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**SHIP REGISTRY AND FLAG STATE
OBLIGATIONS FOR THE PLURINATIONAL
STATE OF BOLIVIA**

A CASE STUDY FOR A LANDLOCKED STATE

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BOLIVIA

A dissertation submitted to the World Maritime University in partial fulfilment
of the requirements for the award of the degree of Master of Science in
Maritime Affairs

2023

Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature):



(Date):

2023, September 26

Supervised by:

Prof. Dr George Theocharidis

Supervisor's affiliation:

Professor of Maritime Law & Policy

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Abstract

Title of Dissertation: **Ship Registry and Flag State Obligations for the Plurinational State of Bolivia
A Case Study for a Landlocked State**

Degree: **Master of Science**

The dissertation develops an analysis of Flag State Obligations for a landlocked State with an open ship registry like Bolivia. To this end, international regulations were reviewed to substantiate the right that all states have, including landlocked states like Bolivia, to participate in the maritime field and take advantage of the benefits that this heritage of humanity provides. For this, the study was based on standards such as UNCLOS and concepts such as the freedom of the high seas.

Subsequently, the characteristics of ship registries, particularly open registries, and the obligations of the Flag States according to the different international standards, including the IMO and ILO conventions, were described.

After that, the performance of the Bolivian Maritime Administration and the Bolivian International Ship Registry concerning the obligations as a Flag State according to the parameters previously established by international regulations was detailed. For this, official data was used, including the results of the IMO Audit carried out in 2017.

Finally, after analyzing the previous information and describing various aspects to be improved by the Bolivian State, proposals were developed for possible actions that its Maritime Administration and its registry of ships could adopt to optimize its performance as a Flag State for the benefit of navigation safety, protection of the marine environment and the well-being of seafarers on ships that fly its flag. Likewise, the proposed actions seek the growth of the Bolivian Registry to obtain more significant benefits for the Bolivian state.

KEYWORDS: Landlocked State, Flag State, Ship Registry, Maritime Administration, Flag State obligations

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List of Abbreviations

CHS	Convention on the High Seas
CIH	Comité Intergubernamental de la Hidrovía Paraná-Paraguay (Intergovernmental Committee of the Parana-Parana Waterway)
COLREG	Convention on the International Regulations for Preventing Collisions at Sea
CPE	Constitución Política del Estado (Political Constitution of the State)
CSC	International Convention for Safe Containers
DGCP	General Directorate of Port Captaincies
DGIMFLMM	Directorate of Maritime, Fluvial, Lake and Merchant Fleet Issues
DMR	Deputy Maritime Registrars
DS	Decreto Supremo (Supreme Decree)
ESMA	Maritime School
GISIS	Global Information Shipping System
IACS	International Association of Classification Societies
IBNORCA	Bolivian Institute of Standardization and Quality
ICS	International Chamber of Shipping
III Code	IMO Instruments Implementation Code
ILO	International Labour Organization
IMLI	International Maritime Law Institute
IMO	International Maritime Organization
IMSAS	IMO Member State Audit Scheme
IMSO C	Convention on the International Mobile Satellite Organization
ISM	International Safety Management Code
ISO	International Organization for Standardization
LC	London Convention
LL	International Convention on Load Lines
MARPOL	International Convention for the Prevention of Pollution from Ships
MEPC	Marine Environment Protection Committee
MLC	Maritime Labour Convention
MoU	Memorandums of Understanding
MSC	Maritime Safety Committee
RIBB	International Bolivian Ship Registry
RO	Recognized Organization
SNHN	National Naval Hydrography Service
SOLAS	International Convention on Safety of Life at Sea
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers

SUA	Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
TONNAGE	International Convention of Tonnage Measurement of Ships
UBPM	Bolivian Maritime Fisheries Unit
UMM	Merchant Marine Unit
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCROS	United Nations Convention on Conditions for Registration of Ships
UNCTAD	United Nations Conference on Trade and Development
UPM	Maritime Policies Unit
UPVN	Ports and Waterways Unit
VIDECODI	Vice Ministry of Defense and Cooperation for Integral Development

CHAPTER 1 - INTRODUCTION

1.1 Background of the study

The oceans are vital for humanity since they cover most of the Earth's surface; also, they are a source of oxygen and regulate the climate. Furthermore, the seas represent a heritage of humanity that is a source of essential resources for development and integration. According to Ma (2020), the oceans are the fundamental means for the development of world trade and the economic growth of States since 90% of global trade is carried out through maritime transport.

Because of its importance, the international community has developed a legal framework to determine the rights of the States over the seas.

Most countries are strategically located to have direct access to the sea; however, others are independent and sovereign States that, due to different situations, do not have access to the ocean; these are the landlocked States (Ekpoude, 2019). Currently, there are 44 landlocked States: 16 in Africa, 14 in Europe and 2 in South America (Costa, 2022). The Plurinational State of Bolivia, along with Paraguay, are the countries that do not have direct access to the sea in South America.

1.2 Problem statement

Because of its vital importance, States must develop policies and strategies to participate in the maritime sector and the exploration and exploitation of the seas.

In this sense, it is essential to establish international regulations and standards that provide adequate access to all the States of the world, including landlocked countries, to the benefits of this heritage of humanity.

Thanks to the United Nations Convention on the Law of the Sea (UNCLOS), all States, including landlocked countries like Bolivia, have the right to sail ships flying their flag and establish the conditions to register ships to participate in the maritime sector, developing the Flag States' role (Tuerk, 2012). This implies rights and obligations like

the ratification, implementation and enforcement of the international legal instruments developed by the International Maritime Organization (IMO) (Zwinge, 2011).

Also, Article 94 of UNCLOS (1982) establishes that the primary obligations of Flag States are to effectively exercise jurisdiction and control in administrative, technical, and social matters over ships flying its flag, maintain a register of ships, assume jurisdiction over each ship and its crew, and take measures to ensure safety at sea. These measures include surveying ships, ensuring compliance with international regulations, and ensuring the crew has appropriate qualifications. Flag states are also obligated to investigate any reported cases of improper jurisdiction and control over a ship and to cooperate in any inquiry into a marine casualty or incident of navigation involving a ship flying its flag.

IMO Instruments Implementation Code (Code III) establishes that the States must implement the necessary policies and guidelines to control and enforce them; this includes the standards and the capacity building for the human resources to control the compliance of the regulations. (Almutairi, 2020).

Bolivia is an IMO member State and has ratified the UNCLOS and other 18 IMO conventions, including the mandatory instruments. However, Bolivia has no proper strategy to carry out all the corresponding Flag States' obligations. Evidence is the delay in ratifying the IMO instruments like the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI (IMO, 2022). The Flag State obligations are assigned to the Bolivian International Ships Registry (RIBB), which depends on the Defence Ministry; the States manages an open registry for ships in the maritime sector and the international rivers (Gaceta Oficial de Bolivia, 2001).

According to Fano, some Flag States that manage an open register usually do not exercise the proper control and jurisdiction over the ships that carry their flag because of the lack of enforcement measures in these States (Fanø, 2019). It is accentuated for a country like Bolivia because of its landlocked geographical situation.

To help comply with the regulations, IMO developed the International Safety Management Code (ISM), which establishes responsibilities for the ship operators and determines standards for the safe management of ships and pollution prevention; in this context, Flag States must control compliance and establish enforcement

measures. Also, IMO developed the IMO Member State Audit Scheme (IMSAS) for the Flag States and Bolivia was Audited in 2017 (Hosanee, 2009).

1.3 Objectives and research questions

The present research aim is to describe strategies that the Bolivian State should follow in order to accomplish its role as a Flag State effectively according to International Maritime Law.

For this purpose, the objectives to be studied are the following:

- Describe how the freedom of the high seas allows the open ship registration.
- Describe the role and obligations of Flag States in the context of International Maritime Law.
- Describe the current situation and level of compliance with the IMO regulations by Bolivia within its Flag State role.
- Describe possible actions that the State of Bolivia can adopt according to its possibilities and limitations.

To accomplish the mentioned objectives, the following research questions are going to be answered:

- What allows a landlocked State like Bolivia to develop an Open Ship Registry?
- What are the obligations of Flag States in the context of the international maritime regulatory framework?
- What is the current situation of the Bolivian Maritime Administration and the ship registry regarding its the Flag State duties?
- Which actions can the Bolivian State adopt to accomplish its role as a Flag State effectively according to its possibilities and limitations as a landlocked country?

1.4 Scope of study and methodology

The research will employ a qualitative method by collecting data from primary and secondary sources:

- Primary sources:
- The legal international and national framework, including UNCLOS, the IMO regulations and the Bolivian national pertinent legal instruments.

- Secondary sources:
- Literature review of books, scholarly research, journals, articles and any publication relevant to this study.

1.5 Research limitations

The potential limitations of the research are the following:

- Not enough applicable literature and information about open ship registries.
- Not enough literature about landlocked States acting as Flag States.
- Inaccessibility to pertinent international and national legal information.

1.6 Structure of the dissertation

In order to achieve the established objectives, the content of this dissertation is described below:

In the first Chapter, the background is described, and the research problem is identified. From this, the objectives to be achieved are established, as well as the scope of the study, the methodology to be followed and the limitations.

In the second Chapter, the Freedom of the High Seas and the entire regulatory framework that supports it is developed. It also establishes the importance of this figure of international maritime law's importance for all States, particularly those in a disadvantaged geographical situation. In this way, it is described as a landlocked State, such as the Plurinational State of Bolivia, which entered the maritime sphere by establishing a Ship Registry.

The third Chapter develops the obligations of the Flag States according to international regulations developed by international organizations such as the United Nations (UN), the IMO and the International Labour Organization (ILO). Emphasis is placed on the ratification and implementation of international instruments and standards, control by Flag States over their ships, reports by Administrations to international organizations and other technical and social obligations. Details about the work of open registries and Recognized Organizations (ROs) are also developed.

The fourth Chapter describes the performance of the Bolivian State in its role as Flag State under the obligations described in the third Chapter. The current situation of the Bolivian Ship Registry is described and compared with other States' registries.

The fifth Chapter analyzes the information developed in the fourth Chapter and describes possible measures that the Bolivian Maritime Administration should adopt to optimize its performance as a Flag State, according to its particular situation as a Landlocked State.

The sixth Chapter presents the conclusions and the summary of the proposed recommendations.

CHAPTER 2 – FREEDOM OF THE HIGH SEAS

2.1 Freedom of the High Seas

Due to the importance of the oceans and maritime activity for the development and progress of humanity, the international community developed a regulatory framework to determine the rights of States in order to maintain peaceful relations between them, clearly establishing the rights to the use, exploration and exploitation of the resources that the sea offers, as well as responsibilities regarding the control of safety in navigation, security and the protection of the maritime environment.

