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Evaluation of port state control memorandums of understanding : lessons to be learnt in order to establish an effective PSC in West and Central Africa

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EVALUATION OF PORT STATE CONTROL MEMORANDUMS OF UNDERSTANDING: LESSONS TO BE LEARNT IN ORDER TO ESTABLISH AN EFFECTIVE PSC IN WEST AND CENTRAL AFRICA

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DECLARATIONS

I certify that all the material in this dissertation which 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 or by my government.

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ABSTRACT

Title of the dissertation: **Evaluation of Port State Control Memorandums of Understanding: Lessons to be learnt in order to establish an effective PSC in West and Central Africa**.

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In the recent past, maritime disasters caused a tremendous concern in the development and enforcement of maritime safety and marine pollution prevention regulations. This was one of the main reasons for the establishment of the new system of enforcement via the mechanism known as Port State Control. Despite its need, experience has shown that, this system can not be fully effective and efficient in the absence of regional co-operation.

This dissertation examines the existing Memorandums of Understanding on Port State Control. A special focus is made on the Paris MOU for historical and cultural reasons given that resemblance exists between the member states of this institution and those of the West and Central Africa Memorandum of Understanding (WCAMOU) member States, arising from colonisation. In addition, the availability of documentation required to conduct this work motivated the choice of the Paris MOU. The main objective is to learn from the existing MOUs experiences in order to

formulate recommendations that may contribute to the efficient implementation of the newly established WCAMOU.

It is in this regard that the author is addressing this study to government member states and to all entities concerned in the maritime industry. It remains the intention of this writer that these will contribute to the common fight against sub-standard ships in the region.

Key words: Deficiencies, Memorandum of Understanding, Port State Control, Sub-standard ships.

TABLE OF CONTENTS

List of Tables

Number **Heading** **Page**

List of Abbreviations

CAAM	Centre Administartif des Affaires Maritimes
CEMAC	Communauté Economique et Monetaire de l'Afrique Central
Cir	Circular
CS	Coastal State
ECA	Commission for Africa
ECOSCO	Economic and Social Council
EEZ	Exclusive Economic Zone
ES	Extension Sud
Gt	Gross tonnage
IACS	International Association of Classification Societies
ILO	International Labour Organisation
IMO	International Maritime Organisation
ISM	International Safety Management
ITC	International Tonnage Convention, 1969
ITF	International Transport Federation
LOS	Low of the Sea
MARPOL	International Convention for the Prevention of Pollution from ships, 1973.
MATEMA	Maritime Technical Assistance
MEPC	Maritime Environmental Protection Committee
MINCOMAR	Ministerial Conference of West and Central African States on Maritime Transport.

MOU	Memorandum of Understanding
MPEM	Ministére de Pêche et de l'Economie Maritime
MSC	Maritime Safety Committee
NSA	Norwegian Shipowners Association
PSC	Port State Control
PSCO	Port State Control Officer
RINA	Registro Italiano Navale
RO/RO	Roll on/ Roll off
SAR	Search and Rescue
SG	Sous Grue
SIRENAC	Système Informatisé Relatif aux Navires Controlés
SOLAS	International Convention for the Safety of life at sea, 1974
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.
TC	Technical Co-operation
UASC	Union of African Shippers Council
UK	United Kingdom
UN	United Nations
UNCLOS III	United Nations Convention on the Law of the Sea, 1982
UNDP	United Nations Development Programme
USA	United States of America
WCAMOU	West and Central Africa Memorandum of Understanding
WMU	World Maritime University

Chapter 1
Introduction

During the second half of the last century, world shipping underwent a tremendous growth in terms of gross tonnage as well as in the number of merchant ships. The building of very large and ultra large oil tankers, bulk carriers, huge container ships and giant passenger ships created a real threat to safety of life at sea and damage to the marine environment. This development was “The straw that broke the camel’s back”.

