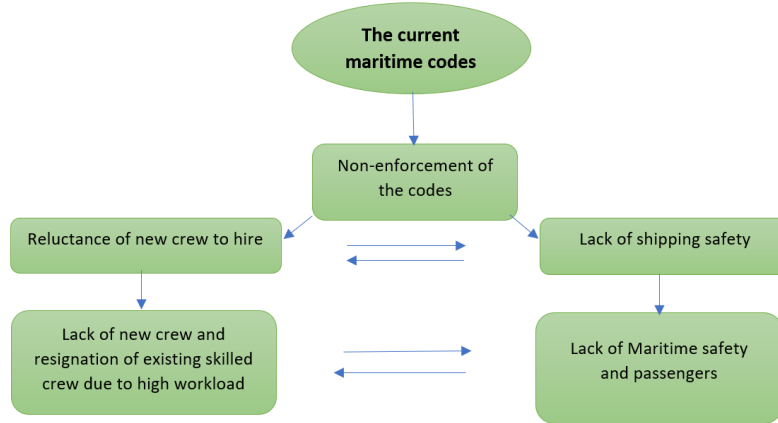
³⁷ See Alexandros X.M. Ntovas, *Introductory note to the Maritime Labour Convention* (International Legal Materials, American Society of International Law, Vol. 53, No. 5, pp. 933-1018, 2014) <http://www.jstor.org/stable/10.5305/intelegamate.53.5.0933>

³⁸ It should be noted that this convention has been amended 4 times; in 2014, 2016, 2018, 2022. See MLC, *supra* note 23.

Notably, in 2011, the Iranian parliament attempted to reform the maritime code once more. During parliamentary discussions, efforts were made to align some provisions of the law with the United Nations Convention on the Law of the Sea (UNCLOS). However, in the 2011 amendments, the same text as that of the 1958 Geneva Conventions and UNCLOS was retained regarding maritime labour and training related to safety. Therefore, it is clear that the Iranian parliament recognizes that, although Iran has not ratified UNCLOS, it should be regarded as the constitution of the sea, warranting specific attention to its provisions for the order and security of maritime zones. Undoubtedly, in light of current maritime developments, Iran requires comprehensive and progressive legislation today. However, the lack of skilled and expert representatives in the Iranian parliament, coupled with the insufficient engagement of specialists, has rendered the Iranian government weak and inefficient in this regard.

Shipping and maritime safety rely not merely on the texts of codes and legislation, because even with comprehensive laws, strict practical enforcement is still necessary. Unfortunately, one of the major weaknesses within Iran's legal system is the inadequate practical application of the existing codes, particularly in maritime law. According to Iranian maritime law, outdated systems and dilapidated vessels should not be granted traffic permissions if they fail to secure the necessary safety permits; however, this requirement is frequently overlooked. Consequently, Iran's maritime transport system is antiquated and poses a risk to maritime safety, shipping, and passengers, a situation that is also mirrored in air transport. The failure to observe transportation safety regulations has resulted, on one hand, in the daily resignation of existing expert crews in Iran, and on the other hand, in the unwillingness of new recruits to work within the current system. Thus, non-compliance with maritime laws has led to inadequate transportation safety, which in turn has caused a shortfall of skilled crews and workers. The figure below illustrates the practical stance of Iran's legal system regarding maritime and shipping safety.

Figure 5. the practical approach of Iran's legal system regarding maritime and shipping safety¹



Source: Own Elaboration, 2024.

