NATIONAL CENTRE OF EXCELLENCE AND INNOVATION FOR MARITIME SECURITY

VALUES AND ETHICS

Maritime Legal Frameworks

NCoEI-VE-LEG
International foundations and Canadian port practice

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Learning objectives

Explain how international instruments, Canadian law and operational guidance relate.

- Distinguish flag State, coastal State, port State and port operator roles.
- Identify recent changes relevant to Canadian marine security.
- Route a ship arrival issue to the appropriate authority.

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How the framework developed

1974 • SOLAS establishes a framework for safety of life at sea.

- 1982 • UNCLOS sets out the legal framework for ocean uses and jurisdiction.
- 1988 • SUA Convention addresses unlawful acts against safe navigation.
- 2004 • SOLAS chapter XI-2 and the ISPS Code enter into force.

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From instrument to operational decision

Identify the instrument and the provision that applies.

- Check how Canada implements it and who has decision authority.
- Check the current text, effective date and scope.
- Apply the approved plan and applicable directions to the facts.

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Three legal questions after an incident

Criminal • Is there a possible offence for police to investigate?

- Civil • Could harm, a contractual obligation or a claim be at issue?
- Regulatory • Has a requirement or approved procedure been breached?
- Record observable facts and preserve evidence for authorized review.

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UNCLOS and maritime zones

Internal waters, territorial sea, exclusive economic zone and high seas have different legal regimes.

- Coastal State authority depends on the zone and activity.
- Flag State responsibilities continue to matter when a ship travels.
- Use the location and facts to identify the applicable authority.

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Flag State Port State and the master

Flag State • Oversees ships entitled to fly its flag.

- Port State • Applies relevant requirements to foreign ships in port.
- Master • Makes shipboard safety and security decisions within applicable law.
- Port and facility teams • Coordinate shore measures under their own authority.

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Rescue piracy and unlawful acts

UNCLOS article 98 addresses the duty to render assistance at sea.

- UNCLOS article 101 sets out the legal definition of piracy.
- SUA addresses specified unlawful acts against safe navigation.
- Report facts and coordinate with competent authorities.

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SOLAS and the ISPS Code

SOLAS chapter XI-2 sets out special measures to enhance maritime security.

- ISPS Part A sets mandatory requirements. Part B provides implementation guidance.
- The regime connects assessments, plans, security levels, training and ship–facility coordination.
- Check the national implementing requirements.

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Canadian marine security requirements

The Marine Transportation Security Act provides statutory authority.

- The MTSR specify requirements for covered vessels, marine facilities and ports.
- Check whether the Domestic Ferries Security Regulations apply to the operation.
- Identify the current plan, MARSEC level and applicable directions.

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Arrival involves parallel requirements

Marine security • Verify applicable MTSR pre-arrival reporting and coordination.

- Border • Confirm applicable CBSA cargo, conveyance and persons reporting.
- Operational • Coordinate berth, services and safe movement with port partners.
- Declaration of Security • Check the trigger and parties under the applicable provisions.

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Digital arrival reporting since 2024

FAL amendments require a Maritime Single Window for ship arrival, stay and departure information.

- The IMO requirement took effect on 1 January 2024.
- Confirm the reporting channels, recipients and data requirements for the Canadian call.
- Plan for data verification and service interruption.

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Seafarer welfare since 2024

The 2022 Maritime Labour Convention amendments entered into force on 23 December 2024.

- They address issues including repatriation, medical care and welfare.
- Further amendments adopted in 2025 are expected to enter into force in December 2027.
- Coordinate safe access for authorized care and welfare services.

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Maritime cyber risk

IMO cyber guidance addresses cyber risk in maritime operations.

- IMO resolution MSC.428(98) addresses cyber risks in safety management systems.
- Transport Canada MSOB 2026-003 addresses cyber threat, breach and incident reporting.
- Identify the responsible party and reporting route before an incident.

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Canadian critical cyber systems legislation

Bill C-8 received Royal Assent on 15 June 2026.

- Part 2 enacts the Critical Cyber Systems Protection Act.
- The framework addresses designated operators, including in transportation.
- Verify commencement, operator class and applicable instruments before assigning duties.

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Integrity and illicit activity

Recognize suspicious activity and protect people, records and evidence.

- Report concerns such as bribery, illicit cargo or exploitation through the applicable channels.
- Escalate enforcement decisions to the responsible authority.
- Keep access and reporting decisions factual and proportionate.

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Arrival coordination case

A foreign-flagged ship reports a crew member needs urgent medical care.

- An arrival data discrepancy is unresolved and a contractor requests berth access.
- Identify who handles medical support, reporting and berth access.
- Explain what the PFSO coordinates and records.

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Apply the framework

Identify the vessel, location, activity and people affected.

- Find the applicable instrument and confirm its status.
- Identify who has the authority to decide.
- Coordinate the action and record the basis.

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References for maritime jurisdiction

[1] United Nations • UNCLOS

- [2] IMO • SOLAS XI-2 and ISPS Code
- [3] IMO • SUA Convention and Protocols
- [4] Transport Canada • Marine Transportation Security Act

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References for Canadian port operations

[5] Justice Laws • Marine Transportation Security Regulations

- [6] Transport Canada • Port State Control inspection policy
- [7] Transport Canada • MARSEC level changes (MSOB 2026-005)
- [8] CBSA • Commercial reporting requirements

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References for recent developments

[9] IMO • Facilitation and Maritime Single Window

- [10] ILO • Maritime Labour Convention amendment status
- [11] IMO • Maritime cyber risk
- [12] Transport Canada • Cyber reporting (MSOB 2026-003)
- [13] Parliament of Canada • Bill C-8 Royal Assent text

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