In addition, the world fleet had been ageing because owners were no longer renewing their ships as often as they were supposed and used to do. Traditional shipping nations, which generally attached great importance to safety and environmental protection, had given way to “new shipping nations” with little if at all any shipping experience. Furthermore, and, as opposed to the fact that ship sizes increased, the world witnessed reductions in manning levels. Increased technology introduced in the shipping industry played a significant role in this tendency. Owing to increased multinationality of crew on board many vessels, questions were raised as regards the effectiveness and efficiency of communication not only onboard such ships, but also with other communities involved in shipping.

Prior to these days, enforcement and compliance with international maritime safety and pollution prevention regimes were the prerogative of national administrations acting in their capacity as flag states. Although flag states administrations were assisted by classification societies, in performing these tasks, the states took full responsibility for the level of compliance by ships in their registers.

Registration of ships was primarily based on the concept of a “genuine link” between the administration of the country of registry and the shipowner. As a general rule, ships were manned with competent crews, nationals of the country of registry. The combined efforts of all involved, guaranteed compliance with the regulations. All of these values have been eroded, and today it is common to find ships

- Registered in one country,
- Manned by a multinational crew, often provided by a manning agent in some remote corner of the world,
- Operated by a management company established in another country,
- While an international banking consortium most probably is the beneficial owner.

In the late 1970s the awareness of the decline in compliance with generally accepted standards in merchant shipping increased in Europe. As a result, port officials started verifying whether foreign merchant ships calling at their ports complied with generally agreed international standards of maritime safety and pollution prevention. This initiative was emulated regionally and this led to the establishment of the first Memorandum of Understanding on Port State Control (MOU). Similar structures developed around the world. One of these is the West and Central Africa Memorandum of Understanding on Port State Control (WCAMOU). The establishment of the WCAMOU motivated the choice of this topic. To most member states, this is a new and challenging task. For a regional institution of this nature to function properly there is a need that the maritime administrations concerned learn from the experiences of existing MOUs. In this way, it would be easy to avoid administrative and practical errors made by the other institutions.

The objective of this paper is to make an evaluation of such a multinational agreement within the framework of international law. The traditional means of eliminating sub-standard ships and an identification of the current application of PSC will be made. A presentation of the new WCAMOU will be introduced. Finally, there will be a focus on a case study (Mauritania) in order to assess own capabilities to honour its commitments under the MOU. The study will conclude with several conclusions and recommendations drawn from the existing MOUs, in particular the

Paris MOU, as a modest contribution to the establishment of an efficient PSC regime along the West Coast of Africa.

The research methodology will be based on the available relevant literature such as books, hand-outs, conventions, circulars, resolutions, codes, reports, manuals, magazines, newspapers and reviews. Lectures at WMU and lecture notes play a leading role in clarifying the related and relevant issues. In addition to that, field studies to the different Scandinavian maritime administrations provided practical experience by looking at the current situation of PSC in these countries. Furthermore, interviews with personnel responsible for maritime safety activities were carried out at IMO. Discussions with officials of some of the WCAMOU member states, especially those in Mauritania, proved to be particularly helpful for two main reasons:

- As a founding member state it has to play a leading role in the success of the agreement.
- Given its geographical location, it serves as the first port of call for many ships coming from Europe into the jurisdiction of WCAMOU. As such its strategic location and importance can never be over-emphasised.

Chapter 2
Mechanisms for eliminating sub-standard ships

The actual process of exterminating sub-standard ships has its origin in the historical development of shipping. The primary responsibility of such activity should be an obligation of the Flag State. On top of this, other means are used as a complementary action to flag state implementation. In this context, this chapter will cover an overview of these mechanisms under the requirements of international law, in particular under the law of sea, IMO and ILO conventions. Prior to that, it is relevant to give a general outlook of the concept of this category of ships.