In this context, freedom on the high seas is considered one of the fundamental principles for developing the international regulatory framework, establishing that the high seas are open to all nations without any of them being able to claim total sovereignty over it (Coles & Watts, 2019).

2.1.1 Development

One of the most important precedents is that of Hugo Grotius, who, with his publication in 1609, introduced the concept of freedom of the seas or “mare liberum”, establishing the importance of the freedom of the oceans, becoming a reference for the development of current concepts (Grotius, 2012).

2.1.1.1 Convention on the High Seas (CHS) 1958

On April 29, 1958, the UN approved four conventions, including the CHS, which states that the term "high seas" refers to all areas of the sea not included in the internal waters or the territorial sea of a State. In Article 2 of this regulation, it is established explicitly the principle that the high seas are open to all nations and that none of them can claim sovereignty over it, further detailing that in this area, all States enjoy the freedoms of navigation and fishing, among others. The convention also establishes in Article 4 that all states, with or without their own coast, have the right to sail ships under their flag on the high seas (United Nations, 1958).

2.1.1.2 Convention on Transit and Trade of Landlocked States 1965

This international treaty of the UN of July 8, 1965, clearly recognizes landlocked countries' disadvantageous situation and establishes rules to access maritime trade, imposing rights and obligations on all states. This convention is based on the principle that all States, including landlocked ones, have the right to access the sea and participate in world trade, for which it establishes that coastal countries must facilitate transit through bilateral agreements that benefit all parties (UN, 1965). Both conventions were superseded by the development of UNCLOS.

2.1.1.3 United Nations Convention on the Law of the Sea (UNCLOS) 1982

UNCLOS was adopted in 1982; in this, concepts and provisions of the 1958 Geneva Conventions and other instruments are rescued, establishing a legal regime for the world's oceans and seas. The convention brings together customary law rules and introduces new concepts and regimes, such as the definition of maritime spaces, including the Internal Waters, the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone, the Continental Shelf, the High Seas and the Area (United Nations, 1982).

Part VII of UNCLOS deals specifically with the high seas, establishing that it refers to all sea areas not included in the exclusive economic zone, in the territorial sea, in internal waters or in archipelagic waters.

UNCLOS Art. 87 establishes the Freedom of the High Seas, indicating that this area is open to all States, regardless of their geographical location, also indicating the following rights for all States:

- Freedom of navigation
- Freedom of overflight.
- Freedom to lay submarine cables and pipelines.
- Freedom to construct artificial islands and other installations permitted under international law.
- Freedom of fishing, subject to conditions specified in the convention.
- Freedom of scientific research.

In addition, UNCLOS Art. 90 grants the right of navigation to all states, including landlocked states, meaning they can sail ships flying their flag.

2.1.2 Importance for Landlocked Countries

Most of the States are strategically located, so they have direct access to the oceans; on the other hand, there are others that, due to different situations, are in the central part of the continents and do not have their coastline or access to the coast, called Landlocked States (United Nations, 1982). Currently, there are 44 States that suffer from this situation: 2 in South America, 12 in Asia, 14 in Europe and 16 in Africa (Costa, 2022). This condition is disadvantageous for these States, much more so for those considered developing countries, which, in some cases, do not have other natural resources that can balance this situation that affects their development, distancing them from global trade and international markets. As shown in Figure 1, United Nations Conference on Trade and Development (UNCTAD, 2020) considers 32 States as Landlocked Developing Countries, and the Plurinational State of Bolivia is included among them. This means that these countries face special challenges because of their disadvantaged geographical situation.

To alleviate this disadvantageous situation, the Landlocked States need to find ways to access maritime activity in some way to participate in the benefits that the oceans offer to humanity. The already mentioned international regulatory framework is essential to achieve integration since it establishes legal instruments that give effective access to all the States of the world to the exploration and exploitation of this heritage of humanity. For this reason, the UN establishes in UNCLOS that the principle of freedom of navigation prevails on the high seas, allowing even landlocked states to access the benefits of the sea. The concept of high seas is crucial, and the international community must understand and respect it (Ticharwa, 2021).

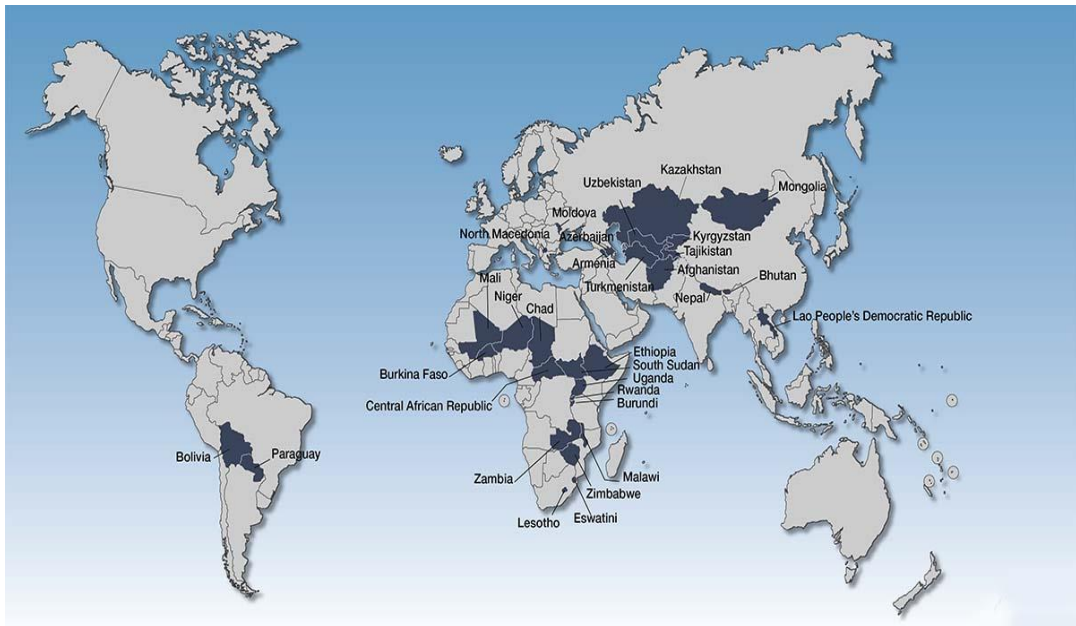


Figure 1. Map of Landlocked Developing Countries
Note: Extracted from the UNCTAD official website. Source: UNCTAD (2020)

After establishing that all states have the right to navigate the world's seas, international regulations require that ships must have a nationality for which ship records are developed (Barroso Rojas, 2019).

2.2 Ship registration

The registry of ships is the de facto entry into the registry of a state; UNCLOS establishes that through the registry, the vessels are part of the national law of the Flag States, who have an obligation to maintain a registry of the vessels they acquire their nationality and exercise jurisdiction and control over technical and social matters. This implies that jurisdiction over ships that navigate the high seas rests solely with the Flag States, which means that the rights and freedoms of the high seas only apply to ships registered by a State (Rogers, 2010).

Moreover, the registry of ships is an imperative function to ensure the protection, safety of navigation and protection of the maritime environment. Through it, a link is generated between the State and the ship (IMO, 2019-a). Registration gives the ship, the owner and the crew protection and responsibilities according to what is established by the international legal framework and the national legal instruments of the Flag State (Ticharwa, 2021).

The right of States to register ships and the freedom to establish the requirements and procedures for this was defined in the CHS of 1958; currently, UNCLOS maintains the precepts established in said convention regarding the registration of ships, reiterating the obligations of Flag States and adding others, such as the requirement to maintain a database of their fleet (Barroso Rojas, 2019).

UNCLOS Art. 91 also establishes that there must be a genuine link between the ship and the Flag State; however, the concept of a genuine link and what it implies is not detailed, and as a result, the conditions that this link requires are unclear for States to register ships giving them their nationality. Regarding this, the states maintain the position that the genuine link is governed by the fact that the State is able to demonstrate that it exercises effective jurisdiction and control concerning the safety, protection and protection of the environment over the ships that fly its flag, either directly or through a RO (Theocharidis & Donner, 2017). Other authors interpret the genuine link from a legal point of view, under which the State is only required to grant nationality to the ship. In contrast, from the functional point of view, the State is required to exercise adequate jurisdiction over the ship (Barroso Rojas, 2019).

It is important to mention that in 1986, UNCTAD held a conference on the conditions for the registration of ships, adopting the United Nations Convention on Conditions for Registration of Ships (UNCROS), establishing specific and detailed conditions for the registration of ships, reaffirming the concepts developed at CHS and UNCLOS. However, this convention did not enter into force and only got 14 signatory States (UN, 1986).

There are different internationally recognized types of registration: closed registration, open registration, second registration and hybrid registration (Ticharwa, 2021).

2.2.1 Important aspects

Once registered, the ships pass into the jurisdiction of the Flag State, which assumes responsibility before the international community. The registry is prima facie evidence of ownership of the vessel and an acknowledgement of the protection of the owner's rights regarding the vessel. Other benefits include the right to name the ship, access to a radio call sign, and protection by the Flag State (Rogers, 2010).

The most important is that registration of a ship implies that it acquires the nationality of the country, which implies the right to fly the Flag of the State and to be issued the corresponding supporting documentation.

2.2.1.1 Nationality

The concept of nationality is used to describe the relationship between the Flag State and the ship; this relationship is fundamental since international law establishes the character of nationality as a requirement for a ship to navigate the high seas and carry out maritime activities. Thus, granting the nationality of the Flag State to the ship is the fundamental characteristic of registration (Coles & Watt, 2019).

At the international level, the legal recognition of a ship depends on its having a nationality, which gives it a legal personality that guarantees the protection of a state, allowing it to navigate the seas of the world, arrive at international ports and participate in the maritime trade, as well as other activities in this field (Barroso Rojas, 2019).

UNCLOS (1982) Art. 91 gives the right to states to independently and sovereignly establish the conditions to grant nationality to ships within their national regulations within the international legal framework. This nationality is evidenced by the flag and the corresponding documentation.

2.2.1.2 Flag

In Maritime Law, the flag is essential for the identification of a ship because it is considered the visual evidence that symbolizes its nationality. Art. 5 of the CHS indicates that a ship that meets the requirements to access a nationality also has the right to fly its flag as visual proof of the legal regime to which the ship is subject (Coles & Watt, 2019).

UNCLOS (1982) Art. 91 indicates that flag states must grant the right to fly their flag to ships that access their registry after having fulfilled the corresponding requirements established by the State.

2.2.1.3 Documentation

Although the registration of a ship and documentation generally go together, this is not always the case, and the two concepts are different. The registry implies the public recognition of the ownership of the ship in favour of the owner and the granting of

nationality to the ship. On the other hand, the documentation is the accreditation of the right to adopt said nationality and to fly the state flag (Barroso Rojas, 2019). This documentation usually includes certifications regarding registration, crew, communication equipment and statutory certificates.

