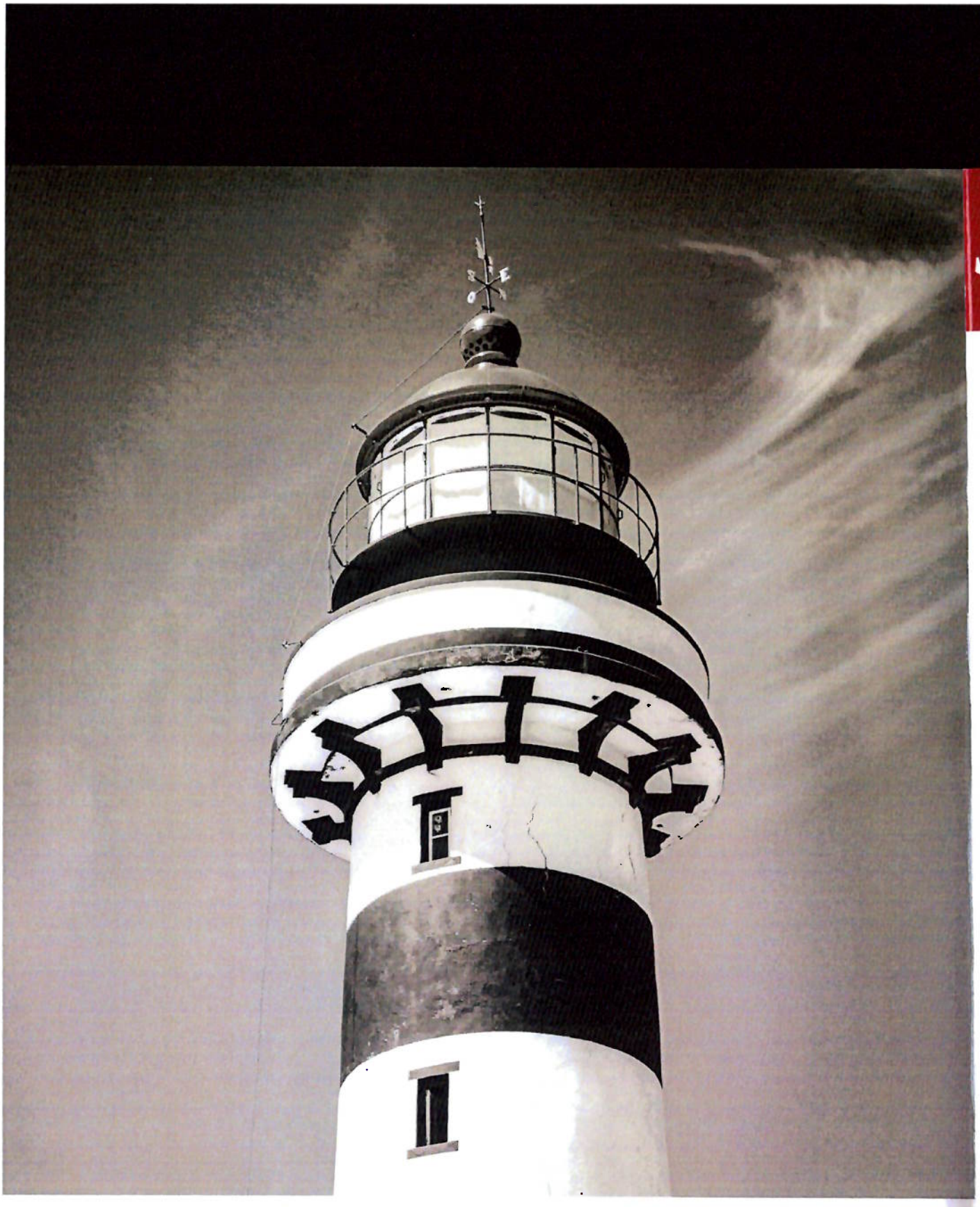
CABOTAGE LAWS OF THE WORLD

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Iran, legislation provides that: "... The ship's commander and officers and crew may be non-Iranian nationals if necessary. The ship owner must train Iranian nationals to work on the ship at his own expense and gradually employ them instead of foreign workers on the ship. The training program is prepared by the ship owners and implemented after the approval of the Ports and Shipping Organization by the said owners, but in any case, it should be within four years from the date of acceptance of Iranian citizenship, at least half of the ship's employees are Iranian nationals, ..." (*SRI translation*). In **Algeria**, "... All members of the ship's crew must be composed of Algerian seafarers. The Minister responsible for the Merchant Navy may, however, set a certain proportion of foreign seafarers in the composition of the crew or authorize a foreign seafarer to embark in the service of an Algerian ship" (*SRI translation*).

