



(RESEARCH ARTICLE)



## An Assessment of Tanzania's Status of Application of the Maritime Labour Convention, 2006 Provisions on Fair Treatment and Repatriation of Seafarers

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### Abstract

The Maritime Labour Convention, 2006 (MLC, 2006) provides a comprehensive framework to safeguard seafarers' rights, including fair treatment and repatriation, while promoting decent working and living conditions in the maritime industry. Tanzania ratified the Convention on 22 July 2012, committing to harmonize its domestic legislation with international standards. Despite this commitment, questions remain regarding the practical application and enforcement of seafarers' rights in the country, highlighting the need for a systematic evaluation of implementation.

To address this, the study adopted a qualitative approach, combining structured interviews with key maritime stakeholders, documentary analysis of relevant legislation and institutional reports, and doctrinal analysis of Tanzanian law and the MLC, 2006. Key instruments examined include the Merchant Shipping Act, 2003, and the Merchant Shipping (Maritime Labour Convention) Regulations, 2017, which guide the implementation of repatriation, fair treatment, and flag and port State control.

Analysis of the data reveals that Tanzania has made notable progress in establishing legal and institutional mechanisms to protect seafarers' rights. Comparative analysis with other maritime States further highlights the importance of continuous capacity building, stakeholder awareness, and inter-agency coordination, while identifying national best practices that can guide enforcement that is more effective. These findings underscore the areas in which Tanzania's maritime labour framework is strong and those requiring further attention.

Building on these insights, this article assesses the implementation of the MLC, 2006, in Tanzania to evaluate how effectively international maritime labour standards have been translated into national best practice. The goal of the research is to determine whether existing legal and institutional frameworks adequately protect seafarers' rights, particularly the rights to repatriation and fair treatment, and to generate evidence-based insights for policy formulation, legal reform, and administrative action. The article contributes to academic discourse, informs national policy and legal reforms, and offers practical recommendations to strengthen the protection of seafarers' rights under both international and domestic law.

**Keywords:** Maritime Labour Convention; Seafarers' Rights; Repatriation; Fair Treatment; Tanzania; Maritime Law Compliance

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## 1 Introduction

### 1.1 Tanzania's Legal and Regulatory Framework for Seafarers' Rights

Tanzania has made significant progress in protecting seafarers' rights through the ratification of the Maritime Labour Convention, 2006 (MLC, 2006) on 22 July 2012, demonstrating the country's commitment to aligning domestic law with international standards. Ratification legally bound Tanzania to implement measures that safeguard seafarers' welfare, ensure fair treatment, and guarantee timely repatriation.[1]

Following ratification of the Maritime Labor Convention (MLC, 2006), the Merchant Shipping Act, 2003 was amended to incorporate the key provisions of the MLC, 2006.[2] These amendments made areas such as repatriation, fair treatment, welfare, and ship inspections enforceable under Tanzanian law. By doing so, Tanzania established a legal foundation that clearly defines the rights of seafarers and the responsibilities of ship owners, maritime authorities, and other stakeholders.[3]

After the amendments, the Merchant Shipping (Maritime Labour Convention) Regulations, 2017 were introduced to operationalize these legislative changes.[4] These regulations establish the practical framework for implementing the standards of the Maritime Labour Convention, 2006 (MLC, 2006) within Tanzania's maritime legal system.[5] Specifically, they ensure that repatriation, as provided under Regulation 2.5 of the MLC, 2006, is carried out at no cost to seafarers upon the expiry of their employment contracts, when they are rendered unfit for service, or in circumstances of abandonment.[6]

Furthermore, the regulations uphold the right to fair treatment in accordance with Title 5 of the MLC, 2006, which obliges States to guarantee that seafarers are treated justly in employment disputes, administrative processes, and legal proceedings.[7] Together, ratification, amendments, and the regulations created a strong, stepwise legal and institutional framework. The ratification established Tanzania's commitment to international standards; next, the amendments incorporated these standards into national law; and, the regulations provided the operational tools to enforce them effectively.[8] This sequential approach has strengthened seafarers' welfare, ensured compliance with international obligations, and highlighted national best practices in maritime labour governance. Tanzania's efforts demonstrate a proactive, solution-oriented approach that enhances awareness on protection of seafarer's right to repatriation and fair treatment in the maritime industry.[9]

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## 2 Literature Review

The adoption and application of the Maritime Labour Convention, 2006 (MLC, 2006) mark a major advancement in international maritime governance and the protection of seafarers' fundamental rights.[10] It provides a structured set of minimum standards covering employment conditions, accommodation, health, welfare, and social protection (medical care, welfare and social security protection), and Title 5 (Compliance and enforcement).[11] A central focus of this article is on two fundamental seafarers' rights guaranteed under the MLC, 2006 the right to repatriation and the right to fair treatment.[12] These two rights represent the cornerstone of human dignity and labour justice in maritime employment.[13]