2.2.2 Open ship registration

The open registries system allows developing States and States in unfavourable geographical situation to register ships and thus exercise the rights provided by international regulations regarding freedom of navigation on the high seas.

As a prominent feature, open registries allow the registration of vessels regardless of the nationality of the owners (Coles & Watt, 2019).

2.2.2.1 History of open registries

Initially, the main form of registration was the national or domestic registry, in which ships were registered in their own State; later, with the development of the countries and the growth of maritime trade, the need to register them in foreign countries arose (Rogers, 2010).

In the 16th century, English ships began to fly the Spanish flag to engage in trade with the East Indies, and even in the 17th century, English ships continued with this practice, using the French flag to sail in Canadian waters. In the 18th century, this practice became more common, and ships changed flags according to their commercial interests; Greek ships under Ottoman control flying the Russian flag is an example (Velasco González-Camino, 2019).

During the 19th century, the newly independent republics of South America and their North American neighbours registered their ships under other flags to overcome British control over states signatory to treaties to eradicate the slave trade. Also, in this century, Irish ships used the French flag, and English ships used the Norwegian flag for the fishing trade, all to overcome obstacles or restrictions of a political or economic nature. The concept of flags of convenience then arose, named for the advantages they included, allowing the registration of foreign-owned and foreign-controlled vessels (Rogers, 2010).

At the beginning of the 20th century, the registration of foreign ships was already a practice recognized by international jurisprudence. In 1905, the Permanent Court of Arbitration ruling in The Hague recognized that each sovereign State could decide to whom to grant the right to fly its flag and determine the conditions to do it (Rogers, 2010).

Panama was the pioneer in establishing an open registry. The first vessel to register was the *Belen Quezada* in 1919, leaving the Canadian registry and entering the Panamanian registry with the aim of avoiding the dry law imposed in the U.S. Starting in the 1930s, Europe went through a period of political instability that encouraged many Spanish and Greek ships to register in the open registry of Panama. During World War II, inscriptions in the Panamanian registry increased (Anderson, 1996).

Subsequently, more open registries emerged, and some states with a maritime tradition created second and international registries to remain competitive against the development of open registries. In 1948, the United States decided to create a new registry in Liberia; currently, this registry and the one in Panama are the largest ship registries in the world (Velasco González-Camino, 2019).

According to Ma (2021), the advantages offered by open registries impulsed its impressive accelerated growth between 1960 and 2018. Currently, more than 70% of the world fleet in terms of deadweight tonnage (dwt) is registered in this type of registry.

2.2.2.2 Open registries characteristics

According to Mejia and Mukherjee (2013), in general, open registries provide the possibility for owners of another nationality to access the registries of a state, including the possibility of having a crew that is also of another nationality. On the other hand, open registries have fewer requirements than closed registries, being more attractive and making this system grow.

The maritime activity is mainly a business where the owners seek the most significant economic benefit; under this parameter, open registries give several advantages:

- The owners are not required to pay taxes on the royalties derived from their activity to the flag state or to declare their profits (Barroso Rojas, 2019).

- According to Rogers (2010), open registries do not restrict the hiring of foreign crew. This implies that the owner is not subject to a specific salary scale, which allows him to negotiate and reduce costs when choosing and hiring the crew.
- Open registries tend to have lower registration fees and, in some cases, provide financing facilities (Barroso Rojas, 2019).
- Another advantage Barroso Rojas (2019) mentioned is that the ships have no link to the economic and political situation of the flag state.
- In addition, by adopting another nationality, ships can evade various restrictions established by certain countries to certain flags.

2.3 Development of the Bolivian Ship Registry

The development of States is directly linked to their integration with the rest of the world and their participation in international markets. Since the sea is where approximately 90% of this activity occurs, nations need to establish policies that allow them to take advantage of the benefits of this heritage of humanity. This situation includes landlocked states such as the Plurinational State of Bolivia, which must develop strategies supported by international regulations to obtain the most significant possible advantage in favour of their development.

2.3.1 History and legal background

The Bolivian State understood the prevailing need to integrate into the world and international markets and, starting in 1975, established a Fluvial, Lacustrine and Maritime Navigation Policy through Supreme Decree (DS) 12683, which determined the creation of a national Merchant Fleet, which would be in charge of granting the national flag to foreign ships.

Following this policy and with the aspiration of achieving participation in international waters exercising the rights granted by international regulations, DS No. 12684 was promulgated, approving the Fluvial, Lacustrine and Maritime Navigation Law, which establishes that the registration of the vessels would be in charge of the Bolivian Navy Force.

In order to affirm its participation in the international maritime community, the Bolivian State declared its adherence to the IMO Convention through DS No. 21549 of March 6, 1987, becoming part of this organization as an active Member State. Furthermore,

on July 12, 1994, Law No. 1570 was promulgated, approving and ratifying the UNCLOS, acquiring all the rights and assuming the obligations granted by this norm. Through Ministerial Resolution No. 00279 of March 15, 2000, the Bolivian International Ship Registry was created and due to the complexity of the activity of this technical body, DS No. 26256 of July 20, 2001, was promulgated, establishing its condition of a decentralized public institution of the Ministry of Defense and establishing the regulatory framework of the institution. Subsequently, the Bolivian International Ship Registry changed its organizational structure to a decentralized public institution under the Ministry of Defense through DS No. 27023 of May 6, 2003. Currently, the Bolivian Registry of Ships registers ships, naval artefacts, naval mortgages and maritime privileges in the international arena, fulfilling the functions of a Flag State, constituting the entity that authorizes the right to fly the Bolivian flag, maintaining for this, an open registry of ships, as a national strategy to participate in the maritime field.

2.3.2 Benefits for Bolivia as a landlocked State

Bolivia was born to independent life with its own sea coast on the Pacific Ocean, which it lost due to the War of the Pacific, developed between 1879 and 1884. However, the Bolivian State does not renounce its aspirations to access the maritime field, declaring in Article 268 of the Political Constitution of the State (CPE) that the development of maritime, fluvial, lake and merchant marine interests is a priority for the State.

Through the Bolivian International Ship Registry, Bolivia maintains its Maritime Nation status in force, preserving its presence in the world's seas and in the Paraguay-Paraná waterway. In addition, Bolivia participates as a member state in different organizations such as the IMO and the "Viña del Mar Agreement", exercising the rights and obligations as a Flag State.

The registry of ships also generates a direct economic benefit to the State since, being an open registry, all the income generated comes from abroad and is administered by the Ministry of Defence.

CHAPTER 3 – FLAG STATE OBLIGATIONS

Having established the rights provided by international maritime law, it is also established that these rights entail obligations that States must comply with in order to ensure compliance with international regulations by ships flying their flag.

In this sense, maritime international law requires States to enforce compliance with all regulations and standards by ships under their registry.

3.1 Definition of Flag State

To define the Flag State, it is necessary to understand the difference between the Port States and Coastal States.

The Coastal State is responsible for the protection of national waters and the marine resources of a State. According to UNCLOS (1982), the Coastal States have the right to adopt the necessary measures to protect their security and sovereignty, respecting the right of innocent passage established by the Convention. According to the article, the Coastal States have the authority to exercise the following actions within their territorial sea:

- Adopt laws regarding the safety of navigation.
- Adopt laws regarding the protection of navigational aids and facilities comprising artificial islands and oil rigs.
- Regulate the protection of pipelines and cables.
- Adopt legislation regarding the conservation of living resources of its territorial sea.
- Regulate fishing activities.
- Ensure the preservation of the environment by adopting regulations on the prevention, education and control of pollution.
- Regulate any other kind of activities, marine scientific research and hydrographic surveys.
- Apply its customs, fiscal, immigration and sanitary laws.

We can then say that a nation has the category of Coastal State by having its coast and exercising its sovereignty over this territory and its territorial waters.

The Port States are the ones that have the authority to inspect the ships that voluntarily arrive at their ports in order to verify the conditions of navigability, safety, environmental protection and conditions of the crew within the framework of international standards, thus executing the Port State Control (Ranasinghe, 2016). Many of the IMO instruments contain provisions for ships to be inspected by Port State Controls when they arrive at foreign ports to ensure that they comply with international requirements. A country is a Port State by exercising control over the ships that arrive at its ports.

The Flag States are the ones that exercise jurisdiction and administrative, technical and social affairs control over the ships that fly their flag. As previously indicated, according to Article 92 of UNCLOS, each State has the right to register ships, grant them their nationality and allow them to use their flag, establishing its conditions. We understand, then, that a country acts as a Flag State when establishing a ship registry and exercising jurisdiction over its fleet of ships.

3.2 Flag State obligations

The obligations of the Flag States are described in Article 94 of UNCLOS (1982); it describes all the obligations that the Flag States must comply with:

- Jurisdiction and control: Every State must effectively exercise jurisdiction and control over the ships that fly its flag in administrative, technical and social matters.
- Maintenance of a registry: Every State must maintain a registry of ships that contains the complete information of the vessels of its fleet and exercise jurisdiction over them.
- Control of seaworthiness conditions: States must take the necessary measures to guarantee safety at sea regarding construction, equipment, seaworthiness conditions, training and working conditions of personnel and efficiency in using communications and signals.
- Regular inspections: States must take the necessary measures to ensure that all ships are examined by qualified personnel upon registration and at appropriate intervals, that they carry the appropriate charts, publications and navigational

instruments, and that the crew is composed of personnel fully qualified and who are fully aware of and comply with international standards relating to the safety of life at sea, collision prevention, environmental protection and maintenance of radio communications.

- Investigations: States must ensure that duly qualified personnel carry out the pertinent investigation in case of maritime accidents or incidents involving ships flying their flag, coordinating and cooperating with other States.
- Application of international standards: Paragraph 5 specifies that the measures taken by States must be framed within the regulations, procedures and generally accepted practices.

Continuing with UNCLOS, article 217 establishes that states must ensure that ships flying their flag comply with international standards and norms to prevent pollution of the maritime environment and ships.

In addition to UNCLOS, other treaties and conventions mention specific responsibilities for flag states; among the most important, we will mention those that are considered the four pillars of international maritime law:

- SOLAS: The International Convention on Safety of Life at Sea gives Flag States the primary responsibility to ensure that ships flying their flag comply with the requirements of the Convention regarding conditions of construction, seaworthiness, and safety. They must also issue certificates that guarantee compliance with said regulations (Zwinge, 2011).
- MARPOL: According to the International Convention for the Prevention of Pollution from Ships, the Flag States have two primary responsibilities: firstly, they must survey and inspect the ships periodically, and secondly, they must issue the pertinent certificates that testify that comply with the requirements of the Convention. States must also prohibit, investigate and punish violations committed by ships flying their flag (Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea [REMPEC], 2013).
- STCW: The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers establishes the minimum requirements that a ship's crew must meet, and the Flag State is responsible for ensuring compliance with

these regulations and issuing certificates for seafarers who crew ships flying their flag (STCW, 1978).

