

The Cornerstones of Maritime Governance: Administration, Law-Policy Dynamics, and Crew Welfare

Deqian Liu*

World Maritime University, Fiskehamnsgatan 121118, Malmö, Sweden

*Corresponding author: Deqian Liu, 409840106@qq.com

Copyright: © 2025 Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution License (CC BY 4.0), permitting distribution and reproduction in any medium, provided the original work is cited.

Abstract: This paper presents a comprehensive analysis of maritime law and policy as a fundamental global governance framework whose priority is enhancing maritime safety and trade efficiency through integrated regulatory systems. Drawing on established theoretical frameworks in maritime governance literature, the study systematically examines four interconnected dimensions: (1) the policymaking role of maritime administrations in bridging technical expertise and national interests, (2) the dynamic legislative process involving executive, legislative, and judicial interactions, (3) a comparative analysis of maritime governance models (liberal democratic vs. Chinese centralized systems), and (4) human element considerations in crew welfare and operational safety. The research covers the historical evolution of maritime governance mechanisms, evaluates their efficacy in balancing international obligations with domestic priorities, and identifies critical implementation gaps, particularly in seafarer rights protection and cross-jurisdictional policy harmonization. In addition to institutional analysis, this work further contextualizes contemporary challenges through technological advancements, environmental regulations, and COVID-19 impacts on seafarer well-being, arguing that effective maritime policy must reconcile technical rigor, governance adaptability, and human-centered design. Findings underscore the necessity of multidisciplinary approaches for sustainable global shipping governance.

Keywords: Maritime governance; Policy implementation; Comparative governance systems; International maritime law; Human element in shipping; Seafarer welfare

Online publication: June 13, 2025

1. Introduction

Maritime law and policy have a very central role in shaping the global market and international trade. This essay evaluates various aspects of maritime governance, particularly the function of the maritime administration, the dynamics of law and policy development, the comparative system of governance, and the human element considerations in shipping. Utilizing foundational works in maritime policy analysis alongside empirical sources,

it examines these interconnected themes that are crucial to properly manage and regulate the maritime industry.

2. The role of the maritime administration in the development of national maritime law and policy

Maritime administrations are central government establishments that oversee maritime concerns and the formulation of the national maritime legal structures. Scholarly consensus indicates that maritime policy formulation typically occurs at senior administrative levels of the maritime administration. These administrators assume responsibility for identifying issues, gaps, and shortcomings in current maritime regimes from a technical viewpoint, as required by rational policy and planning.

The maritime administration's role encompasses several key functions. The first and foremost approach is policy formulation. Maritime administrators can formulate policies that may advance their country's maritime interests, although with regard to the international benefit. Ideally, their knowledge of maritime affairs should encompass technical, legal, economic, and managerial aspects. This integration of multiple disciplines is necessary to create holistic and efficient maritime policies capable of responding to modern shipping industry concerns.

Another major role of maritime administrations is to offer technical support. The administration provides vital technical input on matters such as ship safety, protection of the environment, and seafarer welfare. This technical knowledge primarily informs policy-making and other legislative proposals.

Another pivotal responsibility of maritime administrations is the consultation of stakeholders. The different groups engage with various stakeholders, mainly in the public and private sectors, to get different insights about certain policies or legislation. This consultative approach enhances the quality of policies, is well-rounded, and considers the interests of all relevant parties.

Maritime administrations are also crucial in international representation. They frequently act as their nations' representatives in global organizations such as the International Maritime Organization (IMO), participating in the creation of rules governing international shipping and safeguarding their nation's concerns. This international engagement is important in achieving the goal of harmonizing the international maritime regulatory regime, as aptly pointed out by Mansell on flag state implementation ^[1].

Finally, after policies are formulated and laws passed, implementation and enforcement fall under the maritime administration's mandate. This includes functions like inspection of ships, issuing certifications, and checking on compliance with various international conventions. Therefore, the effectiveness of this implementation and enforcement role is very key to the success of maritime policies as well as to the safety and efficiency of the maritime sector.

3. Dynamics of the law and policy process in the maritime field

The development of maritime law and policy is a complex, dynamic process involving multiple stages and actors. Academic analyses elaborate on this process, pointing out the interactions between the branches of power and other actors. Knowledge of these dynamics remains vital for the governance and implementation of policies within the maritime sector.

The process normally starts at the maritime administration level with policy initiation. It involves recognizing something as a problem or a need through the application of official technical expertise and experience. This initial policy proposal is then taken up through the policy process in the executive branch, and frequently this process

involves numerous interactions with other departments and other players outside the executive branch. This is an important stage since it forms the framework for any policy formulation process.