### 2.1 Repatriation

As defined under Regulation 2.5 and Standard A2.5.1 of the MLC, 2006. Repatriation refers to the seafarer's right to be returned to their home country or the place of engagement at the employer's expense when their employment agreement expires, is terminated, or if they are no longer able to carry out their duties due to illness, injury, shipwreck, or other justifiable reasons.[14] This provision ensures that seafarers are not abandoned in foreign ports or left without means to return home. Standard A2.5.2, introduced through the 2014 MLC amendments, obliges ship owners to maintain financial security systems (such as insurance or guarantees) to cover repatriation costs and prevent abandonment.[15]

The Tanzania domestic framework incorporates these provisions under Part XI (Sections 142-147) of the Merchant Shipping Act, 2003 (as amended), which provides for seafarers' repatriation rights and imposes duties on ship owners to bear related expenses.[16] Regulation 66 of the Merchant Shipping (Maritime Labour) Regulations, 2017 further stipulates conditions and procedures for repatriation.[17]

## 2.2 The right to fair treatment.

On the other hand, is recognized in Regulation 5.1.5 of the MLC, 2006.[18] It is further reinforced by the IMO/ILO Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident (2006).[19] It guarantees that seafarers are treated justly, humanely, and without discrimination during and after incidents such as ship detentions, accidents, or investigations.[20] Fair treatment requires that seafarers have access to due process, legal representation, and protection from coercion or unfair prosecution.[21] Within the Tanzanian context, Section 122 of the Merchant Shipping Act, 2003, which addresses offences and procedures concerning seafarers, indirectly supports this right.[22] Regulations 87 to 93 of the 2017 Maritime Labour Regulations establish complaint procedures and mechanisms for redress.[23]

This article's focus on fair treatment therefore examines whether Tanzanian institutions and maritime authorities have effectively implemented these standards to ensure procedural justice and humane treatment for seafarers under investigation or dispute.[24]

In light of these rights, the MLC, 2006 obliges each Member State to adopt measures ensuring both legal and practical compliance.[25] Tanzania has domesticated these obligations primarily through the Merchant Shipping Act, 2003 and the Merchant Shipping (Maritime Labour) Regulations, 2017, yet the effectiveness of these frameworks depends on the robustness of enforcement, awareness among seafarers, and coordination between institutions such as the Tanzania Shipping Agencies Corporation (TASAC) and the Ministry of Works and Transport.[26]

Meena and Msabaha (2024) highlighted that improved welfare conditions including access to training, standard employment contracts, and adequate onboard facilities enhance not only seafarers' welfare but also operational performance.[27] This observation aligns with Regulation 4.3 of the MLC, 2006, which obliges member States to ensure that ship owners provide safe and decent working and living conditions.[28] In Tanzania framework, Regulations 52–67 of the 2017 Maritime Labour Regulations provide detailed requirements for accommodation, food, medical care, and welfare services.[29] The connection between welfare and performance implies that fair treatment is not merely a legal entitlement but also a functional determinant of safety and efficiency at sea.[30] This article, therefore, evaluates whether Tanzanian ship owners and authorities have effectively implemented these welfare-related provisions and whether seafarers genuinely experience fair treatment and improved working conditions in practice.[31]

Rajab et al. (2024) emphasized the need for effective legal integration of international maritime standards into domestic frameworks, noting that awareness programs and institutional capacity are vital for practical enforcement.[32] This insight resonates with Regulation 5.1.3 of the MLC, 2006, which requires flag States to maintain systems of regular inspection and certification of ships to ensure compliance with labour standards.[33] Under Sections 132–137 of the Merchant Shipping Act, the Tanzanian Minister for Transport is empowered to issue regulations and appoint competent authorities to enforce international conventions.[34] However, despite this enabling legislation, challenges such as low awareness among seafarers and inadequate inspection capacity persist.[35] This article expands on these findings by assessing whether Tanzanian authorities have bridged the gap between legal commitment and effective enforcement, especially regarding repatriation and fair treatment rights.[36]