2.1 Notion of substandard ships

In the process of development of the maritime industry, it is clearly noted that the paramount priority has been given to making profits at some risk. The high level of competitivity that regulates the shipping business has accelerated this situation. Under these circumstances, shipowners or operators are compelled to run their fleet with minimum revenue. Consequently, ships are maintained and manned in accordance with different standards by different shipowners and operators, resulting in a huge number of casualties over the last few years. According to Dr David Aldwinckle (BIMCO Review, 1999, p120):

> *In a world fleet of some 84,000 ships of more than 100 gross tonnes (gt), there are over 1,000 reported serious casualties each year. Figures show that between 1988 and 1997 there were 9,378 serious casualties, including ship losses. A look at the reasons behind the figures for serious casualties over the past ten years reveals that, of the 9,378 incidents, 36% were caused by hull or machinery failures, 19% were wrecked or stranded, 13%*

were damaged by fire or explosion, 13% foundered, and 11% were involved in collisions.

It is relevant to mention that in accordance with these figures the main reasons are the failure of ships to meet required safety standards. However, causes of natural disaster such as act of god or *force majeure* still occupy a small ratio of maritime casualties.

It is widely known that substandardness is a direct consequence of “open registry” otherwise known as “flag of convenience”. Shipowners are fleeing their own national register in order to get more flexible and advantageous conditions. The example of Honduras’ open registry is an illustration of this “economic immigration of ships”. As reported in The Sea newspaper (issue 143, January/February 2000, p1):”The flag had a fleet of 3,400 ships with an average age of 27 years”. It is common sense that old ships, like any elderly machine, require continual and prudent maintenance in order to perform properly. Meanwhile, statistics show that in recent years, relatively new ships, except the ERIKA which was 25 years old when she broke into two parts near the coast of France in December 1999, have caused major oil spills. This situation is caused usually by bad manning, which involves one of the most important factors that affect maritime safety, namely, the human factor. In this sense, the studies carried out by the International Maritime Organisation (IMO) and the classification societies show that the accident causes are produced by both substandard actions (crew) and substandard conditions (ships). It is often claimed that 80% of the accidents or incidents are caused by “human error” accidents, which can also be named substandard practice, and only 20% fall into the category of failing technology. The combination of substandard actions and substandard conditions or the existence of one of them will automatically lead to the conclusion that a ship is substandard. Nevertheless, a wrong decision of the master or crewmember, for instance, causing a large maritime catastrophe can not be viewed as a case of a substandard ship. However, if the crew is incompetent with the regard to all the controlling factors of the voyage, the ship is then considered to be substandard. In more global words, substandardness is the failure of ships to fulfil obligatory safety standards, which depends on the crew or the ship or both.

Substandard and unseaworthy ships are the two sides of the same coin. Both cover more than the physical state of the ship but to a different extent. To be seaworthy, a vessel “must have that degree of fitness which an ordinary, careful and prudent owner would require his vessel to have at the commencement of her voyage, having regard to all probable circumstances of it.”(Shipping Law Eighth Edition, 1987, p187). At the same time, the physical state of the ship, the aptitude, competence, and efficiency of the crew, all overlap.

In any case, profit and substandarness are, unfortunately, correlated in the shipping business. Shipowners and operators need to review their strategies and to realise that profits and safety are not in competition. On the contrary, safety at work is good business. Furthermore, Plaza, Senior Deputy Director of Maritime Safety Division at IMO, stated, in his lecture on July 7, 1999, at the World Maritime University (WMU) “Flag state implementation and Port state control”, that safety must be considered as an investment rather than as a cost factor to the industry, because, undoubtedly, safety pays!

2.2 Flag state implementation

The third United Nations Conference on Law of the Sea (UNCLOS III), 1982, established a wide and comprehensive document of 320 Articles and 125 Articles in eight Annexes, to deal with and cover every aspect of the conduct of nations in the ocean environment. The resulting convention, known as LOS Convention, is the framework of all other international conventions related to maritime aspects, including IMO and the International Labour (ILO) conventions.

