

# The Impacts of the Legal Framework Governing Ship Registration in Tanzania

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**Abstract:-** The ship registration system in the United Republic of Tanzania is a vital component of the nation's maritime infrastructure, playing a key role in ensuring compliance with national and international maritime laws. This research provides A Case Study of The Effectiveness of the Ship Registration System: Examining the Legal Framework and Administrative Procedures of The United Republic of Tanzania. The mixed-methods approach combined qualitative and quantitative data collection. The findings were to assess the impacts of the legal framework governing ship registration in Tanzania. The study observed that, the maritime sector of the United Republic of Tanzania (URT) operates under a complex legal framework that is divided between two distinct legal systems, each with its own governing authority. This duality is primarily reflected in the Merchant Shipping Act of 2003 and the Merchant Transport Act of 2006, which cater to the maritime needs of Tanzania Mainland and Zanzibar, respectively. The Merchant Shipping Act of 2003 is designed to be applicable across the entire URT, encompassing both Tanzania Mainland and Zanzibar. This is explicitly stated in Section 3 (1) of the Act, which asserts that the provisions apply to all Tanzanian ships, irrespective of their geographical location.

**Keywords:-** Ship Registration, Closed Registry, Open Registry, Port State.

## I. INTRODUCTION

Tanzania's ship registration system is governed by two administrative bodies, one for Tanzania Mainland and the other for Tanzania Zanzibar. While registration on Tanzania Mainland is restricted to Tanzanian nationals, foreign individuals and companies can register vessels under the TZIR on Tanzania Zanzibar. This research has delved into ship registration and conducted a comparative analysis of Tanzania's legal framework. At present, the country operates both a close registry and an open registry for ships. As a flag state, Tanzania bears the responsibility of effectively overseeing the ships registered under its jurisdiction, by internationally accepted standards. The existence of dual maritime legislation and uncoordinated authorities are identified as factors contributing to the poor performance in ship registration (Salum, 2019).

The ship registration system is crucial for maritime governance, affecting safety, security, and environmental protection in Tanzania. Regulated by national laws and

international agreements, it faces challenges like administrative inefficiencies, inadequate oversight, and poor adherence to international standards. Collaboration among government agencies is often unclear, leading to delays and regulatory gaps. A thorough review of Tanzania's ship registration framework is necessary to enhance maritime safety and sustainability. This study identified the deficiencies and proposed recommendations to improve the system's effectiveness and alignment with global standards (Kiswaa, 2020).

This study focused on examining the ship registration system in the United Republic of Tanzania comprehensively. The scope included an analysis of the legal framework governing ship registration, the effectiveness of the registration process, administrative procedures, the roles of government agencies and maritime authorities, challenges faced by stakeholders, and recommendations for improvement. The research primarily involved reviewing relevant laws, regulations, and international conventions related to ship registration in Tanzania. Additionally, data was collected through interviews, surveys, and document analysis to gather insights from stakeholders involved in the registration process, including ship owners, operators, government officials, and maritime experts (Ashrafi, *et al.*, 2019).

## II. LITERATURE REVIEW

The legal framework for ship registration in Tanzania is a complex structure that is built upon a foundation of various essential laws and regulations, all of which are designed to align with international maritime standards which includes international treaties, compliance mechanisms, and enforcement protocols that collectively shape the legal environment for ship registration in Tanzania.

Additionally, Tanzania is a signatory to several international treaties and conventions, including the International Convention on the Safety of Life at Sea (SOLAS) and the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW). These international agreements further reinforce Tanzania's commitment to maintaining high standards in maritime safety and operational efficiency. The ship registration system in Tanzania can be categorized into two main types: National Registries and Open Registries (Joseph and Dalaklis, 2021)

### III. SHIP REGISTRATION

Ship registration is done by registering a ship where by the owner agrees to abide by the laws and regulations of the registering country, as well as international maritime laws. This helps to prevent illegal activities such as smuggling, piracy, and environmental violations. Additionally, ship registration plays a crucial role in maintaining safety and security standards for vessels. Registered ships are required to undergo regular inspections to ensure they meet safety regulations and are equipped with necessary safety equipment. This helps to protect the crew, passengers, and cargo on board, as well as the marine environment. Furthermore, ship registration enables ship owners to access insurance and financing options for their commercial activities. Insurers and lenders typically require vessels to be registered in order to provide coverage or financial support.