After a policy document has been formulated, it is forwarded to other authority levels such as the responsible minister and possibly the cabinet. It is in this stage that the policy undergoes further cold-blooded analysis as well as criticism because it must fit within the larger policy framework and objectives of the government. If the policy must be enacted through legislation, the process shifts to the legislative arm. Here, the policy is converted into a draft law, and this can be done by drafting lawyers with legislative drafting skills in collaboration with the maritime administration.

The legislative process includes several readings of a bill and possible revisions before it becomes law. This stage can be particularly complex in the maritime field, mostly because of the technicality of the issues involved and the need to align national legislation with international conventions. Karim has indicated that the steps to undertake the domestication of international maritime conventions into national law can be challenging, and consideration should be given to the local legal systems and practices ^[2].

After being passed, the legislation returns to the executive for implementation, where the maritime administration would need to create subsidiary legislation or regulations to put into operation the underlying law. This implementation phase is crucial and often very essential, and is usually accompanied by lots of problems in the process of converting the legal requirements into practical operational measures.

Research indicates this process is non-linear but is characterized by back-and-forth movements and interactions between the various branches of government. For example, through constitutional interpretation, the judiciary can be called upon in a case where the constitutionality of the maritime law is questionable and may result in altering the law or policy on maritime. This dynamic nature of the process calls for flexibility and adaptability in maritime policy development.

This process is compounded by the international nature of shipping. As mentioned by Chircop, national maritime policies and laws can only be established bearing in mind the principles of international maritime law and global shipping practices ^[3]. This necessitates a careful balancing act between national self-interests and international obligations.

4. Systems of maritime governance: A comparative analysis

Maritime governance systems are also different depending on the jurisdiction due to political and legal traditions. Comparative governance studies typically analyze the liberal democratic model of government, which includes the legislative, executive, and judiciary. Nevertheless, he also recognizes the existence of other systems, for instance, the Chinese model. This is significant when comparing these systems to understand the variations in the modes of maritime governance around the world.

In the liberal democratic model involving the United Kingdom, Canada, and India, the three estates work under the principle of checks and balances. The work of the legislature is to generate laws, the work of the executive is to enforce laws, and the work of the judiciary is to interpret them. This system is marked by a separation of power between these three arms of government, meaning none of them wields excessive power. This system has important principles, such as the legislature (or Parliament) is supreme in the making of laws, there is a separate branch of government known as the executive branch headed by a Prime Minister or a President responsible for policy execution, and an independent judiciary that has the power of the judicial review.

The applicability of this system in the maritime field is supported by Ng and Gujar posited that this form of checks and balances ensures proper and clear decisions on matters relating to the maritime world ^[4]. They argue that this results in the formulation of policies that are fair to different players in the maritime industry.

However, comparative governance analysis identifies distinct models that diverge markedly from the liberal democratic separation of powers, notably exemplified by the Chinese system ^[1,5]. In China's governance structure, as analyzed by scholars like Yu and Zhao, the National People's Congress (NPC) serves as the highest state organ, exercising unified leadership. The Chinese Communist Party (CCP) plays a central role in formulating and guiding national strategies and policies. Regarding the judiciary, China's constitutional structure establishes that courts operate under the framework of the National People's Congress (NPC) and its Standing Committee, a model differing significantly from the independent judicial branches typical of liberal democracies ^[5].

This distinct governance structure, characterized by unified leadership, shapes maritime policy development in China. As Yu and Zhao observe, this structure can enable more rapid policy formulation and implementation compared to systems reliant on extensive checks and balances among separate branches of government ^[5]. However, Yu and Zhao also acknowledge that this model may present different mechanisms for accountability and stakeholder consultation compared to liberal democratic systems ^[5].

These differences can make a complex formation of maritime laws and policies. In liberal democratic systems, the process may involve debate and involvement of more parties, and it causes more delay because checks and balances are in place. The Chinese system, however, may enable faster policy action and implementation, but with constraints like limited public involvement or judicial intervention.

Knowledge of these types of governance systems is important to the maritime industry personnel, particularly those in international shipping and business. In this manner, it facilitates an understanding of the different regulatory settings and the underlying decision-making about all matters of maritime law and policy. In that regard, the effectiveness of operating within and across these various systems of maritime governance will remain a crucial and growing issue for global shipping.

5. Human element and crew welfare in shipping

The human element is an influential component that contributes to marine safety, security, and environmental protection. Addressing human factor issues is widely recognized as essential for minimizing maritime fatalities and enhancing overall shipping efficiency. This aspect of maritime operations has recently received more attention because the awareness of the significance of crewing and human elements in shipping safety and productivity has been noted.