The duties of a Flag State have even been evolved prior to the LOS Convention under Article 5(1) of the 1958 Convention of the High Seas. Each state has a duty under international law to “effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag”. This Article is a concretisation of the doctrine of genuine link between the shipowner and the ship itself by specifying the domain of jurisdiction under which Flag State has obligations and duties.

Under the LOS convention, Article 94 further specifies that each flag state has the obligation to:

1) Maintain a register of ships authorised to fly its flag.
2) Govern the internal affairs of the ships.
3) Ensure safety at sea with regard to construction, equipment and seaworthiness of ships, labour conditions and the training of crews, the maintenance of communications and the prevention of collisions.
4) Ensure that each ship is surveyed by a qualified ship surveyor and has onboard appropriate charts, natural publications and navigational equipment.
5) Ensure that each ship is manned by a qualified master, officers and crew; and
6) Ensure that the master, officers, and, to the appropriate extent, the crew are fully conversant and required to observe applicable international regulations regarding the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution and the maintenance of radio communications.

In general terms, flag state obligations can be outlined in several points covering administrative, technical and social matters. These obligations are: to enact a national legislation in conformity with generally accepted international regulations, procedures and practices, to supervise the ships under its flag in order to make sure that the activity onboard the ship is done correctly and properly; to issue certificates, to follow up of deficiency and pollution reports; to notify to competent international organisation such as IMO; to investigate on accidents and incidents causes and to ensure that personnel are properly trained.

Similarly, Article 217 of the LOS Convention, which deals with enforcement by flag state, specifies that the flag state has the primary obligation to ensure its ships comply with applicable international rules and standards, established through the competent international organizations or general diplomatic organisation. The Flag State has also the obligation to take appropriate measures to ensure that its ships comply with these requirements prior to sailing at sea. Under paragraph 3 of the same Article the Flag State shall issue certificates of compliance to these

requirements. Other states shall accept these certificates, which shall be regarded as having the same force as certificates issued by them, unless clear grounds exist for believing that a ship is not complying with the requirements stated in the certificates. The same Article authorises the Flag State to investigate any violation of these requirements committed by any of its ships anywhere. If the flag state action is not satisfactory, the port state can appeal to action for remedies against the Flag State under Article 235(1) of the LOSC.

2.3 Legal basis of PSC under international conventions

2.3.1 Jurisdiction of Coastal State/ Port State over foreign ships outside its territorial water

Port State Control (PSC) can simply be defined as the right of jurisdiction, which a port state exercises over foreign ships in its ports or territorial waters to ensure that the ships comply with the international conventions related to PSC.

As a port state, an administration has powers to ensure that ships visiting its ports comply with regulations and meet the standards laid down by conventions to which the port state government is party. However, it should be emphasized that the Flag State has the prime responsibility to ensure that the provisions of a convention, which applies to its ships, are implemented.

As early as in the 1958 convention on the High Seas, the provisions of Article 22 list certain exceptions to the exclusive jurisdiction of flag states over their ships on the high seas. The convention permits warship crews to board a foreign merchant ship if there is clear suspicion that the ship is engaged in piracy or slave trading. Similarly the International Convention Relating to Intervention on the High Seas in Case of Pollution Casualties, 1969, allows coastal states to interfere, to avoid damage to their coasts or private property, with foreign ships on the high seas.

The above two conventions give an illustration of the restriction of the flag state jurisdiction over ships flying their flag. Moreover, and although the LOSC

establishes the freedom of high seas, a right of visit on the high seas and hot pursuit commences when the foreign ship is within the internal waters, the territorial sea or the contiguous zone, as authorized under Article 110 and Article 111 respectively.

In the exclusive economic zone (EEZ), Article 73 of the LOSC, takes into consideration the establishment of sovereign rights of the CS, allowing them to take such measures including boarding, inspection, arrest and judicial proceeding to ensure compliance with the law and regulations adopted by them in conformity with the LOSC.