This helps to protect the investment of ship owners and ensures that they are able to operate their vessels safely and efficiently. Overall, ship registration is a vital aspect of maritime law and administration that helps to regulate the global shipping industry, promote safety and security at sea (Attard, 2020).

#### ➤ *Legal Framework Governing Ship Registration*

The legal framework for ship registration in Tanzania is a complex structure that is built upon a foundation of various essential laws and regulations, all of which are designed to align with international maritime standards. This section delves into the intricate web of national laws, international treaties, compliance mechanisms, and enforcement protocols that collectively shape the legal environment for ship registration in Tanzania. Ship registration is a critical process that involves the formal documentation and authorization of a vessel to fly the flag of its registering country. This procedure is not merely a bureaucratic formality; it carries significant implications for the vessel's nationality, legal jurisdiction, and its ability to access international ports and trade routes. (Rwechungura, 2023).

#### ➤ *International Conventions and Standards*

The International Convention for the Safety of Life at Sea (SOLAS) serves as a fundamental international agreement that establishes essential safety standards for the design, equipment, and operation of vessels. SOLAS mandates that vessels be constructed and outfitted to meet high safety criteria, which include lifeboats, life jackets, and fire-fighting apparatus. As a signatory to SOLAS, Tanzania incorporates these safety standards into its national ship registration framework. Ships registered in Tanzania are required to comply with SOLAS standards to ensure they are equipped and operated in line with international safety regulations (Joseph, *et al.*, 2021).

#### ➤ *International Standards*

The International Organization for Standardization (ISO) develops international standards for maritime operations, including shipbuilding, safety, and environmental management. Key standards include ISO 9001 for quality management, ISO 14001 for environmental management, and

ISO 50001 for energy efficiency. In Tanzania, adopting these standards can improve the quality and environmental performance of ships, enhancing operational efficiency and global competitiveness. Additionally, the International Labour Organization (ILO) establishes labor standards in the maritime sector, notably through the Maritime Labour Convention (MLC) of 2006, which addresses seafarers' working and living conditions.

### IV. METHODOLOGY

The mixed-methods approach was combined qualitative and quantitative data collection and excel analysis techniques to provide a holistic understanding of the registration process, stakeholder perspectives, and regulatory challenges. By Excel analysis and thematic analysis the transcripts from in-depth interviews and findings from document analysis were analyzed to identify patterns, themes, and key issues related to the ship registration system. This involved coding, categorizing, and interpreting qualitative data to derive meaningful insights.

#### ➤ *Familiarization with the Data*

The first step involved transcribing all the interview data and reading through it several times to become familiar with the responses. Key phrases or concepts are highlighted. This included Extract from Interview Transcript where by One of the major challenges we face in the ship registration process is the bureaucracy. The legal framework is there, but administrative delays and inconsistencies in enforcing the regulations make the system inefficient."

#### ➤ *Initial Coding*

After familiarization, the next step was open coding, where relevant statements or phrases were assigned codes. This is done across all 40 transcripts including Bureaucracy in administrative processes, Legal framework inconsistencies, Delays in ship registration, Inefficient enforcement, Inadequate inter-agency coordination, and Lack of digitalization another step was Identifying Themes where the codes were then reviewed and grouped into broader themes that capture the essence of the issues raised by participants.

#### ➤ *Initial Themes:*

At this stage of data analysis, it included Bureaucratic Delays where Several participants expressed frustration with the slow and cumbersome nature of the administrative procedures involved in ship registration, Weak Enforcement of Legal Framework where Participants mentioned that although Tanzania has a robust legal framework, enforcement is inconsistent, leading to inefficiencies, Lack of Digital Systems this involved the lack of digital infrastructure to streamline registration processes was frequently mentioned as a challenge, Inter-Agency Coordination this involved Poor coordination between TASAC, and other government bodies was highlighted as a key issue affecting the overall system. Despite International Compliance, some participants emphasized the difficulty in ensuring ships comply with international maritime laws and IMO regulations, citing the need for stronger governance.