- MLC: The Maritime Labor Convention establishes that the Flag States must operate an effective system for inspecting working and living conditions on board ships flying its flag. Also, Flag States are in charge of controlling different aspects regarding the welfare of seafarers, like qualifications, employment agreements and others (Maritime Labor Convention [MLC], 2006).

Finally, the III Code recommends that Flag States develop a strategy that allows them to fulfil their obligations before the international community, which includes mechanisms to ensure the effective implementation and enforcement of international standards.

The effective fulfilment of all these obligations depends directly on the ratification and implementation of the international legal instruments by the Maritime Administrations.

3.2.1 Ratification of international treaties

As we have seen so far, due to the importance of the sea for the development of nations, States develop policies and strategies to participate in maritime trade and take advantage of the various benefits offered by this heritage of humanity.

These strategies imply adapting to the guidelines of international law since relations between states with other states, with international organizations and with private subjects are involved. This adaptation implies the ratification of international treaties, which include agreements, conventions, protocols and others. The principles and procedures for this are described in the 1969 Vienna Convention on the Law of Treaties (Beckman & Butte, n.d.).

According to Beckman and Butte (n.d.), international treaties are essential to function in the international arena since, according to its fundamental principle of "pacta sunt servanda", every treaty is binding between the parties and must be fulfilled in good faith, which ensures that States assume and comply with the obligations established therein in a framework of cooperation and goodwill.

In this context, the fundamental norm of international maritime law is UNCLOS (1982), considered the "constitution of the oceans", which delimits maritime spaces and establishes rights and obligations for states. Currently, there are few States that have

not ratified this vital instrument; it is essential to highlight that some important countries with a maritime tradition have not ratified the Convention, while others, such as Bolivia, are signatories, showing their intention to participate in the international maritime community.

Likewise, UNCLOS refers within its provisions to the "Competent International Organization", referring to the IMO, understanding that the international nature of maritime trade can only be developed effectively with the establishment of regulations and standards agreed, adopted and implemented within the framework of international law. We understand then that UNCLOS is recognized as the "framework convention", and most of its provisions can only be implemented through specific regulations developed in particular instruments, with the IMO being the scenario where States develop this task (IMO, 2019-b).

In this way, the work of the IMO has general recognition and its rules and standards are accepted by the international community, and participation in their formulation and adoption for their subsequent ratification and implementation in national legal systems is carried out by Member States. Adherence to the Organization is open to all States, who must accept the Convention on the International Maritime Organization through an instrument of accession or ratification (IMO, 2019-c). The IMO currently has 175 Member States and 3 Associate Members (IMO, 2019-d).

In this context, one of the main tasks of the Flag States is the ratification of the IMO instruments that they enter into force and also ensure that the administrations adopt the necessary measures to implement and enforce the provisions of these instruments. Furthermore, they must ensure their compliance through adoption within the framework of their national legislation (IMO, 2013).

According to the IMO (2019-e), the ratification and adoption of legal instruments is essential since the enforcement of the regulations depends directly on the Member States and on how they ensure compliance with the regulations by the vessels that fly their flag.

Thanks to their hard work and the commitment of Member States, the IMO has developed more than 50 international conventions and agreements and has adopted numerous protocols and amendments. All the instruments are essential since all

together ensure the safety of navigation, protection, protection of the environment and the living conditions of seafarers; however, Resolution A.1067(28) from 2013, which established the Framework and Procedures for the IMSAS, takes into account the following standards within its scope:

- International Convention for the Safety of Life at Sea (SOLAS).
- International Convention for the Prevention of Pollution From Ships (MARPOL).
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW).
- International Convention of Load Lines (LL).
- International Convention on Tonnage Measurement of Ships (TONNAGE).
- Convention on the International Regulations for Preventing Collisions at Sea (COLREG).

Finally, it is necessary to mention the Maritime Labor Convention (MLC 2006), which is an instrument elaborated by the IMO, if not by the ILO, which aims to protect the rights of seafarers in terms of contractual conditions, wages, security, health, living conditions, working conditions, access to medical care and social security. Due to its importance, the MLC is considered the fourth pillar of the international regulatory regime for quality shipping with SOLAS, STCW and MARPOL. For this reason, its ratification and implementation is a fundamental responsibility of States.

The ratification of international treaties is then one of the main tasks of the Flag States, and their adoption and implementation by their Maritime Administrations is necessary for the internationally accepted standards to be effectively complied with.

3.2.2 Mandatory reporting requirement

Another of the obligations of the Flag States is the mandatory reporting to the IMO and ILO, providing particular information that is not publicly available regarding compliance with regulations and standards by maritime Administrations. These organizations use this information to evaluate the level of effectiveness in the implementation of the relevant instruments (Syafiuddin, 2016).

3.2.2.1 Reporting requirement to the IMO

In order to assist with the policy-making processes, the Flag States must inform the IMO of the level of compliance by the State concerning specific instruments and other important information concerning maritime activity (Syafiuddin, 2016):

3.2.2.1.1 Mandatory reporting requirement regarding casualties and incidents, including safety investigations

This report is based on SOLAS regulation I/21 requirements and XI-1/6 and MARPOL, articles 8 and 12, and Load Lines (LL) Convention, article 23.

Article 23 of the LL Convention (1966) indicates that Governments must provide the Organization with pertinent information regarding the investigation findings.

In addition, the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) establishes that the State conducting the investigation in case of a casualty must send the final version of the marine safety investigation report to the Organization (IMO, 2008).

On the other hand, the III Code indicates that incidents must be investigated and that the corresponding report, together with the observations of the Flag State, must be submitted to the Organization according to the provisions of international agreements.

Among the objectives of the preparation of this report are also: to carry out the analysis to extract lessons learned, identify potential security threats to adopt measures to face them, prepare recommendations, provide technical cooperation to States regarding maritime accidents and incidents and contribute to the IMO rule-making process thanks to the data obtained (IMO, 2019-f).

To comply with this report, the Maritime Administrations have access to the IMO web services, particularly the Global Information Shipping System (GISIS) and IMODOCS. They also have the “Guide on the process of reporting a marine casualty and incident to IMO, and Reviewing the analysis of a marine safety investigation report submitted to IMO,” indicating the steps to submit the report through the GISIS module (IMO, 2019-g).

3.2.2.1.2 Mandatory reporting requirement under MARPOL

The Flag States must submit periodic reports to the IMO regarding the level of compliance with the regulations established in MARPOL (1973) by the vessels that fly their flag.

Article 8 of the Convention indicates that in case of accidents involving harmful substances, a report must be made according to the provisions of Protocol I and notify the IMO of all the details.

According to Article 11, States must communicate to the IMO information regarding the instruments promulgated by their Administrations regarding the Convention, the list of non-governmental organizations authorized to act on behalf of the State in matters related to the construction of ships that transport dangerous substances, the certificates issued under the provisions of the Convention, also official reports that show the application of MARPOL and an annual statistical report of the sanctions imposed for infractions of the norm.

Article 12 also establishes that in the case of casualties to ships flying their flag, the administrations must carry out the corresponding investigation and provide the IMO with all the information related to the findings.

States have available Circular MEPC/CIRC 318 to comply with the submission of reports, which contain the guidelines and formats for the mandatory reporting system under MARPOL. This circular indicates that the parties must submit their annual reports by September 30 each year and the specific data for sending them.

The IMO needs the information provided by these reports to assess the implementation of the Convention and assist with the policy-making process.

3.2.2.1.3 Mandatory reporting requirement under STCW.

Article IV of the STCW (1978) establishes that the States must communicate to the Secretary General the information regarding the legal instruments issued by their Administration regarding the scope of the convention and the details of the certificates issued in compliance with the convention.

Likewise, the Code Part A Section A-1/7 indicates in paragraph 2 that the reports must include, among other things, the data of the governmental Authority responsible for

the administration of the Convention, a concise explanation of the legal and administrative measures to ensure compliance with it, in addition to a clear statement of the policies adopted regarding the education, training, examination and certification and a list of courses and training programs in this regard.

Paragraph 5 of Part A Section A-I/7 also indicates that the Secretary General must maintain a list of competent persons recommended by the States to assist in the preparation of the report, who must be present at the sessions of the Maritime Safety Committee. These individuals must have knowledge of the State's training and certification system.

This information is important since, according to the Convention, when preparing the report to the Maritime Safety Committee (MSC), the Secretary General will take into account the opinions expressed by the competent persons and will identify, through the information received, the areas in which that the State request assistance to implement the convention.

[3.2.2.1.4 Mandatory reporting requirement concerning Flag State authorization to ROs](#)

According to Regulation 6 of the SOLAS (1974) Convention and Article III of the Protocol of 1988 Relating to the LL Convention, the States shall provide a list of nominated surveyors or ROs and notify the IMO about the specific responsibilities and conditions of the authority delegated to them.

The Circular MSC/Circ.1010-MEPC/Circ.382, about communication of information on the authorization of ROs contains information on how to file this report, including its formats. However, the existing mechanisms were seen as ineffective, so the IMO implemented a direct reporting system through the GISIS module.

[3.2.2.2 Reporting requirement to the ILO](#)

The ILO Constitution includes the obligation for ILO member States to report to the Organization about the implementation of international labour standards. Article 22 requires States to submit an annual report to the International Labor Office about the measures taken by their Administration to give effect to the provisions of the Conventions to which it is a party (ILO, 1944).

Likewise, Standard A5.1.4 of the MLC (2006) establishes in paragraph 13 that the Competent Authority must keep records of the inspections carried out on the conditions of the seafarers who crew the ships that fly its flag. It further requires that an annual report of inspection activities be published within a reasonable time, at most six months after the end of a year. As a complement, Guideline B5.1.4 in paragraph 10 indicates that the report should contain the following information:

- A list of current legislation relating to seafarers' living and working conditions.
- Details of the State's inspection system.
- Statistics of the ships inspected and to be inspected.
- Statistics of seafarers subject to their national legislation.
- Statistics and information on offences and sanctions imposed.
- Statistics on accidents at work and occupational diseases that affect seafarers.

This information serves the Organization to ensure that regulations and standards are met and to identify obstacles to their implementation.

3.2.3 Technical duties

As already indicated under international regulations, particularly UNCLOS (1982) and the SOLAS 1974 convention, the Flag States have the responsibility of carrying out different technical tasks to ensure that the vessels flying their flag comply with international regulations and standards, helping in this way, with the safety of navigation, the safety of human life and the protection of the environment.