Fotteler (2020) assessed Port State Control (PSC) mechanisms, found that the effective enforcement of the MLC, 2006 depends on rigorous inspection, and sanction systems.[37] The Convention's Regulation 5.2.1 empowers port States to inspect foreign ships and impose detention or other sanctions for non-compliance.[38] In Tanzania, the Tanzania Shipping Agencies Corporation (TASAC) serves as the competent authority for PSC under Section 10 of the Merchant Shipping Act.[39] The article's findings analyze whether Tanzania's inspection capacity, staffing, and technical expertise are sufficient to guarantee compliance with MLC standards. Effective PSC not only deters non-compliance but also safeguards seafarers' right to fair treatment by ensuring that all ships operating within Tanzanian waters adhere to uniform labour standards.[40] From a broader international perspective, it has been emphasized that the success of the MLC, 2006 depends on coordinated enforcement among flag States, port States, and labour-supplying countries.[41] Without such cooperation, disparities in enforcement weaken the Convention's global impact.[42] This observation is particularly relevant to Tanzania, where coordination between the Ministry of Works and Transport, Tanzania Shipping Agencies Corporation (TASAC), and the Seafarers' Welfare Board remains limited. Under Regulation 5.1.1 of the MLC, 2006, member States are obliged to maintain effective systems of inspection and complaint resolution.[43] While Tanzania's 2017 Maritime Labour Regulations (Regulations 87–93) provide for such mechanisms, their implementation is constrained by inadequate institutional coordination and lack of awareness among seafarers of available remedies.[44]

The reviewed literature demonstrates that while Tanzania has made commendable progress in adopting and domesticating the MLC, 2006 through legal reforms and institutional frameworks, practical enforcement remains uneven.[45] Persistent challenges include weak inspection mechanisms, limited seafarer awareness, and insufficient coordination among maritime authorities.[46] This article assesses the extent and effectiveness of Tanzania's application of MLC provisions relating to repatriation (Regulation 2.5) and fair treatment (Regulation 5.1.5).[47] It further examines whether Tanzania's domestic laws and institutions have moved beyond formal ratification to ensure actual protection of seafarers' rights in practice.[48] By doing so, the article provides a comprehensive understanding of the country's compliance status and proposes ways to strengthen its enforcement and institutional frameworks to achieve full realization of maritime labour rights.[49]

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### **3 Research Methodology**

#### **3.1 Introduction**

This article employed a qualitative and descriptive approach to assess Tanzania's application of the Maritime Labour Convention (MLC), 2006 provisions on fair treatment and repatriation of seafarers. The methodology was designed to explore both the legal framework and practical implementation, providing an in-depth understanding of the effectiveness of national enforcement mechanisms. The study examined Tanzanian legislation, subsidiary regulations under the Merchant Shipping Act, and international conventions, while capturing the perspectives of key maritime stakeholders, including ship owners, seafarers, and government authorities. The aim of this article is to critically assess Tanzania's implementation of the Maritime Labour Convention, 2006, with specific focus on seafarers' rights to fair treatment and repatriation.

#### **3.2 Research Design**

A descriptive research design was employed because it allows for careful documentation and analysis of the current legal and institutional framework regarding seafarers' rights. This design is suitable for understanding the application of laws and regulations, as well as institutional practices. It enabled the article to present a structured assessment of Tanzania's compliance with international maritime labor standards, highlighting both strengths and areas requiring improvement.

#### **3.3 Research Approach**

A qualitative approach was adopted, emphasizing the exploration and understanding of experiences, perceptions, and interpretations, which are crucial for analyzing compliance with international labor standards. The article applied a doctrinal legal method to examine the Merchant Shipping Act and its subsidiary regulations, which govern merchant vessel operations, employment of seafarers, safety, welfare, and repatriation. This approach facilitated critical evaluation of how national law aligns with MLC, 2006 and identified potential gaps that may affect the protection of seafarers' rights.

In addition, questionnaires were administered to ship owners, seafarers, and government institutions to collect qualitative data. The questionnaires were designed to capture experiences, challenges, and perspectives on the implementation of MLC, 2006 provisions. Questions were aligned with Tanzanian legal requirements under the Merchant Shipping Act, including employment contracts, working conditions, repatriation procedures, and welfare standards for seafarers.

#### **3.4 Sources of Data**

The article relied on both primary and secondary sources.

##### *3.4.1 Primary Data*

Primary data were collected from ship owners, seafarers, and government institutions and maritime regulatory authorities, including the Tanzania Ports Authority (TPA), the Tanzania Shipping Agency Cooperation (TASAC), the Maritime Division of the Ministry of Works, Transport and Communication, and the Labour Department of the Ministry of Labour and Employment. These stakeholders provided insights into institutional enforcement mechanisms, compliance monitoring, and practical constraints in applying the law.