In **Croatia**, "All crew members in charge of passenger safety (muster list) and all crew members in charge of keeping watch on ships up to 650 GT that perform coastal cabotage, cruise ships up to 650 GT and on all ships that perform island cabotage in the Republic of Croatia, must understand and, in accordance with their duties, give orders, instructions and report in the Croatian language..." *(SRI translation).* Similarly, in **Israel**, "A foreign vessel for which a permit has been issued and which is engaged in coastal shipping activities, shall be served, as far as possible, by Israeli crew members who speak Hebrew, and no less than two such crew members, and if crew members in officer positions serve on the said vessel – one of the two Israeli crew members shall be an officer. (b) The Director may order that the foreign vessel have an Israeli crew member in addition to those stated in Sub-Regulation (a), to the extent that this is necessary in his opinion to ensure these objectives: (1) Maintaining an adequate level of navigational safety and the safety of persons on or near the vessel; (2) Preventing pollution of the marine environment from vessels. (c) Notwithstanding the provisions of sub-regulation (a), the Director may, taking into account the shipping and operational considerations of the foreign vessel and the nature of coastal shipping activity, order that a foreign vessel be exempt from its provisions, in whole or in part; such exemption may be subject to conditions and its validity shall not exceed one year ..." (*SRI translation*).

In the **Republic of Congo**, "The crew of a Congolese vessel must, in a proportion fixed by the maritime authority, be Congolese or have, subject to reciprocity, the nationality of a State to which equivalent rights have been recognized" *(SRI translation).* And in **Mauritania**, "Any exemption relating to the nationality of the captain, chief engineer, officers and crew members is subject to the payment of a special contribution by the shipowner or his representative to maritime education structure designated by the Ministry responsible for the Merchant Navy" *(SRI translation).*

In **China**, there does not appear to be separate legislation dealing only with cabotage. Instead, it is stipulated - regarding all Chinese-flagged vessels whether they are performing international voyages or cabotage voyages - that: "The post of master of a ship of Chinese nationality shall be assumed by a Chinese seaman" (*SRI translation*). Moreover, if: "A Chinese ship recruits a foreign seafarer to assume the post of master without approval" the employer of the seafarer or the ship owner commits a violation of the law punishable by a fine (*SRI translation*). If, however, the vessel is a foreign vessel that is specially permitted to perform cabotage in China, it appears that there is no restriction on the nationality of the crew members, including the master.

In **India**, if a licence is granted to a foreign vessel engaged in shipping and related activities in the Indian coastal water: "... 1. Where the period of license exceeds 90 days but is less than 181 days, a minimum of one third of officers and ratings, engaged on board as per the safe manning norm or actual deployment whichever is higher and be holding relevant Indian Certificate. 2. Where the period of license exceeds 180 days; a minimum of one half of officers and ratings, engaged on board as per the safe manning norm or actual deployment whichever is higher and be holding relevant Indian Certificate. 3. The safe manning norm mentioned above will be the one applicable to the concerned ship. 4. For determining the number of Indian of Indian officers and crew to be engaged the officers and the ratings will be taken as two separate categories. Any fraction will be rounded to nearest integer. 5. Where the period of license is not continuous, above condition will be imposed whenever the cumulative period of license for that ship exceeds i.e. 90 or 180 days in a calendar year and the condition of engagement of Indian crew will be imposed from the day when 90 or 180 days are exceeded".

Finally, in **Georgia**, the nationality of the crew appears to be expressly unreserved: "The captain and other crew members of a ship registered in the State Register of Ships of Georgia may be citizens of any state" *(SRI translation).*

WAGES

In **Egypt**, the cabotage law stipulates that: " ... The employer is obligated to pay the seafarers wages at the time and place specified in the contract or as required by maritime custom" (*SRI translation*). And, " ... The minimum wages and salaries of seafarers on Egyptian ships, as well as their allowances, bonuses, rewards, the method of payment, their promotions and vacations, shall be determined by a decision issued by the competent minister" (*SRI translation*).

In **China**, regarding wages, it is generally stated for seafarers that: "An employer of seafarers shall, by giving consideration to the risky nature, arduousness and mobility of the occupation of seafaring, offer reasonable wages to seafarers and make payment on schedule and in full amount. No entity or individual may dock any seafarer's wages" (*SRI translation*). In **Japan**, when vessels conduct cabotage the workplace is considered to be in Japan. Consequently, Japanese legislation applies to the payment of wages in accordance with a decision by the competent Minister regarding the amount of the minimum wage. Under the relevant legislation it is further stipulated that: "Wages must be paid at least once a month on a fixed date" (*SRI translation*). The same wages are applicable for either national or foreign seafarers. And to ensure the payment of wages there are on-site inspections by officers in charge of the labour affairs of seafarers.

In **Norway**, recent legislation provides for the amendment of four existing acts to ensure that foreign seafarers are granted Norwegian wages and conditions for ships in Norwegian waters and on the Norwegian continental shelf. However, shipping in Norwegian waters and on the Norwegian continental shelf remains, unlike in cabotage States, open to international competition and both Norwegian and foreign ships are allowed to offer their services. And, somewhat similar minimum wage requirements exist in the **United Kingdom**, applicable to any flagged ship working in support of activities connected to the exploitation or exploration of the United Kingdom's continental shelf whether or not the worker is ordinarily a resident of the United Kingdom provided that the "majority of work is performed within UK territorial waters or on the UK continental shelf in support of activities connected to the exploitation or exploration of the UK continental shelf". The United Kingdom also remains however a State without cabotage.