Among the most essential tasks detailed in Article 94 of UNCLOS and in Chapter I of SOLAS, we mention the following:

- The implementation and enforcement of international legal instruments.
- The issuance of certificates and relevant documentation.
- Execution of surveys and inspections regularly.
- Control over compliance with international standards.
- Verify that the vessels flying its flag meet the technical, administrative and social obligations.
- Maintain an updated registry with the information of the registered vessels.
- Cooperate with other authorities or States to carry out investigations.

3.2.4 Social duties

The social responsibilities of the Flag States refer to the fact that they must ensure and protect the well-being of the seafarers who crew the ships that fly their flag.

The MLC 2006, considered the Seafarers Bill of Rights, indicates in its Article IV the seafarer's employment and social rights:

- A safe and secure workplace.
- Fair terms of employment.
- Decent working and living conditions.
- Health protection, medical care and welfare protection.

This same article indicates that States must ensure that these rights are fully achieved following the requirements of the Convention.

Article V establishes that each State must implement and enforce national laws, regulations or other applicable measures that cover seafarers under its jurisdiction according to the guidelines of the Convention.

As in other cases, the fulfilment of these responsibilities implies the execution of surveys and inspections, the implementation of regulations, constant control and the issuance of certificates, among others.

In addition, it is explicitly established that there is no favourable treatment for any vessel, regardless of whether its Flag State has ratified the MLC. This principle of no favourable treatment implies that even States such as Bolivia, which have not yet ratified the Convention, must comply with their social responsibilities towards seafarers.

3.2.5 Relation of Open Registries and Recognized Organizations

As already indicated, the role of the Flag States after granting nationality to ships is to ensure compliance with the norms and standards established by international maritime law through the instruments of the IMO and other organizations such as the ILO. In order to fulfil this task, under the provisions of these instruments, different recognitions and inspections must be carried out, and the corresponding certificates must be issued that support compliance and implementation of the required norms and standards.

Significant material and human resources are required to carry out these tasks, which is why some States do not have the necessary means or sufficient competent personnel to exercise control over the vessels flying their flag. In response, international regulations allow Flag States to delegate certain functions and authority to ROs, which act on behalf of the States to carry out statutory surveying and certification work for their ships. This possibility is of great benefit for the Flag States and, in particular, for the Landlocked States since they can fulfil responsibilities through the Classification Societies and the ROs, obtaining a global representation through them (Almutairi, 2020).

Some Classification Societies that meet the requirements act as ROs. It is essential to be clear that Classification Societies have a dual function. On the one hand, they have the means and the necessary capacity to carry out inspections of ships under the requirements and standards established by the IMO and privately issue the certificates that the owners need. On the other hand, Classification Societies can also conduct surveys and inspections on behalf of the Maritime Administrations that delegate these functions to them, acting as ROs of the Flag States (Jessen, 2014). We must be clear that not all ROs are Classification Societies and only meet the requirements and conditions to fulfil the functions delegated by the Maritime Administrations with which they work.

The RO Code establishes international standards for recognizing and authorizing Recognized Organizations by Flag States. Among the specified requirements, it is indicated that the RO must work under the principles of independence, impartiality, integrity and transparency. In addition, among other things, the RO must maintain internal regulations and a quality system, have well-defined responsibilities and competent personnel to perform the required tasks (IMO, 2019-h).

CHAPTER 4 – BOLIVIA’S FLAG STATE PERFORMANCE

As indicated, due to the need to participate in the maritime sector in favour of the development of the State, the Bolivian International Registry of Ships began operations in 2001, becoming the Technical Organization of the Plurinational State of Bolivia that exercises the role of Flag State, functioning as an open registry in the maritime field (RIBB, n.d.-a).

Likewise, it was determined that the Bolivian State's implementation of the international registry of ships, despite its landlocked State condition, is supported by different international legal instruments, such as UNCLOS (1982) and IMO conventions. The international legal framework establishes, in addition to rights, the obligations that the Bolivian State must fulfil in its role as Flag State, which are described in the previous chapter.

Then, the current performance of Bolivia in its role as Flag State concerning the obligations established by international regulations will be described below. In addition, some data will be provided on the performance of other States in their role as Flag States in order to make a comparison.

For this purpose, information on other landlocked States like Switzerland and Mongolia will be used, as well as data on the Republic of Panamá and Liberia since they are the States with the largest records of ships worldwide.

4.1 Bolivian Open Registry Characteristics

According to Bolivian regulations, the registration of ships in the maritime field is carried out by the Bolivian International Ship Registry, under the supervision and control of the General Directorate of Maritime, Fluvial, Lake and Merchant Fleet Issues (DGIMFLMM). Likewise, other entities participate in activities related to the tasks as Flag State (RIBB, n.d.-a).

4.1.1 Bolivian Maritime Administration

In Bolivia, the Maritime Administration, shown in Figure 1, comprises the set of Organizations and institutions in charge of the establishment and execution of norms regarding the aquatic spaces that are the jurisdiction of the State and the vessels authorized to fly the Bolivian flag.

In this sense, the Bolivian Maritime Authority is exercised by the DGIMFLMM, which has the mission of regulating, managing, protecting, and developing maritime, river and lake interests and the merchant navy. Also, according to DS No 17918 from 1987, and DS No 3073 from 2017, it is the technical and administrative authority responsible for the implementation and compliance with the international legal instruments of the IMO, of which Bolivia is a party. According to the General Directorate of Administrative Affairs of the Ministry of Defense (2023), the DGIMFLMM reports to the Vice Ministry of Defense and Cooperation for Integral Development (VIDECODI), which constitutes the level of the executive decision of the Ministry of Defense of the Plurinational State of Bolivia. Regarding its organization, the DGIMFLMM is made up of four units:

- Maritime Policies Unit (UPM).
- Merchant Marine Unit (UMM).
- Ports and Waterways Unit (UPVN).
- Bolivian Maritime Fisheries Unit (UBPM).

On the other hand, there is the Bolivian International Registry of Ships and the National Naval Hydrography Service (SNHN), organizations that report directly to the Ministry of Defense.

Likewise, an essential part of the Maritime Administration is the Bolivian Navy and dependent on it functions the General Directorate of Port Captaincies (DGCP) and the Maritime School (ESMA).

Finally, it is worth mentioning other ministries with which it coordinates and which provide support in fulfilling the functions of the Bolivian Maritime Administration:

- Ministry of Foreign Affairs.
- Ministry of Education.
- Ministry of Public Works.

- Ministry of Economy.

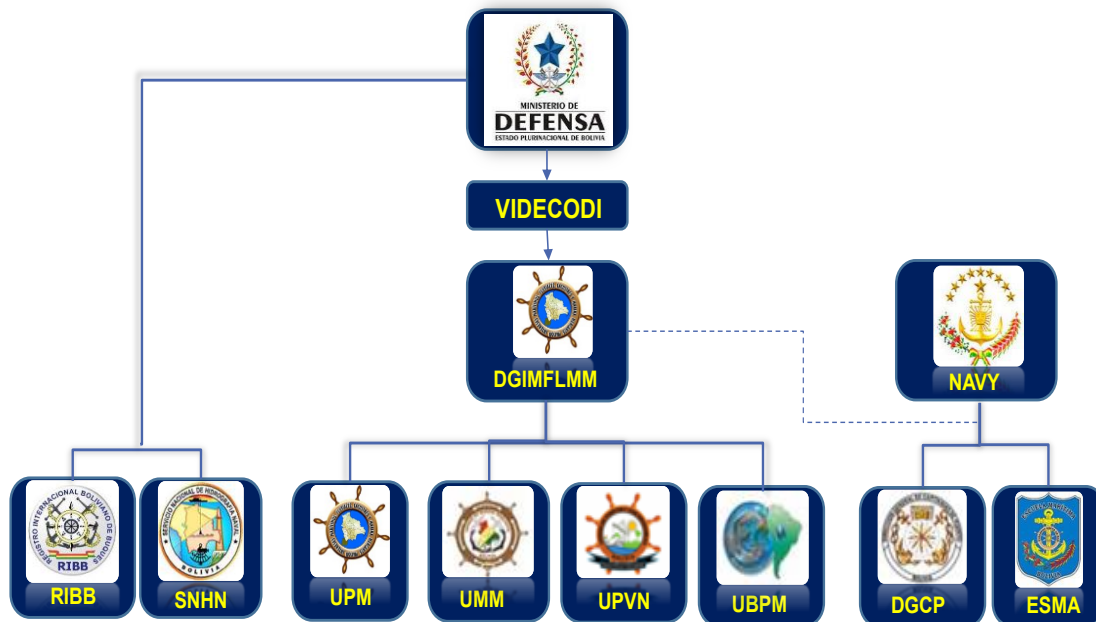


Figure 2. Bolivian Maritime Administration Organization

Note: Author's elaboration according to the information of the Bolivian General Direction of Administrative Affairs of the Ministry of Defense. Source: Dirección General de Asuntos Administrativos del Ministerio de Defensa (n.d.).

4.1.2 Bolivian International Ships Registry

The Bolivian International Ship Registry reports directly to the Ministry of Defense, and according to DS 26256 (2001), it is the technical body that performs functions as a Flag State in the international arena. Its main functions are the following:

- Manage the International Ship Registry under the Open Registry system.
- Manage the contracting, registration and control of ROs and Delegate Maritime Registrars.
- Manage activities related to evaluations and issuing endorsement certificates for seafarers.
- Train personnel in different areas related to international maritime legislation.

As shown in Figure 2, according Bolivian International Ship Registry (2023), this body is made up of a General Executive Directorate, the Planning Section, the Administrative Support Section, the Systems Section and four Units:

- Registration and Navigation Safety Unit.
- International Relations Unit.
- Legal Unit and Legal Assessment.
- Financial Administrative Unit.

According to the Bolivian International Ship Registry official website, the Registration and Navigation Safety Unit is the main office since it manages the processes related to the three main services provided by the Bolivian International Ship Registry: the Registration of Vessels, the Certification of the Crew and the Control and Monitoring of the fleet. It must also ensure that these processes are carried out in strict compliance with international legal instruments that guarantee the safety of navigation and the protection of the environment. This Unit is made up of four sections:

- Registry and Property Section: It is responsible for registering the registration of ships, maritime liens, ship mortgages and other services required by ships in the maritime field. This section issues the following primary registration documents to vessels that meet the requirements established in national and international regulations: Registration Certificate, Minimum Security Manning Certificate and Radio Station License Certificate.
- Navigation Safety and Protection Section: It is responsible for carrying out the control and monitoring of the fleet to ensure that the vessels that fly the Bolivian flag comply with international standards regarding the protection of human life, the safety of navigation and the protection of the environment.
- Seafarers Section: It is responsible for issuing endorsements of seafarers' titles and certificates issued by other Maritime Administrations. Likewise, it is responsible for dealing with matters related to the labour situation and well-being of crew members, as well as verifying that they have the proper training.
- Casualties and Incidents Investigation Section: It is responsible for conducting the analysis, evaluation and follow-up of accidents and incidents of Bolivian-flagged vessels.