The questionnaire was structured to align with the Merchant Shipping Act and its subsidiary regulations, including the Merchant Shipping (Seafarers) Regulations, which govern employment agreements, wages, working hours, and repatriation. The Merchant Shipping (Safety of Vessels) Regulations, which cover safe working conditions. The Merchant

Shipping (Port State Control) Regulations, which empower authorities to inspect vessels; and the Merchant Shipping (Maritime Labour Welfare) Regulations, which focus on accommodation, food, medical care, and welfare of seafarers. This alignment ensured that responses from seafarers, ship owners, and officials were directly relevant to both the national legal framework and the MLC, 2006 provisions.

#### 3.4.2 Secondary Data

Secondary data included the MLC, 2006 and its amendments, Tanzanian legislation, subsidiary regulations, scholarly books, journal articles, theses, and reports from the International Labour Organization (ILO) and other maritime institutions. This allowed comparison between the legal requirements and practical experiences reported by stakeholders.

### 3.5 Data Collection

Data collection involved document review and questionnaires. The document review focused on Tanzanian laws, subsidiary regulations, and the Maritime Labour Convention, 2006 to understand the legal obligations of ship owners and maritime authorities and to identify gaps between international standards and national enforcement.

The questionnaires were distributed to ship owners, seafarers, and officials in maritime regulatory institutions. Questions explored awareness and understanding of seafarers' rights, implementation of fair treatment and repatriation provisions, and challenges in enforcing the law. This method provided detailed qualitative insights, allowing comparison between legal requirements and real-world practice.

### 3.6 3.6 Integration of MLC, 2006 Clauses

The study analyzed Tanzanian compliance with key MLC, 2006 clauses. For example:

Regulation 2.2 – Fair Treatment: requires seafarers to be treated with dignity and respect, with protection against harassment or discrimination.[50] Responses from seafarers and ship owners indicated challenges in enforcing these standards, particularly on ships with multinational crews.

Regulation 2.5 – Repatriation: guarantees seafarers' repatriation at the ship owner's expense upon contract completion, illness, injury, or abandonment.[51] Stakeholders, including seafarers, reported delays in repatriation due to financial or administrative constraints.

Regulation 2.1 – Employment Agreements: mandates written employment agreements specifying terms and conditions of work.[52] Some respondents indicated difficulties standardizing contracts for foreign seafarers.

Regulation 4.3 – Occupational Health and Safety: ensures safe working conditions onboard.[53] Monitoring compliance, especially for foreign vessels, remains a challenge according to seafarers and regulatory officials.

### 3.7 Data Analysis

Data were analyzed using doctrinal and thematic techniques. Doctrinal analysis involved critical evaluation of Tanzanian legislation and subsidiary regulations in relation to MLC, 2006 provisions to identify alignment, gaps, and enforcement challenges. Thematic analysis of questionnaire responses focused on recurring patterns such as delayed repatriation, limited institutional capacity, insufficient monitoring, and best practices in welfare implementation. Comparative assessment with regional practices provided context for Tanzania's compliance performance.

### 3.8 Scope and Limitations

The study focused on Tanzania maritime law, institutional enforcement mechanisms, and practical implementation of MLC, 2006 provisions on seafarers' rights. While qualitative data provide rich insights, findings are descriptive rather than statistically generalizable. Non-responses or incomplete information from some stakeholders may affect comprehensiveness. Triangulation of legal documents, scholarly literature, and stakeholder responses enhanced reliability and validity.

### 3.9 Conclusion

This methodology effectively assesses Tanzania's implementation of the MLC, 2006 by combining descriptive, doctrinal, and qualitative approaches, incorporating perspectives from stakeholders, and analyzing both legal provisions and

practical experiences. It provides a clear understanding of compliance, enforcement challenges, and areas for improvement in protecting seafarers' rights.

## 4 Results and Discussion

This article assessed the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) in Tanzania, with particular focus on seafarers' rights to fair treatment and repatriation. The analysis focused on three key objectives: (i) analyzing the legal provisions on fair treatment and repatriation; (ii) evaluating the adoption and practical application of these provisions in Tanzania; and (iii) identifying factors that may limit effective enforcement.

### 4.1 Seafarers' Awareness and Understanding of MLC, 2006 Provisions

Awareness of the MLC, 2006 among Tanzanian seafarers is critical for the practical realization of rights such as repatriation and fair treatment. Table 1 shows that 84.4% of respondents reported awareness, while 15.6% were unaware. Although these results indicate high nominal awareness, awareness does not necessarily equate to understanding of specific rights, complaint mechanisms, or procedural safeguards under the Convention. High awareness may derive primarily from informal sources such as peer discussions, certification programs, or training sessions rather than structured governmental or institutional programs. Comparatively, countries like Kenya, South Africa, Namibia, and Ghana integrate MLC awareness into maritime curricula, continuous professional development, and Port State Control (PSC) inspections, resulting in more consistent and actionable knowledge among seafarers.

