



TECHNICAL CIRCULAR No. 689 of 5th July 2021

To	All Surveyors/Auditors. All flags
Title	Maritime liability and importance of Flag State
Reference	United Nations Convention for the Law of the Sea.

Maritime liability and importance of Flag State

In case of an incident Port Authority should be in communication with Flag Authorities and other parties to minimise the environmental impact of the incident.

Flag registration of the vessel

The Flag State does not typically bear the liabilities in incidents.

International Law requires every merchant ship which is participating in international trade to be registered with a country.

A vessel is bound by the laws and regulatory requirements of the flag state, which is responsible for the enforcement of standards.

Flag states have certain duties under Article 94 of the United Nations Convention for the Law of the Sea.

According to Article 94, these responsibilities include taking measures to ensure the safety of ships through their construction, equipment and seaworthiness, as well as conducting an inquiry into incidents such as those that cause serious damage to the maritime environment.

However, it is not uncommon for vessels to fly the flag of one country even while their owners are based in another country.

Ship Registry

As shipping is an international business, ship owners and operators typically have many options to choose their *flag of choice* from a variety of ship registrars around the world.

The choice of flag or ship registry depends on a variety of factors.

- These include the amount of tonnage taxes payable to the ship registry.
- The standard on matters such as compliance with international conventions and marine environmental protection.

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- Reputation of the ship registry.

Civil Liability

Despite the associated responsibilities, a flag state does not typically bear the liability in incidents. In a marine casualty involving one vessel, civil liability for the damages caused does not usually rest with the port state or the flag state as such.

REFERENCES:

- Article 94 of the United Nations Convention for the Law of the Sea.

ATTACHMENTS: No

Kindest Regards,
CONARINA Technical Office

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