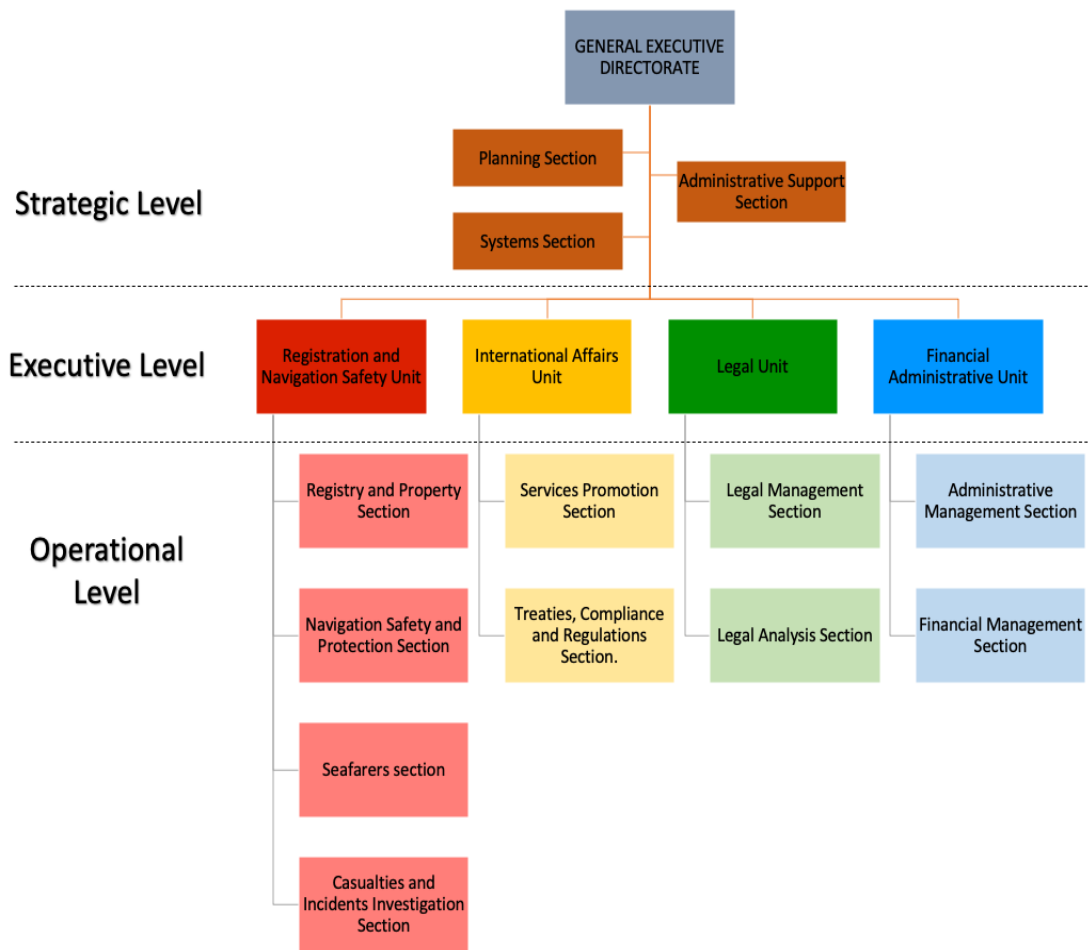


Figure 3. Organizational Structure of the Bolivian International Ship Registry
 Note: Author's elaboration according to the official website of the Bolivian International Ship Registry (n.d.).

It is essential to mention that according to Art. 268 of the CPE (2009), the development of maritime, river and lake interests, and the merchant navy are a priority of the State, and the Bolivian Navy will exercise its administration, reason why a Navy officer exercises the Maritime Authority as the Director of the DGIMFLMM. In addition, DS 27023 (2003) establishes that the structure and functions of the Bolivian International Ship Registry are defined by a Ministerial Resolution of the Ministry of National Defense and that its organization will have personnel from the navy and civilian personnel. In this sense, the position of General Director of the registry is currently held by an Officer of the Bolivian Navy appointed by the Ministry of Defense. Likewise, the Navigation Registration and Safety Unit and the International Relations Unit, which make up the operational part directly related to the services provided by

the Registry, are made up entirely of personnel from the Bolivian Navy who have an orientation in Maritime Interests and competence according to the specialized operational functions they perform.

4.2 Ratification and implementation of international maritime treaties

As already established, one of the essential responsibilities of the Flag States is the ratification and implementation of the different international legal instruments that establish norms and standards that regulate and seek to improve the conditions of maritime activity in terms of security in the navigation, the protection of the environment and the welfare of seafarers.

The 2017 Non-Exhaustive List of Obligations Under the Instruments Related to the III Code, reiterates that the effectiveness of the instruments depends on States:

- Be part of all instruments related to navigation safety, maritime protection and pollution control.
- Implement and enforce the instruments.
- Submit the corresponding reports.

Regarding the national legislation, Law 401 on the Celebration of Treaties from 2013, describes the procedure for the ratification of International Treaties by the Plurinational State of Bolivia. In this sense, the country has currently ratified the following International Agreements according to information obtained in the GISIS module:

- United Nations Convention on the Law of the Sea (UNCLOS), through Law 1570 of July 12, 1994.
- IMO CONVENTION, through Supreme Decree 21549 of March 6, 1987
- International Convention for the Safety of Life at Sea (SOLAS 1974) and PROT 1978, by law 1954 of March 18, 1999.
- International Convention for the Prevention of Pollution from Ships (MARPOL 1973/1978), by law 1953 of March 18, 1999, as well as annexes III, IV and V.
- International Convention on Standards of Training, Certification and Watchkeeping (STCW 1978), through Law 3990, of December 18, 2008.
- International Convention on Load Lines (LL 1966), by law 1960 of March 18, 1999.

- International Convention on Tonnage Measurement of Ships (TONNAGE 1969), by law 1959 of March 18, 1999.
- International Regulations for Preventing Collisions at Sea (COLREG 1972), through Law 1955 of March 18, 1999.
- International Convention for Safe Containers (CSC 1972), through Law 1958 of March 18, 1999.
- Convention on the International Mobile Satellite Organization (IMSO C 1976), by law 1001 of December 7, 2017.
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters (LC 1972), through Law 1956 of March 18, 1999.
- Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA 1988), through Law 2286 of December 5, 2001, and its Protocol.

The Plurinational State of Bolivia has ratified several instruments that allow it to fulfil its role as Flag State, among them three of the conventions considered among the four pillars of the IMO, SOLAS, MARPOL and STCW.

However, it has not ratified the MLC 2006, an instrument belonging to the ILO, which is considered the fourth pillar of the international maritime regime due to its importance in protecting the human element.

Table 1 shows that the Bolivian State is significantly behind in ratifying the IMO instruments compared to the countries with the largest fleet worldwide, such as Liberia and Panama; however, it also shows a lower number of ratifications than other landlocked States like Mongolia and Switzerland.

Table 1. Ratification of IMO treaties by Bolivia compared to other States

IMO TREATY		RATIFICATION				
		LIBERIA	SWITZERLAND	PANAMA	MONGOLIA	BOLIVIA
1	IMO CONVENTION					
2	IMO AMEND-91					
3	IMO AMEND-93					
4	AFS 2001					
5	BUNKERS 2001					
6	BWM 2004					
7	CLC 1969	DENOUNCED	DENOUNCED	DENOUNCED		
8	CLC PROT 1976					

9	CLC PROT 1992					
10	COLREG 1972					
11	CSC 1972					
12	FAL 1965					
13	FUND 1971	DENOUNCED	DENOUNCED	DENOUNCED		
14	FUND PROT 1976					
15	FUND PROT 1992					
16	HONG KONG CONVENTION					
17	HNS 1996					
18	IMSO C 1976					
19	INMARSAT OA 1976					
20	IMSO AMEND-94					
21	IMSO AMEND-98					
22	IMSO AMEND-08					
23	INTERVENTION 1969					
24	INTERVENTION PROT 1973					
25	LL 1966					
26	LC 1972					
27	LC AMEND-78					
28	LC PROT 1996					
29	LL PROT 1988					
30	LLMC 1976					
31	LLMC PROT 1996					
32	MARPOL 1973/1978					
33	MARPOL ANNEX III					
34	MARPOL ANNEX IV					
35	MARPOL ANNEX V					
36	MARPOL PROT 1997					
37	NAIROBI WRC 2007					
38	NUCLEAR 1971					
39	OPRC 1990					
40	OPRC/HNS 2000					
41	PAL 1974					
42	PAL PROT 1976					
43	PAL PROT 2002					
44	SALVAGE 1989					
45	SAR 1979					
46	SFV PROT 1993					
47	SOLAS 1974					
48	SOLAS PROT 1978					
49	SOLAS PROT 1988					
50	STCW 1978					
51	SUA 1988					

52	SUA PROT 1988					
53	SUA 2005					
54	SUA PROT 2005					
55	TONNAGE 1969					

Note: Table elaborated according to the data available in the GISIS module.

Dark grey colour indicates not ratified treaties and the other colours indicate the treaties ratified by the included States.

4.3 Recognized Organizations

Due to its disadvantageous geographical position, Bolivia, as a Flag State, must work with ROs that facilitate the tasks of recognition, inspections, and issuance of some statutory certificates. Currently, according to the GISIS module, there are five ROs authorized by the Bolivian Maritime Administration:

- Bolivian Register of Shipping (BROSS)
- National Company of Registry and Inspection of Ships (CONARINA)
- Dromon Bureau of Shipping (DBS)
- Isthmus Bureau of Shipping S.A. (IBS)
- Overseas Marine Certification Service (OMSC)

The Bolivian International Ship Registry has authorized these Organizations to conduct surveys on vessels under the flag of Bolivia in compliance with Resolutions A.739(18) and A.789(19) and their respective amendments. This authorization is granted through an Audit carried out on Recognized Organizations by the Bolivian registry staff under the parameters established in the RO Code.

4.4 Deputy Maritime Registrars

Due to its geographical location, the Bolivian International Ship Registry must work with Deputy Maritime Registrars (DMR), who are in charge of promoting the services provided by the Bolivian Registry, in addition to providing other administrative services and acting as a link with the vessels and owners.

DMRs work with the Bolivian registry under contractually established conditions and are subject to decisions made by this body. According to the official website, it currently has RMDs whose headquarters are located in Honduras and Argentina.