**Table 1** Awareness of the MLC, 2006 among Tanzanian Seafarers

Awareness	Frequency	Percentage
Yes	67	84.4
No	12	15.6

Source: Google Sheet Survey Responses (2025)

As shown in Figure 4.1, 84.4% of respondents indicated that they were aware of the Maritime Labour Convention, 2006, while 15.6% reported no awareness. At first glance, this suggests relatively strong recognition of the Convention among Tanzanian seafarers.

**Table 2** Sources of Awareness about the MLC, 2006

Source of Awareness	Frequency	Percentage
Training/Certification	46	57.8
Online/News	21	26.7
Employers	12	15.0
Government/Academies	3	3.0

Source: Researcher (2025)

Table 2 presents the sources of awareness. Training and certification programs were the most cited (57.8%), followed by online platforms or news (26.7%) and employers (15%). Only 3% received information from government institutions or maritime academies. The dominance of informal channels highlights gaps in institutionalized education and monitoring, potentially undermining effective compliance.

**Table 3** Level of Knowledge of MLC, 2006 Rights

Level of Knowledge	Frequency	Percentage
General Awareness	23	28.9
Detailed Knowledge	28	35.6
Not Sure	28	35.6

Source: Google Sheet Survey Responses (2025)

Table 3 illustrates knowledge levels: only 35.6% demonstrated detailed understanding, 28.9% had general awareness, and 35.6% were unsure. Shallow knowledge hinders seafarers’ ability to exercise rights or seek redress. Evidence from South Africa, Ghana, and Namibia shows that structured awareness programs significantly improve actionable knowledge, reinforcing the need for formalized interventions in Tanzania.

**4.2 Adoption and Application of MLC, 2006 Provisions in Tanzania**

Repatriation is a fundamental MLC, 2006 right, guaranteeing seafarers return home at the employer’s expense upon contract completion, illness, injury, or abandonment.

**Table 4** Experience of Repatriation among Seafarers

Experienced Repatriation	Frequency	Percentage
Yes	28	35.6
No	52	64.4

Source: Google Sheet Survey Responses (2025)

Table 4 indicates that only 35.6% of respondents had experienced repatriation, while 64.4% had not. Among those who were repatriated, common issues included delays, unclear cost coverage, and limited access to legal remedies. In Tanzania, the Merchant Shipping Act, 2003 (as amended) provides for repatriation under Sections 142–147, entitling seafarers to return to their home country or place of engagement at the employer’s expense upon termination of contract, illness, injury, or abandonment. The Merchant Shipping (Maritime Labour) Regulations, 2017 further outline procedural obligations in Regulations 66–67, addressing travel, accommodation, and subsistence arrangements. However, the current framework lacks detailed financial-security requirements and fully operationalized enforcement procedures, which can result in delays or incomplete repatriation.

In contrast, other jurisdictions have established more protections that are comprehensive. Kenya, through the Merchant Shipping (Maritime Labour) Regulations, 2024, enforces repatriation under Regulation 26, ensuring all repatriation costs—including transport, accommodation, allowances, personal luggage, outstanding wages, and medical treatment—are borne by the shipowner. Regulation 27 additionally mandates financial security to guarantee compliance. Ghana similarly protects seafarers under Regulation 17(1–3) of the Ghana Shipping (Maritime Labour) Regulations, 2015 and Section 203 of the Ghana Shipping Act, 2003, prohibiting seafarers from bearing repatriation costs and requiring ship owners to provide financial guarantees. South Africa offers robust protection through the Merchant Shipping Act, 1951, specifically Sections 154, 169, and 120, covering distressed seafarers, medical and maintenance costs, and outstanding wages. Namibia, while applying a similar 1951 framework, does not provide detailed financial-security provisions.

This comparison highlights that, although Tanzania has established foundational legal protections for repatriation, enforcement can be strengthened through mandatory financial-security mechanisms, clearer procedural safeguards, and enhanced monitoring. Implementing these measures would ensure timely and guaranteed repatriation for seafarers, aligning Tanzania more closely with international best practices and reducing the risks of abandonment or delayed return.

