Flags must hoist a different standard

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January 2002, Israeli forces captured a Tongan-registered general cargo ship in the Red Sea laden with 50 tons of arms. The Israeli authorities claimed that the vessel, Karine A, was on route to Vasser Arafat’s Palestinian Authority. June 2002, French authorities, suspecting cocaine smuggling, seized the Cambodian-registered vessel, Winner. The search of this ship revealed that its owners were the Cambodian and Tongan governments. Further investigation revealed that the vessels were registered under foreign flags, which provided outlets for criminal activity, including drug trafficking, human smuggling, and arms smuggling. The problem is that these vessels, while flying foreign flags, are not subject to the same regulations and oversight as vessels registered in their home countries. This allows them to engage in illegal activities with relative impunity.

THE SIRC COLUMN

Nik Winchester, of the Seafarers’ International Research Centre, looks at the relationship between open registers and criminal acts

The case of the Karine A highlights the issue of ship registration and its relationship to criminal activity. The vessel was registered in Tonga, a country with little regulatory oversight, allowing it to engage in illegal activities with relative ease. The vessel was flagged to a state that provided it with the opportunity to do so, and it chose to do so. The consequences of this are that the vessel was able to traffic weapons and arms, providing support to foreign governments and terrorist organizations.

From a regulatory perspective, it is clear that the current system of ship registration is not effective in preventing criminal activity. The problem is that these vessels are able to operate with little or no oversight, allowing them to engage in illegal activities with relative impunity. This is especially true in cases where the vessel is flagged to a state with little or no regulatory oversight.

The solution to this problem is to create a system of ship registration that is more effective in preventing criminal activity. This requires a reassessment of the current system of ship registration and a reallocation of power and responsibility. The goal is to create a system that is more effective in preventing criminal activity and that provides a level of accountability to the vessel owners.

In conclusion, the case of the Karine A highlights the importance of ship registration and its relationship to criminal activity. The current system is not effective in preventing criminal activity, and a new system must be created to address this issue. The goal is to create a system that is more effective in preventing criminal activity and that provides a level of accountability to the vessel owners.

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The Greek owners of this Tongan-registered vessel, Winner, were arrested and charged with drug trafficking.

The bulbous flag as follows: “As the fleet of vessels flying a vessel’s flag has expanded to more than 300 from just a handful a few years ago, authorities have caught vessels trafficking narcotics, hauling toxic waste, fishing illegally and operating unsafely.”

The question is then, why is there a relationship between criminal activities and vessel registration? The answer relates to the nature of the regulatory environment that vessels are subjected to when registered in different flag states. The differing forms and strengths of regulation put in place and enforced by flag states give the shipowner differing levels to which they may put themselves at a distance from the flag state control and self-regulate their operations. It is these differing levels of regulation in which such kinds of illegal activity are given their conditions of existence, i.e. the potential for a shipowner to operate as they wish in the absence of effective state powers.

When a shipowner elects to register their vessel under a specific flag they become located under a regulatory regime, which has rights and obligations. Due to the practice of international law concerning ship registration, the flag state is afforded the opportunity to define these rights and duties in any manner they see fit, from the authoritarian to the liberal, and the shipowners may choose which environment they feel is most amenable to vessel operation.

Tackling the question of someone wishing to undertake criminal activity, it is possible to see these registers as enabling devices to produce extensive layers of corporate secrecy spawning multiple jurisdictions, recharacter any relationship between them and the vessel, and have no interference from the state concerning the operations of the vessel. Human intention and action being what it is, for those pursuing illegal activity such registers are entirely suited to their ends. Now, it would be incorrect to claim that these vessel registers are attempting to provide outlets for criminal activity. However, it does seem that they produce regulations that are insufficient to prevent such activity. However, we have to be careful in making claims about causality here. The flag of convenience system does not cause criminal activity, nor is it restricted to it. Instead, the open register system enables those wishing to engage in criminal activities with a ready-made system that they can use to their advantage. In essence these opaque structures of vessel ownership, low requirements for the incorporation of offshore business entities, limited registration requirements and the absence of effective monitoring procedures produce an environment which could be attractive to those engaged in illegal activities. However, it could also be seen as a deregulated environment in which the obvious choice for criminal organisations is to make use of facilities in place for profit but use them for profit, effectively hide their identity under multiple dummy companies; register their vessel with little or no checks from the flag state; not maintain their vessel; breach fishing laws with minimal consequence from the flag state and engage in a range of illegal activities with the absence of directed state control. This system creates the conditions for a range of criminal activities as it does for running a lean effective business within the boundaries of the law. There is no attempt to prevent the occurrence of illegal activities conducted by and through states and on behalf of states is prone to significant difficulties.

A number of states have made vastamani: “Flags must hoist a different standard.” A common theme to these scores of them trafficking narcotics, hauling toxic waste, fishing illegally and operating unsafely.”

The problem is that these vessels, while flying foreign flags, are not subject to the same regulations and oversight as vessels registered in their home countries. This allows them to engage in illegal activities with relative impunity. The solution to this problem is to create a system of ship registration that is more effective in preventing criminal activity. This requires a reassessment of the current system of ship registration and a reallocation of power and responsibility. The goal is to create a system that is more effective in preventing criminal activity and that provides a level of accountability to the vessel owners.

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