4.5 Mandatory reporting to the IMO and ILO

Regarding the mandatory reporting requirements to the IMO (2023), the following information is found in the GISIS module:

- Concerning the mandatory reporting requirement regarding casualties and incidents, including safety investigations on events involving Bolivian-flagged vessels, it is noted that in all cases, there is specific information on the vessel involved in the event and that available in the Incident. Summary. However, it is observed that the Maritime Administration did not raise the corresponding Investigation Report in most of the cases.
- About the Mandatory reporting requirement under MARPOL, the GISIS module does not have available information regarding the status of compliance by the Bolivian Maritime Administration.
- Regarding the Mandatory reporting requirement under STCW, the GISIS module does not have available information regarding the status of compliance by the Bolivian Maritime Administration. Nevertheless, Bolivia is included in the IMO STCW white list, which incorporates the State parties of the convention confirmed by the maritime safety committee to have communicated information which demonstrates that full and complete effect is given to relevant provisions of the convention.
- Concerning the Mandatory reporting requirement concerning Flag State authorization to ROs, there is basic information on the Organizations authorized by the Bolivian Maritime Administration. However, it is observed that detailed information regarding the responsibilities and authorizations delegated to the ROs is still pending.

Regarding the Reporting requirement to the ILO, information about compliance by the Bolivian Maritime Administration is unavailable. As indicated, the Bolivian State has not ratified the MLC despite being a member of the ILO since 1919 and having ratified other vital instruments of this Organization.

4.6 Performance regarding the Memorandums of Understanding

The Memorandums of Understanding (MoUs) are regional cooperation agreements that promote inspections by Port State Controls to be more efficient by being carried

out in a coordinated manner among the countries of a region. There are currently nine MoUs worldwide, while the United States maintains its regime (IMO, 2019-i).

The most recent information from some MoUs regarding the performance of Bolivian-flagged vessels is presented below:

- **Vina del Mar Agreement (Latin America).**
According to the Annual Report on Port State Control of the Viña del Mar Agreement of 2022, six inspections were conducted on Bolivian-flagged vessels. Also, no arrests were recorded.
- **Tokyo MoU (Asia-Pacific Region).**
According to the Annual Report on Port State Control in the Asia-Pacific Region for 2022, five inspections were carried out between 2020 and 2022, and one arrest was made of Bolivian-flagged vessels.
- **Paris MoU.**
According to the Annual Report on Port State Control in the Europe and North Atlantic region, only one inspection of Bolivian-flagged vessels was recorded, without any arrests.
- **Abuja MoU.**
According to the Annual Report on Port State Control for West and Central African Region corresponding to 2021, a single inspection of Bolivian-flagged vessels was recorded, and no arrests were made.
- **United States Port State Control**
According to the Annual Report on Port State Control in the United States, in 2022, two inspections were carried out on Bolivian-flagged vessels without registering any arrests.
- In the information available in the most recent annual reports of the Caribbean MoU, the Black Sea MoU, the Mediterranean MoU, the Indian Ocean MoU and the Riyadh MoU, there are no records of inspections or other data regarding Bolivian-flagged vessels.

4.7 IMO Member State Audit Scheme

The IMSAS assesses to what extent a Member State fulfils its obligations according to its role in the maritime field and the instruments of which it is a part (IMO, 2013-b).

The Audit of the Plurinational State of Bolivia was carried out from December 9 to 15, 2017, by auditors from Ecuador and the IMO Secretariat. It was developed following the provisions of Res. A.1067(28) and III Code. Given Bolivia's status as a landlocked State, the Audit evaluated compliance with its obligations as a Flag State and concerning the applicable IMO instruments to which it is a party.

In this way, compliance with the following mandatory IMO instruments was evaluated:

- SOLAS Convention 1974.
- MARPOL 73/78 Convention.
- STCW Agreement 1978.
- Agreement LL1966.
- TONNAGE Agreement 1969.
- COLREG Agreement 1972.

According to the Final Audit Report, various conclusions and observations were determined regarding the performance of the Bolivian Maritime Administration, which are described below in a general way:

- The transposition of the amendments to the IMO instruments was not always carried out.
- There were no qualified personnel to assist in developing the necessary national legislation.
- The information required by the relevant IMO instruments was not fully communicated.
- There was no mechanism to monitor the implementation and effective compliance of the IMO instruments.
- The maritime strategy was not entirely in line with the guidelines established in III Code.
- The ROs did not have all the national legislation and other instruments that allow them to make the provisions of international legal instruments effective.
- There were no sanctions established for the vessels of the fleet or their crews in case of infringing international norms and regulations.
- The guidelines established by the Claims Investigation Code were not followed.

- There were no training programs for the qualification and updating of the Flag State inspectors, auditors and investigators.

On the other hand, one of the positive aspects highlighted by the audit team is that the Bolivian International Ship Registry implements security measures against the falsification of the documents and certificates issued by this administration.

The next audit was scheduled for 2024; however, due to the pandemic, it was delayed.

4.8 ISO 9001:2015

According to the official RIBB website, this organization obtained the ISO 9001:2008 certification, transitioning to the ISO 9001/2015 standard in 2016. This standard, developed by the International Organization for Standardization (ISO), establishes the criteria for developing a quality management system and is the subject of an annual audit by the Bolivian Institute of Standardization and Quality (IBNORCA) to maintain the certification.

4.9 Parana-Paraguay Waterway

The Parana-Paraguay waterway is a natural river transport corridor more than 3,400 km. long that allows continuous navigation between ports in Argentina, Brazil, Bolivia, Paraguay, and Uruguay. This corridor empties into the Atlantic Ocean, is one of the largest on the planet and constitutes one of the most important water reserves in the world (Argentina.gob.ar, 2020).

This corridor represents an essential solution for Bolivia's foreign trade by providing a way to the Atlantic Ocean, which is why the government has been promoting its use for exports and imports of products. Bolivia and the other States united by this system are signatories to the Santa Cruz de la Sierra Agreement, which establishes regulations on river transport through the waterway (CIH, n.d.).

We mention this aspect since the RIBB is also in charge of registering ships and naval devices that navigate the waterway international waters as it passes through five different countries. According to the Ministry of Defense of the Plurinational State of Bolivia (2023) this country has the second largest fleet of vessels registered under its flag, after Paraguay. It should be noted that ships flying the Bolivian flag just carry out river navigation within the waterway without navigating in maritime waters.



Figure 4. Parana-Paraguay Waterway
Note: Figure extracted from the "Dialogo Chino" website. Source: Profeta (2020)

CHAPTER 5 – ANALYSIS AND RECOMMENDATIONS

Having described the performance of the Plurinational State of Bolivia in terms of fulfilling its functions as a Flag State, the following analysis and recommendations that the Bolivian Maritime Administration could adopt in order to improve this performance are developed.

As mentioned, the Maritime Policy of the Bolivian State dates back to 1975 (DS 12683, 1975), and currently, the CPE (2009) supports the development of maritime interests. In this sense, it would be crucial to develop a new Maritime Policy appropriate for the current global situation and the new challenges, including the strategies developed below.

5.1 Ratification and implementation of international maritime treaties required

Regarding the ratification of international legal instruments, the Plurinational State of Bolivia has ratified UNCLOS, considered the constitution of the seas, as well as the IMO Convention, showing its willingness to actively participate in the international maritime community, assuming the rights and obligations that this entails. However, as seen in Table 1, Bolivia is quite behind in the number of ratified instruments compared to other States. In this sense, Switzerland is an example to follow, and despite being a landlocked State like Bolivia and not having an open registry of ships, it has a high rate of ratified treaties, even above Panama.

Concerning what are considered the four pillars of the international regulatory regime in the maritime field, some actions must be taken by the Bolivian Maritime Administration:

- The State has ratified the 1974 SOLAS Convention; however, the 1988 SOLAS Protocol must also be ratified, which came into force in 2000.
- Similarly, in the case of the MARPOL Convention 73/78, ratification of the MARPOL Protocol 1997, also known as Annex VI, is pending.

- In the case of the STCW Convention, the 2010 Manila Amendments, which represented a critical revision of the Convention, must be implemented.
- One of the main pending tasks for the Bolivian Maritime Administration is the ratification of the MLC 2006. Despite belonging to another organization, such as the ILO, this Convention is vital since it protects the well-being of the human element, which has, at the same time, a direct relationship with navigation safety. In addition, Art. V(7) of the MLC establishes a “no more favourable treatment” clause, which means that Port State Control will apply the same standards when inspecting vessels regardless of whether their Flag States ratified or not the Convention.
- Concerning the other instruments covered by IMSAS, the ratification of the LL Convention Protocol 1988 is pending, which came into force in 2000.

5.2 Delegation of authority to Recognized Organizations

The RO Code requires, among other things, that Flag States maintain control over the ROs authorized by their Administration concerning the activities they carry out on their behalf. This relationship means that the performance of a Flag State is directly linked to the performance of the authorized ROs, so it is vital that the Maritime Administration carry out a thorough procedure to evaluate and authorize these organizations.

The Flag State Performance Table 2022/2023, developed by the International Chamber of Shipping (ICS), a global trade association that represents more than 80% of the world's merchant fleet, uses data from different MoUs to identify whether the ROs with which the Administrations work are considered high-performing.

In the case of Bolivia, according to the table, the evaluated ORs are not considered high-performing. This evaluation may be because none of the ORs authorized by the Bolivian Administration is a member of the IACS, which would give a greater reputation to the Bolivian Registry. A reference regarding this is the case of Indonesia, which, according to the ICS table, is considered high-performance. According to its national regulation, ships registered under its Administration must do so through its National Classification Society or foreign Classification Societies, which are IACS members.

- The Bolivian Maritime Administration should establish contacts with classification societies that are members of the IACS in order to raise their qualifications before the different MoUs and International Organizations.
- It is vital that the Bolivian Maritime Administration fully complies with the RO Code in terms of the conditions required to authorize the ROs with which it works to exercise control and provide the respective detailed information to the IMO.

5.3 Delegation of responsibilities to Deputy Maritime Registrars

As indicated, the DMRs are fundamental for promoting the Registry due to their geographical location. This is why work should be done to have more DMRs to allow greater competitiveness in international markets. The example should be taken of other States, which, despite being nations with access to the sea, promote their registration through DMRs deployed throughout the world, such as the Cook Islands, which, according to its official registration website, has more than 20 DMRs located in countries in America, Europe, Asia, Africa and Oceania, also offering services in different languages.

- One of the institutional strategic objectives of the Bolivian International Ship Registry is to identify the best promotion strategies that are appropriate to the services provided, which seeks to increase the fleet that allows more significant benefits for the Bolivian State.
- It is also crucial for the Bolivian Registry to develop a plan so that its personnel can train and work as DMRs to be able, in the future, to establish its own branches in different parts of the world.

5.4 Mandatory reporting to the IMO and the ILO

It has been established the importance of compliance of the mandatory reporting to the IMO, so the Bolivian Maritime Administration should adopt strategies to improve this duty.