**Table 5** Timeliness and Contract Compliance of Repatriation

Compliance	Frequency	Percentage
Timely & Contract-Compliant	24	31.1
Not Timely & Non-Compliant	39	51.1
Partial Compliance	14	17.8

Source: Google Sheet Survey Responses (2025)

Table 5 presents data on compliance with contractual obligations among seafarers: 31.1% reported timely and fully contract-compliant treatment, 51.1% experienced non-compliance, and 17.8% reported partial compliance. These findings show that while a significant proportion of seafarers benefit from contractual adherence, there is room to enhance monitoring and procedural clarity to ensure consistent compliance. Under the Tanzanian Merchant Shipping Act, 2003 (Sections 142–147) and the Merchant Shipping (Maritime Labour) Regulations, 2017 (Regulations 66–67),

ship owners are legally obligated to honour contracts, pay wages promptly, and facilitate repatriation at no cost to seafarers. These provisions establish a solid legal foundation for protecting seafarers’ rights.

There is potential to strengthen these protections further. While the law provides general guidance on fair treatment and repatriation, introducing robust financial security mechanisms and expanding Port State Control (PSC) inspection capacity would enhance practical enforcement. Clearer procedures and accessible remedies could support seafarers in resolving contractual disputes more efficiently. Addressing these areas would build on the existing legal framework and make compliance more consistent and effective.

Comparative evidence from Kenya, South Africa, Ghana, and Namibia demonstrates that structured financial security systems and proactive PSC oversight contribute to high levels of contractual compliance. Kenya’s Regulations 26–27, for example, ensure repatriation at no cost with financial security accessible to seafarers, while South Africa’s Merchant Shipping Act, 1951 (Sections 154, 169, 120) systematically enforces wage, medical, and repatriation obligations. These examples highlight best practices that Tanzania could adopt to strengthen enforcement, demonstrating that the current framework is a strong foundation with promising opportunities for enhancement.

**Table 6** Experience of Denial of Repatriation

Denial of Repatriation	Frequency	Percentage
Yes	31	31.1
No	69	68.9

Source: Google Sheet Survey Responses (2025)

Table 6 indicates that 31.1% of seafarers experienced denial of repatriation, a situation that highlights weak enforcement and insufficient financial security arrangements in Tanzania.[54] By contrast, countries such as Kenya, South Africa, Namibia, and Ghana have reduced such incidents through mandatory insurance schemes and proactive monitoring systems. Judicial practice from other jurisdictions further demonstrates why strong enforcement mechanisms are essential. The FV RA Horakhty case provides a notable example, in which the court upheld a seafarer’s right to repatriation and unpaid wages after the ship owner failed to meet both contractual and statutory duties.[55] In that case, the vessel abandoned its crew without arranging their return home or paying accrued wages, leading to legal action that ultimately compelled the ship owner to cover all repatriation costs and wage arrears. This decision affirms the key principles of Regulation 2.5 and Standard A2.5.1 of the MLC, 2006, which safeguard seafarers from abandonment and guarantee repatriation at no cost to them.[56] The case also illustrates the level of judicial protection achieved where enforcement structures are strong, an outcome that Tanzania can move toward by strengthening monitoring, financial security requirements, and accessible mechanisms for redress.

**Table 7** Perceived Compliance of Ship owners with Repatriation Obligations

Perception	Frequency	Percentage
Always	10	13.3
Sometimes	23	31.1
Rarely	13	17.8
Never	3	4.4
Don’t Know	25	33.3

Source: Google Sheet Survey Responses (2025)

Table 7 illustrates seafarers’ perceptions of ship owners’ compliance. Only 13.3% reported obligations were always met, while 33.3% were unsure. This high uncertainty underscores transparency issues, inconsistent enforcement, and limited oversight.

**Table 8** Experience of Unfair Treatment during Inspections or Detentions

Experienced Unfair Treatment	Frequency	Percentage
Yes	31	33.3
No	62	66.7

Source: Google Sheet Survey Responses (2025)

Table 8 indicates that 33.3% of seafarers reported unfair treatment during inspections or detentions, including procedural delays, denial of legal access, and intimidation. Tanzania does not fully incorporate International Maritime Organization/International Labour Organization Fair Treatment Guidelines, unlike Kenya, South Africa, Namibia, and Ghana, which embed these standards in domestic enforcement mechanisms.

**Table 9** Access to Legal or Consular Assistance

Access	Frequency	Percentage
Yes	28	31.1
No	42	46.7
Don't Know	20	22.2

Source: Google Sheet Survey Responses (2025)

Table 9 shows access to legal or consular assistance remains limited; 46.7% lacked access, compromising their ability to seek redress. Structured legal aid in Kenya, South Africa, Namibia, and Ghana strengthens MLC enforcement.

**Table 10** Rating of Treatment by Port State Authorities

Rating	Frequency	Percentage
Very Fair	11	24.4
Fair	28	62.2
Unfair	2	4.4
Very Unfair	1	2.2
Don't Know	3	6.7

Source: Google Sheet Survey Responses (2025)

Table 10 shows seafarers' rating of Port State Authority treatment. Although most rated it fair or very fair (86.6%), 6.6% reported negative experiences, indicating occasional inconsistencies and a need for PSC officer training.