In the territorial sea CS sovereignty is equivalent to the land territory, subject to the innocent passage of foreign ships that have to comply with generally accepted international rules and standards while carrying out the passage. Other safety requirements are required by Article 21(4) of the same convention that are related to the prevention of collisions at sea by imposing compliance with all such law and regulations.

2.3.2 Jurisdiction of the CS/PS over foreign ships in its internal waters

Usually internal waters, in the sense of the maritime zone, include waters encircled by water lines, bays, estuaries and ports. The CS enjoys full territorial sovereignty over internal waters. Therefore, no rights to innocent passage exists through it, such as through the territorial sea.

By the entrance of foreign ports or internal waters, ships are subject to administrative, civil and criminal jurisdiction of the CS. In accordance with Churchill & Lowe in their book “Law of the Sea (1988), second edition, p.56”:

> S*hips are more or less self-contained units, having not only a comprehensive body of laws-those of the flag state- applicable to them while in foreign ports, but also a system for the enforcement of those flag state laws through the powers of the captain and the local consul, coastal states commonly enforce their laws only in cases where their interests are* engaged; matters *relating*

solely to the internal economy of the ship are left to the authorities of the flag state.

In recent years, particularly with the exploration of oil, the threat of pollution from ships needs more attention from CSs to protect their coast lines and private property. Prior to the LOSC the flag state had the jurisdiction to punish and to prevent marine pollution. “Port state enforcement jurisdiction in the LOSC is an innovative expansion of jurisdiction in international law. Prevention and punishment of marine pollution incidents earlier left exclusively to the Flag State, is now delegated to a universal system.”(Kasoulides, 1993, Port State Control and Jurisdiction, p 126). Moreover, the same writer notes (page 110) that port state jurisdiction was first introduced in 1973 by the IMO conference on pollution prevention for detailed consideration. However, the notion of coastal state jurisdiction was already mentioned in the first SOLAS Convention, 1929. The OIL POL 54 Convention confirmed the right of CSs to refuse the access of foreign vessels to their ports in fear of the risk of pollution.

Nowadays, it is clear that the predominance of CS jurisdiction has started to grow and change. This is the result of the interest given by international organisations, individual states, regional unions, and the world as a whole. Consequently, port state authority (jurisdiction) has been included in the following international legal instruments:

- UNCLOS Part XII: Articles 218, 226 are main provisions, but also in other Articles: 217, 222, 223, 224, 225, 226, and 228.
- MARPOL 73/78: Articles 5(2) and (3), Article 6(2), (3), (4) and (5); Annex I, Regulation 8A; Annex II, Regulation 15; Annex III, Regulation 8; Annex V, Regulation 8.
- SOLAS 74 Chapter 1, Regulation 19
- Load lines 1966, Article 21
- STCW 78, Article X; Regulation I/4; STCW code Section A-I/4, Section B-I/4
- ILO 147, Article 4
- ITC 69, Article 12

- London Convention 1972, Article VII (1) (b)

Other conventions, such as the Oslo Convention 1972, Helsinki Convention 1974 and Barcelona Dumping Protocol, also include provisions dealing with port state jurisdiction.

2.3.3 The work of IMO

The International Maritime Organisation is a specialized agency of the United Nations (UN). Article 57 of the UN charter states that " specialized agencies established by intergovernmental agreements and having wide international responsibilities, as defined in their instruments, in economic, social, education, culture, health and other related fields, shall be brought into relationships with the UN". This relationship is defined by individual agreement with the coordinating machinery of the Economic and Social Council "ECOSCO" to which they are bound to report annually.

The mandate of IMO as stated in Article 1 of the Convention establishing IMO is "to provide machinery for co-operation among governments in the fields of governments regulations and practices related to technical matters of all kinds, affecting ships engaged in international trade, to encourage and facilitate the adoption of the highest practicable standards related to maritime safety, efficiency of navigation and prevention and control of marine pollution". The adoption of the highest practicable standards rather than the highest possible or conceivable standards is the reflection of compromise between the developed and the developing nations.