➤ *Reviewing Themes*

In this step, the initial themes were refined by checking if they accurately reflect the data. This involved merging overlapping themes or splitting broader themes into more specific sub-themes the Refined Themes included Administrative Inefficiencies like Bureaucratic delays in registration approval and lack of streamlined procedures another theme was Inadequate Legal Enforcement like Inconsistent application of legal frameworks and insufficient resources for law enforcement as Technological Gaps included issues like Absence of digitalized systems for ship registration, Resistance to digital adoption in administrative processes. Stakeholder and Agency Coordination included a Lack of communication between key government agencies and conflicting mandates between TASAC and other maritime authorities. Challenges in International Compliance included Difficulties in ensuring vessels comply with international safety and environmental standards and Lack of training for officials in international maritime law.

➤ *Defining and Naming Themes*

Another step was to ensure Each theme was clearly defined and named to reflect the key issue it represents like Administrative Inefficiencies: Reflects the problems related to the slow, cumbersome, and bureaucratic nature of the ship registration process, Weak Legal Enforcement: Focuses on the inconsistency and challenges in enforcing Tanzania’s maritime laws, Technological Deficiencies: Highlights the lack of digital infrastructure and reluctance to adopt new technology, which hampers efficiency, Coordination Problems: Addresses the lack of collaboration and communication between key stakeholders involved in ship registration, Global Compliance Issues: Represents the challenges Tanzania faces in ensuring that registered ships adhere to international standards, especially IMO regulations.

➤ *Findings from Thematic Analysis*

• *Theme 1: Administrative Inefficiencies*

Most participants identified administrative inefficiencies as a key barrier to the effectiveness of the ship registration system. One maritime lawyer commented, “The process is too slow; it can take months just to get the paperwork through. Bureaucracy is a real problem.” Another participant noted, “There’s no clear pathway to follow. You have to go back and forth between agencies, and that wastes a lot of time.”

• *Theme 2: Weak Legal Enforcement*

Although Tanzania has a comprehensive legal framework, enforcement was cited as inconsistent. One government official admitted, “We have laws in place, but we don’t have the capacity to enforce them effectively. There are gaps in the system that shipowners exploit.” Shipowners echoed this, stating that weak enforcement allowed some ships to operate without adhering fully to legal requirements.

• *Theme 3: Technological Deficiencies*

The absence of a digital ship registration system was another issue frequently highlighted. A senior TASAC official said, “If we could digitize our registration process, it would solve many problems. But we’re still very reliant on paperwork.” Participants argued that digitalization would increase transparency and reduce opportunities for corruption.

• *Theme 4: Coordination Problems*

Participants also emphasized the lack of coordination between agencies such as TASAC and SUMATRA. A shipowner explained, “One agency tells you one thing, and then another agency tells you something completely different. It’s confusing and frustrating.” Poor inter-agency communication was cited as a key reason for delays and inconsistencies in the registration process.

• *Theme 5: Global Compliance Issues*

Several respondents highlighted Tanzania’s challenges in ensuring ships comply with international regulations, particularly those set by the International Maritime Organization (IMO). A maritime authority noted, “Our officials need more training in international laws. There’s a big knowledge gap, and it makes compliance harder for shipowners.”

**V. RESULTS**

A survey was conducted to gather perceptions of the legal framework governing ship registration by using several key laws and regulations that govern ship registration in Tanzania, including the Merchant Shipping Act, 2003 and the Shipping Agencies Act, of 2002 Various regulations and guidelines issued by the Tanzania Maritime Authority (TMA). Table 4. below presents respondents' satisfaction with the current legal framework whereby 10% of respondents were very satisfied with the legal framework governing the ship registration only 65% were satisfied while 13% were neutral but among all respondents, only 8% were dissatisfied and only 2% were very dissatisfied as shown in the table below.

Table 1 Survey Response on the Legal Framework

Satisfaction Level	Frequency	Percentage
Very Satisfied	4	10%
Satisfied	26	64%
Neutral	5	13%
Dissatisfied	3	8%
Very Dissatisfied	2	5%

Source: Survey Data, 2024

## VI. CONCLUSION

The study revealed that Tanzania's legal framework for ship registration is largely aligned with international conventions and standards, such as the International Maritime Organization (IMO) regulations. However, there are gaps in the domestic implementation of these laws, particularly concerning enforcement and updates to reflect recent international developments. The Maritime Transport Act and the Merchant Shipping Act provide the foundation for the registration process, but inconsistencies and ambiguities in the regulations create challenges in their application.

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