- Regarding the mandatory reporting requirement regarding casualties and incidents, including safety investigations, the Bolivian Maritime Administration must designate trained personnel to carry out this work and upload the corresponding information regarding cases still pending in the GISIS module.

- Likewise, compliance with the mandatory reporting requirement under MARPOL must be regularized, which also requires the ratification and implementation of pending legal instruments.
- In the case of the mandatory reporting requirement under STCW, although Bolivia is currently included on the IMO White List, the Maritime Administration must take the necessary measures to maintain this status. These measures include full compliance with the obligations established by the Convention and the amendments, which require prompt ratification.
- Regarding the mandatory reporting requirement concerning Flag State authorization to Ros, pending information must be updated following the established requirements.

In the case of the reporting requirement to the ILO, the importance of ratifying the MLC 2006 as soon as possible was established. However, it was also indicated that before the world maritime community, all States have the obligations established in the standards of the Convention, even if it has not been ratified.

- Therefore, the Bolivian Maritime Administration should establish mechanisms to ensure compliance with these obligations regarding seafarers, including the submission of relevant information to the ILO until the State ratifies the Convention.

5.5 Memorandums of Understanding performance

According to the data obtained from the different MoUs, the number of inspections carried out by the different PSCs is not very significant. This low number is directly related to the small number of vessels that sail under the Bolivian Registry.

The low number of inspections of vessels flying the Bolivian flag also results in it not being taken into account when categorizing it in the white, grey and Black lists of the Paris and Tokyo MoUs since both use criteria applicable only in case there is a sample of 30 or more inspections over a period of 3 years.

In the case of the United States Port State Control, the situation is different since, in this case, the Flag State Administration Compliance Performance is classified regardless of the number of inspections to which ships of a particular flag have been subjected, considering a 3-year radius. That is why, in the case of Bolivia, despite not

having had a single arrest in 2022, the flag is classified as a High-Risk Flag Administration based on the average number of arrests suffered by ships with its flag in 2020, 2021 and 2022. Five of 16 inspections carried out in these three years were subject to arrest, representing 31.25% of the total.

- Despite not having represented significant incidents, the Bolivian Maritime Administration must become aware of and analyze the causes of these arrests in order to take measures to ensure more effective compliance with international standards by the ships that fly its flag.

5.6 IMO Member State Audit Scheme (IMSAS)

According to the conclusions and observations of the Final Report of the Audit of the Plurinational State of Bolivia, corrective actions should be taken to improve performance as a Flag State for the benefit of maritime safety, the protection of the marine environment and the well-being of seafarers.

- Relevant entities should establish Organizational Units responsible for developing and implementing procedures for adopting and monitoring amendments to IMO instruments that have to be incorporated into national legislation, including those that come into force through the tacit amendment procedure. This work must consider the rules and amendments that have already come into force to regularize adoption and compliance. Likewise, it must be ensured that these Units are made up of personnel with proper training on maritime legislation.
- Regarding communication, the Administration must identify the communications that must be made in accordance with the requirements of the IMO instruments and identify the State agencies responsible for carrying out this communication. Likewise, a focal point with the procedures and trained personnel to communicate through the GISIS module and other means must be designated.
- The DGIMFLMM must coordinate with the State institutions of the Maritime Administration to develop a new maritime strategy that defines and ensures compliance with Bolivia's obligations as a Flag State. This strategy must include a monitoring and evaluation system to measure the degree of effective compliance.

- The RO Code must be effectively implemented to efficiently adapt agreements with the ROs. Likewise, ROs must be provided with all relevant and updated national legislation.
- It is crucial to develop an instrument that defines the cases for the application of sanctions to ships that fly the Bolivian flag and to crew members who commit violations of international norms and rules. These sanctions must be severe enough to deter the commission of such infractions.
- The Bolivian Maritime Administration must establish training and specialization plans in order to have qualified personnel to work on the implementation of international legal instruments.
- Guidelines must be developed under the Maritime Accident and Casualty Investigation Code that contemplates information communication and preparing relevant reports.
- Finally, implementing strategies following the III Code is essential since it is the mandatory guide for the IMSAS.

It is important that the Bolivian Maritime Administration considers these suggestions and others necessary to correct the observations of the 2017 Audit. Likewise, the date for carrying out a new audit must be coordinated.

5.6 Training and Staff

One of the most critical aspects highlighted during the IMO Audit carried out on the Bolivian Maritime Administration is having qualified personnel to carry out the different tasks required to fulfil the obligations as a Flag State effectively.

- A training program must be implemented that includes training personnel in maritime legislation, maritime law, and flag inspectors and investigators. Likewise, this training program must be aimed at specializing personnel in particular areas since the maritime field is too broad and covers too many areas. According to its organization, the Bolivian Maritime Administration should train specialized personnel in maritime law and policies, ship registration, navigation safety, environmental protection, and all seafarers-related aspects, such as training and living and working conditions.

- The Bolivian Maritime Administration should take full advantage of the academic offerings provided by other States or Institutions, such as the World Maritime University (WMU) or the International Maritime Law Institute (IMLI), to benefit and improve staff training.

An aspect that must be analyzed regarding personnel performance and training is related to what has already been mentioned regarding the fact that the technical personnel that participate in the essential processes of the Bolivian International Ship Registry are composed entirely of military personnel from the Bolivian Navy. This organization is a significant point to analyze since it has advantages, but at the same time, it involves conflicts that influence the development of the activities of the Bolivian Registry. Regarding the advantages, the professional staff of the Bolivian Navy are personnel who have the necessary training to perform administrative positions and specialization in Maritime Interests, which ensures that they have the required knowledge to fulfil the functions they perform. However, the drawback is that as they are personnel dependent on the Bolivian Navy, they are subject to the regime of this institution, so their destination is switched periodically. This means they are available for any requirement or disposition and are changed to other workplaces while replaced by new staff. This rotation means that continuity cannot be maintained in the work and development of the activities of the RIBB, which, as indicated, fulfils obligations on behalf of the Bolivian State in its role as Flag State. Many tasks that contribute to fulfilling these obligations require continuous work during different year periods, often interrupted because the personnel in charge are switched. This personnel rotation also influences the efficient development of training programs since, often, trained personnel are transferred to other units without being able to apply their knowledge in the work of the RIBB.

- For all this, it would be crucial for the Bolivian Maritime Administration to coordinate with the Bolivian Navy to establish a system that allows trained personnel of the Bolivian Registry to remain in their jobs for a sufficient period to apply their knowledge beneficially and that, at the same time, competent personnel can be trained to replace them. In addition, specialized personnel should be maintained in certain areas, including personnel who can participate

and advise in the different scenarios in which the Bolivian Maritime Administration participates, such as the IMO or the Viña del Mar Agreement.

- Also, it is imperative to consider and promote that specialized personnel also have knowledge of different languages, mainly English, since this knowledge is essential to function within the activities and interaction of the international maritime field.

5.7 ISO 9001:2015

As already indicated, the Bolivian International Ship Registry has the ISO 9001:2015 quality certification, which focuses on optimizing processes and developing a quality management system that guarantees the provision of services.

This certification requires staff training to be correctly implemented and meet the required standards, demonstrating the RIBB's commitment to continuous improvement and maintaining it since 2014.

- This compromise should be maintained and developed in other entities of the Bolivian Maritime Administration to improve the general Flag State Performance.

CHAPTER 6 – SUMMARY AND CONCLUSIONS

This chapter will conclude the study by summarizing the research findings in relation to the objectives and research questions. Likewise, the importance of the research will be emphasized, and finally, some aspects that could be developed in future works will be described.

In the beginning, the importance of the oceans for the development of Landlocked and Geographically Disadvantaged States like the Plurinational State of Bolivia was indicated. Subsequently, the following chapters developed answers to the research questions.

- In the second chapter, it was established that the basic concept of freedom of navigation and international regulations, under the framework of UNCLOS and other international regulations, allow a landlocked country like Bolivia to establish a registry of ships in the maritime field. Likewise, the characteristics of ship registries, particularly the open registry, were explained since it is what the Bolivian State can develop.
- The following chapter established that Bolivia could only develop the Flag State role since it can not carry out Coastal States or Port State functions because of its geographical situation. In consequence, detailed the obligations of the Flag States according to the international maritime regulatory framework, including standards such as UNCLOS and the four pillars of the maritime regulatory framework: SOLAS, MARPOL, STCW and MLC. Among the most critical obligations are the jurisdiction and control that States must exercise over ships that fly their flag, the ratification and implementation of international instruments, mandatory reports to the IMO and the ILO, and the control they must exercise over their authorized ROs.
- In the fourth chapter, the current situation of the Bolivian Maritime Administration and the Bolivian International Ship Registry was described, providing the available information regarding the fulfilment of the obligations inherent to the role as Flag

State. The status of ratification of IMO instruments and others, such as the MLC, was described, as well as compliance with the reports sent to the IMO and information on their ORs and DMRs. Likewise, the findings from the IMO Audit carried out on the Bolivian Maritime Administration in 2017 were described.

- In the fifth chapter, the information from the Bolivian Maritime Administration described above was analyzed, establishing that a new Maritime Policy should be developed and possible actions that could be adopted to improve its performance as a Flag State were developed. Among the main ones, the importance of the pending ratification of critical international instruments must be emphasized, among which the MLC 2006 stands out. The Bolivian State should also optimize the control of the ORs in compliance with the parameters of the RO Code and develop strategies to be able to incorporate an organization that is a member of the IACS. In order to increase the size of the fleet, strategies should also be developed to increase the number of DMRs and implement their own branches. The prevailing need is observed for the Bolivian Maritime Administration to develop training programs for having qualified personnel with the competence to implement the different strategies adopted to correct the observations of the 2017 Audit. This training should include specialization in maritime law and policy; also, the training of flag inspectors should be emphasized. It would also be necessary for the Bolivian Maritime Administration to consider the importance of the stability of qualified personnel in their jobs for periods that contribute to continuity in developing and implementing different strategies.

In conclusion, it was established that despite being a landlocked state, the Plurinational State of Bolivia has the indisputable right to participate in the international maritime sphere by exercising the Role of Flag State and establishing an open ship registry, thanks to international legal regulations, which, at the same time, requires compliance with several duties. Based on the information available, it was possible to identify aspects in which the Bolivian Maritime Administration and the Bolivian International Ship Registry should improve. Consequently, possible actions were developed that could be adopted to improve their performance and effectively fulfil their obligations as a Flag State.

The findings regarding the performance of the Bolivian Maritime Administration and the development of the suggested strategies are of utmost importance for Bolivia due to the enormous benefits maritime activity offers, for which the Bolivian State should fully exploit the opportunity provided by international law to participate in this field despite their geographical location. Future research could work on the development of these strategies individually, given the complexity of the application to such a particular case like Bolivia.

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