In its work to eliminate substandard ships IMO has established considerable provisions in its conventions, resolutions, guidelines, recommendations, and codes. One concrete act of IMO in the effort to eradicate this category of ships is the establishment of the flag state sub-committee as recommended in 1992 by a joint MSC/MEPC working group on flag state compliance. It aimed to deal with the

efficient implementation of IMO instruments such as PSC, survey and certification, casualty statistics and investigations, and technical assistance.

The sub-committee, in the view of the fact that the establishment of its true identity *vis-à-vis* other sub-committees and even its main objectives is still in the process of restoration, has accomplished a significant contribution to flag state and PSC implementation.

On the one hand, the sub-committee has contributed to elaborate the following instruments for flag state implementation:

- Resolution A 739(18) on Guidelines for the authorisation of organisation acting on behalf of the Administration.
- MSC/Cir.710-MEPC/Circ.307 on Model agreement for the authorization of organizations acting on behalf of the Administration.
- Resolution A 740(18) on Interim guidelines to assist flag states. This Resolution was revoked by Resolution A 847(20) on Guidelines to assist flag states in the implementation of IMO instruments, adopted in 20 November 1997.
- Resolution A 789 (19) on Specifications on the survey and certification functions of recognised organisations acting on behalf of the Administrations.
- Resolution A 788 (19) on Guidelines on implementation of the International Safety Management system (ISM) code by Administration.
- MSC/Cir.771 on Implementation of the International Safety Management (ISM) code.
- Resolution A.848 (20) on Implementation of the International Safety Management (ISM) code.
- MSC/Cir.788-MEPC/Circ.325 on authorisation of recognized organizations acting on behalf of Administrations
- MSC/Cir.889-MEPC/Circ.353 on Self-assessment of flag state performance.

On the other hand, the contribution of the sub-committee in the PSC implementation is the following instruments:

- Resolution A 742(18) on Procedures for the control of operational requirements related to the safety of ships and pollution prevention.

- Resolution A 787(19) on Procedures for PSC as amended by Resolution A882(21)
- MSC/Cir.890-MEPC/Circ.354 on Interim guidelines for PSC related to ISM code.
- Code of conduct for PSC officers
- Training and qualifications requirements for PSC officers.
- Resolution A.682 (17) on Regional co-operation in the control of ships and discharge.

The above mentioned lists are clearly the accurate technical work developed in the organisation which aim to implement the existing conventions' provisions in order to ensure safety at sea and to protect the environment. William O'Neil, Secretary General of IMO, states that regulations can only be effective if they are properly implemented. However, the implementation of the conventions can only be accomplished by, and under the responsibility of, member states.

Chapter 3
Enforcement of Port State Control

3.1 Regional memorandum of understanding on PSC

At present a considerable portion of the world is covered by the PSC regime through the existing regional memorandums of understanding (MOU) in operation. The growth of such organisations has shown through the years that PSC works better when it is established on a regional basis. It is relevant, however, to emphasise that a MOU on PSC is not an international convention or treaty. Member states wish to retain individual competence and the freedom of decision making. Therefore, the memorandum can be defined as an informal diplomatic communication and multilateral agreement between governments, which summarises a particular diplomatic purpose or point of view.

In general terms, international law allows states to enter into agreement with other states, either to restrain or extend their sovereign rights based on the provisions of such an agreement. Different ways of being party to such agreements have been developed over the years, in correlation with different degrees of enforcement. Treaties or conventions are the most strict and the most used because when states become party to them, they agree to be bounded by their legal arrangements or provisions. Other sorts of multilateral agreements that are less authoritative than treaties or conventions encompass the diplomatic *notes verbal*, memorandums of understanding and communiqués.