Critical scholarship identifies two key components of the human element in shipping: proficiency and competence, and welfare and well-being. Both proficiency and competence deal with the effectiveness of the performance of tasks by seafarers, taking into consideration the principles of the regulations on maritime safety, security, and environmental protection. Studies link inadequate maritime education and training (MET) to human errors, which are a major cause of maritime incidents.

The welfare and well-being element includes the physiological, interpersonal, as well as emotional, and psychological state of the seafarers. Despite its centrality, seafarer welfare often receives insufficient attention. This neglect can have adverse effects, as seen by Sampson and Ellis, when they noted that increased stress, fatigue, and health issues can come about due to poor working conditions and a lack of support for the seafarers ^[6].

To address these issues, several measures are important. Efforts must be made to enhance the quality and comparability of MET globally. The STCW Convention, especially the 1995 and 2010 amendments, seeks to provide a minimum standard of training and certification of seafarers. However, Emad and Roth noted that the standards set are not equivalent across countries; more efforts are required to establish high-quality and relevant training programs for seafarers around the world ^[7].

International standards and guidelines, like those outlined in the Maritime Labour Convention (MLC) 2006, are essential and should be adopted and applied to the seafarers' welfare. These include provisions for rest periods, shore leave, and accommodation on the vessel. This claim is supported by Baumler et al., who assert that enhancing living and working conditions not only has positive impacts on seafarers but also creates a more effective and secure shipping industry ^[8].

It becomes essential to find ways to decrease the human factors with measures such as ergonomic, fatigue, and improving the safety climate of ships. This encompasses acknowledging and combating the psychological issues of workers, such as anxiety, stress, and adverse effects of being away from home for long durations, as is the case with seafarers. Migration and socialization, digital connectivity and communication, physical and mental health, substance abuse, and work-life balance have all been negatively impacted by the COVID-19 pandemic, leading to a greater emphasis on psychological needs for seafarers ^[9].

It is also essential to make sure that seafarers have adequate legal remedies, such as fair treatment in situations of maritime accidents or incidents. This also extends to protection from criminalization, which has become rife in the maritime industry. International consensus underscores the critical need to enhance protection for seafarers and safeguard their entitlements at both national and international levels.

6. Conclusion

The formulation and adherence to maritime law and policy are complex processes involving multiple actors and considerations. Maritime administrations are responsible for introducing and developing these policies; however, the efficiency of these policies is influenced by adequate knowledge of technical and non-technical factors in the sphere of maritime. The nature of the law and policy process suggests that there must be harmonious cooperation with several government branches and other participants.

While the maritime industry is progressive in its advancement, changes in maritime law and policy must capture these advances while not losing sight of the welfare of these seafarers. Advanced maritime education, as emphasized in academic discourse, is pivotal in producing the next generation of maritime administrators and decision-makers to navigate these complex issues effectively.

Disclosure statement

The author declares no conflict of interest.

References

- [1] Mansell JNK, 2009, Flag State Responsibility: Historical Development and Contemporary Issues. Springer, Cham.
- [2] Karim MS, 2015, Prevention of Pollution of the Marine Environment from Vessels: The Potential and Limits of the International Maritime Organisation. Springer, Cham.

- [3] Chircop A, 2009, The Growth of International Shipping in the Arctic: Is a Regulatory Review Timely? *The International Journal of Marine and Coastal Law*, 24(2): 355–380.
- [4] Ng AK, Gujar GC, 2009, Government Policies, Efficiency and Competitiveness: The Case of Dry Ports in India. *Transport Policy*, 16(5): 232–239.
- [5] Yu S, Zhao Y, 2019, The Legal System of Ship Registration in China. *The Journal of International Maritime Law*, 2019(25): 123–137.
- [6] Sampson H, Ellis N, 2019, Seafarers' Mental Health and Wellbeing. *Institution of Occupational Safety and Health*, Wigston.
- [7] Emad G, Roth WM, 2008, Contradictions in the Practices of Training for and Assessment of Competency: A Case Study from the Maritime Domain. *Education + Training*, 50(3): 260–272.
- [8] Baumler R, Bhatia BS, Kitada M, 2020, Ship first: Seafarers' Adjustment of Records on Work and Rest Hours. *Marine Policy*, 2020(117): 103894.
- [9] Doumbia-Henry C, 2020, Shipping and COVID-19: Protecting Seafarers as Frontline Workers. *WMU Journal of Maritime Affairs*, 19(3): 279–293.

Publisher's note

Bio-Byword Scientific Publishing remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.