**Table 11** Perceptions of Reporting Systems for Unfair Treatment

Perception	Frequency	Percentage
Yes	36	60.0
No	8	13.3
Not Sure	16	26.7

Source: Google Sheet Survey Responses (2025)

Table 11 highlights awareness of reporting systems for unfair treatment. Only 60% recognized the mechanisms, while 40% were unaware or unsure. Limited trust and communication gaps reduce utilization, unlike in Kenya, South Africa, Namibia, and Ghana, where structured reporting improves accountability and access to redress mechanisms.

### 4.3 Constraints to Enforcement of MLC, 2006 Standards

**Table 12** Challenges to Implementing MLC, 2006 in Tanzania

Challenge	Frequency (%)
Lack of Awareness	30.0
Enforcement Constraint	19.3
Limited Training	14.8
Corruption	13.6
Weak Port State Control	11.4
Legal Gaps	8.0

Source: Google Sheet Survey Responses (2025)

Table 12 highlights the main challenges affecting the implementation of the MLC, 2006 in Tanzania, reflecting structural, institutional, and procedural constraints. Lack of awareness among seafarers and employers (30%) was the most cited barrier, limiting the ability to assert or comply with rights such as repatriation and fair treatment under the Merchant Shipping Act, 2003 (Sections 142–147) and the Merchant Shipping (Maritime Labour Convention) Regulations, 2017. Enforcement constraints (19.3%) and limited training of inspection personnel (14.8%) further reduce the capacity to monitor compliance, particularly regarding financial security for repatriation and timely payment of wages.

Other challenges include corruption (13.6%), weak Port State Control oversight (11.4%), and gaps in procedural safeguards (8%). While Tanzanian law establishes the right to repatriation and fair treatment, the lack of detailed financial security provisions and clear enforcement mechanisms limits practical effectiveness. These findings indicate that Tanzania has a strong legislative foundation, but institutional capacity, systematic monitoring, and stakeholder engagement, need enhancement to ensure that seafarers can fully access their rights.

Comparative evidence from Kenya, South Africa, Namibia, and Ghana shows that robust financial security frameworks, proactive monitoring, and personnel training improve compliance. Kenya requires ship owners to provide financial security for repatriation (Regulations 26–27, 2024), South Africa mandates repatriation, medical costs, and wage payment (Sections 154, 169, 120, 1951), and Ghana obliges cost-free repatriation with financial guarantees (Regulation 17, 2015; Section 203, 2003). Namibia's framework closely follows South Africa. These examples suggest that Tanzania can strengthen its enforcement by adopting similar measures, including mandatory financial security, systematic Port State Control oversight, and comprehensive awareness and training programs, to protect seafarers' rights and improve MLC, 2006 compliance.

**Table 13** Perceptions of Authorities' Efforts to Protect Seafarers' Rights

Perception	Frequency	Percentage
Yes	25	42.2
Sometimes	18	31.1
Not Sure	16	26.7

Source: Google Sheet Survey Responses (2025)

Table 13 presents perceptions of authorities' efforts to protect seafarers' rights. Only 42.2% believed authorities consistently protect their rights, while 31.1% reported occasional enforcement and 26.7% were unsure, underscoring weak institutional visibility. Unlike Tanzania, where institutional visibility and enforcement are limited, Kenya, South Africa, Namibia, and Ghana demonstrate stronger Port State Control enforcement, judicial oversight, and dedicated labour inspectorates.

### 4.4 Comparative Analysis: Tanzania, Kenya, South Africa, Namibia and Ghana

Table 14 compares the implementation of the MLC, 2006 across Tanzania, Kenya, South Africa, Namibia, and Ghana. Tanzania has opportunities to strengthen procedural safeguards, awareness programs, financial protections for repatriation, and Port State Control (PSC) and judicial capacity. PSC performance can be measured through the number

and coverage of ship inspections, the rate of compliance correction, the qualifications and training of inspection personnel, and the timeliness of enforcement actions. Enhancing these areas would support more consistent enforcement and better protection of seafarers' rights.

Kenya demonstrates effective progress with structured PSC operations and formalized awareness programs, ensuring timely inspections and improved compliance. Namibia and Ghana have strengthened enforcement through well-trained inspection personnel, clear reporting mechanisms, and financial security measures for seafarers. South Africa exemplifies strong implementation, with robust financial guarantees, formal training programs, effective oversight, and supportive judicial structures that promptly resolve disputes and protect seafarers.