The choice of MOU on PSC rather than treaties or conventions deserves comment. The positive side of the preference is that MOU, unlike conventions or treaties, does not necessitate a complex ratification procedure and the adoption of a national legislation, which can take a considerable number of years. The negative side, however, is that no obligations are binding parties to any specific requirements; all activity is based only on a moral commitment of the members to co-operate and to take measures to eradicate substandard ships.

Since the PSC exists based on international instruments, as shown earlier, the idea of establishing control on a regional basis was the consequence of the fact that co-operation among member states will contribute positively to minimise substandard shipping not only regionally but globally by reducing the freedom of such a category of ships. This regional co-operation is not only for the benefit of port states but also in the interest of shipowners and operators, which can avoid a duplication of control in the same geographical region for a specific period of time.

3.1.1 The Paris memorandum of understanding

The first memorandum of understanding, known as the Hague memorandum of understanding, was signed by eight European countries on March 2, 1978. Its aim was particularly to ensure that foreign ships entering their ports complied with the requirements of the recently adopted ILO convention relating to merchant shipping (Minimum Standards Convention), 1976 (No. 147). However, just as the memorandum was about to come into effect, in the same month and exactly on March 17, 1978, a massive oil spill occurred off the coast of Brittany (France) as a result of the grounding of the super tanker “Amoco Cadiz”, spilling 230,000 tons of crude oil. Consequently, the disaster caused a reaction of strong disapproval and anger shown by the public and the media, resulting in the necessity to establish more stringent regulations with regard to safety of shipping and pollution prevention from ships calling at European ports.

As a result the commission of the European communities, based on the instructions of member states, initiated preparing discussion in order to reach a

multilateral agreement that could help to co-ordinate actions to protect European coast lines and property. While this work was taking place in Brussels, European ministers and representatives of the IMO and ILO met in Paris in December 1980 to review the system of eradication of substandard ships.

The Paris memorandum was established, in Paris, one year later; on 26 January 1982 taking into consideration the directives of the European communities, the Hague memorandum and IMO. In these matters Kasoulides, in his book Port State control and jurisdiction, 1993, page145 states that “It was done with the blessing of IMO, which express conditions that PSC will be based on IMO regulations”.

It is relevant to mention, in this context, that the memorandum was seen, at that time, as the only way to strengthen the role of port states within the European community without introducing the UNCLOS III regime that many European countries were strongly opposed to its adoption.

The signatories of this agreement were 14 European nations: Belgium, Denmark, Finland, France, Germany (Federal Republic of), Greece, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland. Today, four other countries have adhered to the memorandum as shown in the following table.

Table 3.1: New adhesions to the Paris MOU

Name of country	Date of adhesion	Date of taking effect
Canada	3 May 1994	3 May 1994
Croatia	8 November 1996	1 January 1997
Poland	27 November 1991	1 January 1992
Russian Federation	10 November 1995	1 January 1996

Considering the new adhesions to the memorandum, its geographical scope covers the European coastal states and the coastal states of the North Atlantic basin from North America to Europe.

The organizational structure, under the Paris MOU, is composed of the PSC committee, the secretariat and the CAAM (centre administratif des affaires maritimes).

The PSC committee is the executive body. It is composed of the eighteen participating maritime authorities and the European commission. The representatives of IMO and ILO attend as observers in the meetings of the committee, as well as delegates of co-operating maritime authorities and other regional agreements on PSC. The committee is in charge of policy, finance and administration matters. It is supervised by internal specialised technical bodies within the organisation. The committee meets once a year in ordinary session or more if necessary in extra-ordinary session.

The secretariat is composed of the Director, the legal officer and a technical officer. The headquarters of the secretariat is located at the Ministry of Transport and Public Works of the Netherlands in Rijswijsk. The secretariat, which acts under the guidance of the PSC committee, has the duty to arrange for the meetings, formulate the report drafts, prepare the seminars, furnish documentation to interested parties and assume public relations tasks.