3. Conclusion

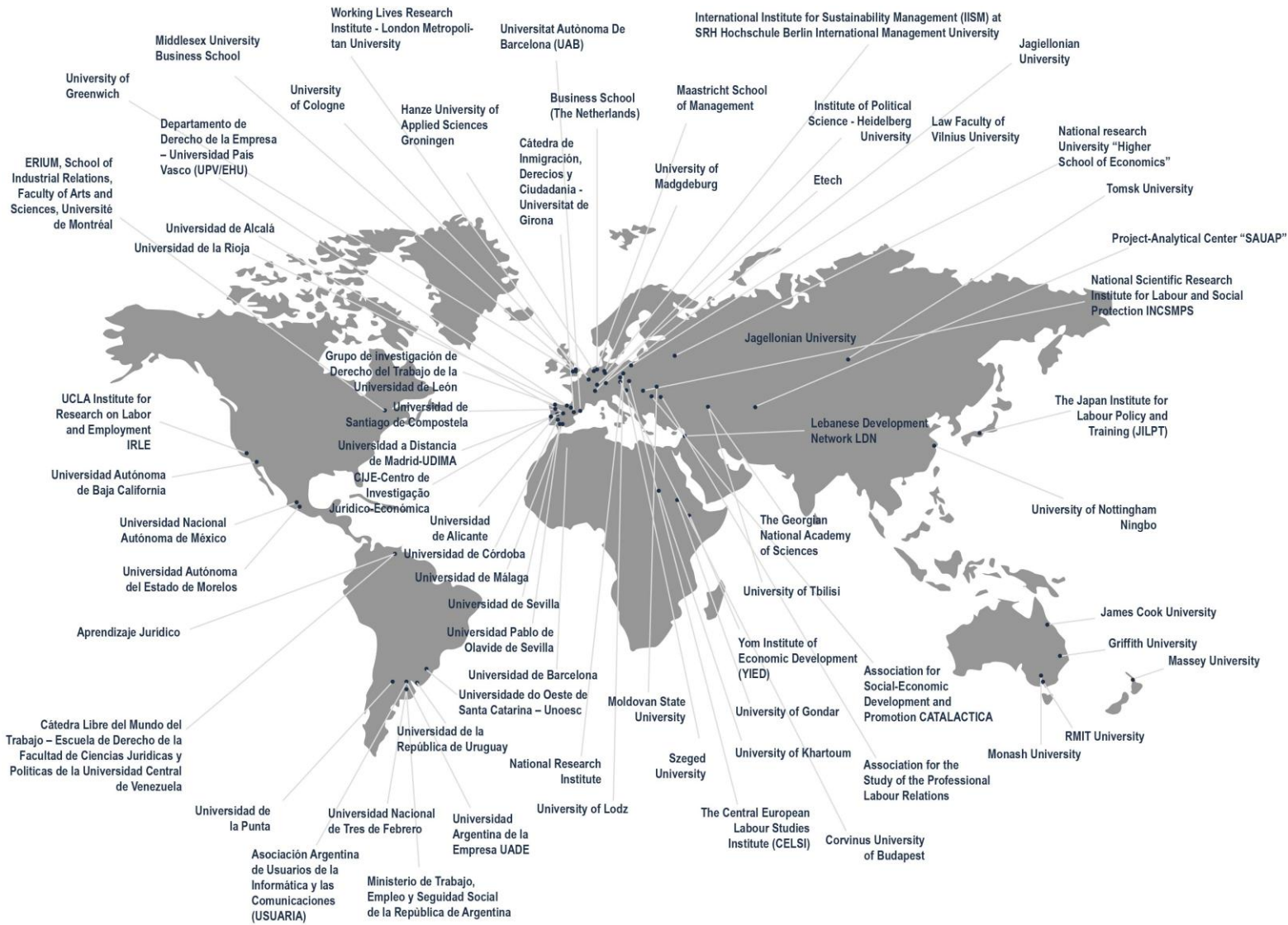
Today, the United Nations Convention on the Law of the Sea (UNCLOS) is regarded as the constitution of the ocean. This means that even states that have signed the convention but have not ratified it within their domestic legal systems—except in cases where it contradicts their rights and interests, which they have not accepted—are expected to adhere to its provisions in other cases. This aligns with customary international law or forms part of international regulations related to the order and security of maritime zones. Maritime training, safety, and labour are three issues pertinent to the order and security of these zones. States and actors in the international community that utilise the seas and oceans for commercial, recreational, political, or military purposes must comply with the rules of UNCLOS concerning maritime training, safety, and labour.

Like the United States, Iran is one of the states that has not ratified the UNCLOS. However, in Iran’s maritime code, which essentially serves as the country’s trade law by sea, the provisions of the 1958 Geneva Conventions and UNCLOS have been strictly adhered to concerning maritime training, safety, and labour. This indicates that the Iranian legislators during the Pahlavi Empire (when Iran’s maritime code was approved) understood that maritime law is fundamentally commercial and dependent on the seas. Even though Iran has not ratified the Geneva Conventions, it is required to comply with the provisions of the 1958 conventions on the law of the sea to ensure the order and safety of maritime areas. Furthermore, Iran’s recently drafted model maritime labour contract aligns with both domestic laws—including Iran’s maritime

law—and international laws and regulations, including conventions on the law of the sea.

However, ensuring the order and safety of the seas and shipping cannot be achieved merely by enacting laws; it also requires practical implementation. Unfortunately, in this practical regard, Iran's domestic legal system has performed inadequately. The non-implementation of laws leads to two significant consequences: first, a lack of safety in shipping, and second, a reluctance on the part of new crews to seek employment. These outcomes create further repercussions; on one hand, the absence of shipping safety compromises maritime safety overall and jeopardises the safety of passengers. On the other hand, the reluctance of new crews to hire increases the workload on, and may lead to the resignation of, current skilled crews. Some existing skilled crew members also resign due to dissatisfaction with Iran's maritime transportation system and the non-compliance with current laws. Ultimately, the shortage of skilled crews exacerbates safety issues. Therefore, it is evident that while Iran has enacted laws based on the Conventions on the Law of the Sea, it has not effectively carried out their practical applications within the international community.

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