These examples highlight that ratification alone is the first step toward compliance. By developing integrated legislative frameworks, strengthening institutional capacity, expanding operational oversight, and formalizing awareness initiatives, Tanzania can significantly enhance the protection of seafarers' rights. Lessons from Kenya and South Africa illustrate practical pathways for improvement, showing that targeted reforms can lead to timely repatriation, fair treatment, and consistent adherence to MLC, 2006 standards

**Table 14** Comparison of MLC, 2006 Enforcement: Tanzania, Kenya, South Africa, Namibia and Ghana

Indicator	Tanzania	Kenya	South Africa	Namibia	Ghana
Year of MLC Ratification	2010	2014	2013	2010	2013
Ratification of 2014 & 2018 Amendments	Ratified (2019) – Tanzania accepted the 2014 amendments but has not yet ratified the 2018 ones.	Not Ratified – Neither the 2014 nor 2018 amendments have been ratified as of 2024.	Partially Implemented – Provisions incorporated through SAMSA directives and merchant-shiping regulations.	Not Ratified – No record of formal ratification of either set of amendments.	Partially Ratified – Ghana accepted the 2014 amendments but not the 2018 ones.
Main Implementing Law	Merchant Shipping (Maritime Labour Convention) Regulations, 2017	Merchant Shipping Act, 2009	Merchant Shipping Act, 1951 (as amended)	Merchant Shipping Act, 2011	Ghana Shipping Act, 2003
Enforcement Body	Tanzania Shipping Agencies Corporation (TASAC)	Kenya Maritime Authority (KMA)	South African Maritime Safety Authority (SAMSA)	Ministry of Works and Transport	Ghana Maritime Authority
Judicial / Union Enforcement	Limited or not documented	FV RA Horakhty case (enforcing repatriation and wages)	No recent public case data; SAMSA framework effective	ITF-union cooperation	Union-driven legal activism
Financial Security for Repatriation	Weak and partially implemented – No comprehensive system for mandatory insurance or financial-security certificates under Regulation 2.5.	Developing framework – Implementation pending amendments to the Merchant Shipping Act and subsidiary regulations.	Fully operational – SAMSA enforces compulsory insurance and financial-security certification covering repatriation and ship-abandonment.	Limited – Relies on shipowners' voluntary arrangements and union/ITF support for abandoned seafarers.	Moderate – Union and ITF-supported schemes provide partial financial security in the absence of state-driven insurance enforcement.

Port Control Capacity	State (PSC)	Limited inspection resources	Moderate inspection frequency	Strong regime	PSC	Limited capacity	Moderate
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Source: Various laws of selected countries (2025)

The comparative evidence demonstrates that ratification alone does not ensure compliance. Tanzania's deficiencies particularly in financial security, PSC capacity, awareness, and judicial support contribute to delayed or denied repatriations and inconsistent treatment. Kenya and South Africa illustrate that effective implementation requires legislative, institutional, and operational integration.

## 5 Conclusion

The assessment of Tanzania's implementation of the Maritime Labour Convention, 2006 shows that, although the country has ratified the Convention and incorporated its provisions into the Merchant Shipping Act and subsidiary regulations, practical enforcement remains limited. The MLC clearly obligates States, under Regulation 2.5 and Standard A2.5.1, to ensure financial security, protect seafarers from abandonment, and guarantee repatriation at no cost. However, Tanzania's legal framework lacks detailed procedural mechanisms to ensure consistent compliance. Findings reveal gaps in awareness, inconsistent repatriation outcomes, and limited access to institutional support. A significant discrepancy exists between formal legal commitments and actual implementation, with insufficient enforcement capacity, minimal monitoring, and underdeveloped complaint-handling systems. Comparative evidence shows that jurisdictions with well-resourced enforcement authorities and mandatory financial security provide more reliable protection of seafarers' rights. Tanzania's efforts, though legally compliant, remain constrained in practice.

### *Recommendations*

To enhance compliance with the MLC, 2006 and strengthen seafarers' protection, key reforms are required. The Merchant Shipping Act should incorporate enforceable financial security requirements for repatriation, expand the statutory definition of seafarers to align with international standards, and introduce clear procedures for monitoring, reporting, and redress. Institutional capacity within the Tanzania Shipping Agencies Corporation should be strengthened through increased funding, targeted training, and structured inspection programs. Additionally, formalized nationwide awareness initiatives are needed to ensure that seafarers, employers, and maritime training institutions fully understand their rights and obligations. By combining strengthened legislation, improved institutional performance, and sustained awareness programs, Tanzania can achieve compliance with the Maritime Labour Convention, 2006.

## Compliance with ethical standards

### *Disclosure of conflict of interest*

No conflict of interest to be disclosed.

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