The computer centre used in the Paris MOU is located at Saint-Malo, which depends on the CAAM, and provides, on the basis of the particulars entered into the inspection file, the material for the production of statistics. The electronic system used for storing information on PSC inspections carried out in the region is the SIRENAC (Systéme informatisé Relatif aux navires controlés) database system. All member states have a direct connection to the system as an electronic mailbox.

3.1.1.1 Presentation of the agreement provisions:

The member states to the MOU agreed to implement a harmonized system of PSC based on the official document that is composed of eight sections and six annexes. The main body includes the commitments of the maritime authorities, the relevant international instruments, the inspection procedures, rectification and detention, the exchange of information, the operational violations, the structure of the organisation and amendment procedures. The six annexes to the main body of the document are the following:

Annex 1: Port State Control Procedures- a detailed guideline for carrying out Port State Control inspections.

Annex 1A: Procedures for investigation under MARPOL 73/78 – a detailed guideline for carrying out an investigation into an alleged violation of the discharge requirements under the annexes I and II to MARPOL 73/78.

Annex 2: Exchange of messages by (Paris MOU) region States in case deficiencies have not been fully rectified or only provisionally repaired, including format of the report.

Annex 3: Report of inspection Form A (standard form), Form B (when deficiencies are found) and list of codes for action taken.

Annex 4: Information system on inspections and a brief outline on the use of the SIRENAC database, which is used for storing information on PSC inspections carried out in the region.

Annex 5: Qualitative criteria for adherence to the Paris MOU - a list of criteria which have to be met by Maritime Authorities applying for full membership of the Paris MOU.

Annex 6: Minimum criteria for Port State Control Officers.

3.1.1.2 Basic standards of conduct

The Paris MOU is based on several fundamental standards of conduct:

- ILO and IMO international conventions are the basis for the inspections.

- Ships, which have been inspected by a participating authority within the prior six months, are exempted unless clear grounds exist for re-inspection.

- In general inspections are not announced.

- Member-states have agreed to achieve individually an annual rate of inspection corresponding at least to 25% of ships entering their ports. They seek to minimize unjustifiable detaining, retaining or delaying of ships.

- No more favourable treatment is given to ships to flying the flag of a state, which is not party to the applicable instrument.

- The agreement states that: " Inspections will be carried out by properly qualified persons authorized for that purpose by the authority concerned and acting under its responsibilities."

- The lack of relevant certificates, referred to in section 2 of Annex 1 of the MOU, is prima facie evidence that the ship is substandard. Moreover, the lack, non-conformity or important retrogression of machinery or equipment or the hull is also prima facie evidence that the ship is substandard.

- If detected that the ship does not meet the required international standards, the port state has the duty to take necessary measures to get these deficiencies rectified.

- Section 3 of the MOU provides that in the case of deficiencies that are clearly hazardous to safety, health or environment, the authority will ensure that the

hazard is removed before the ship is allowed to proceed to sea. For this purpose appropriate action will be taken, which may include detention. Exception is made under this section in case of deficiencies that can not be remedied in the port of inspection.

- In the case of ships below convention size, the PSCO ‘s duty is to evaluate if the ship meets the required standards regarding safety, health or the environment.

3.2 Other MOUs

Since the Paris memorandum was established, many other regions have followed the example of such an organisation.

3.2.1 The existing MOUs

- The Acuerdo de Vina del Mar (or Latin-America Agreement) was established during a regional meeting which took place in Vina del Mar (Chile) on November 1992, an agreement for co-operation on PSC was signed by the maritime authorities of Argentina, Brazil, Colombia, Chile, Ecuador, Mexico, Panama, Peru, Uruguay and Venezuela. The agreement follows very closely the Paris MOU, although it was adapted to the special characteristics and particulars of the Latin-American region. According to the agreement, each maritime authority will make every effort to reach a minimum annual level of inspection of 15% of foreign vessels visiting its ports.

- The Tokyo MOU in the Asia-Pacific region was signed during the fourth preparatory meeting in Tokyo (from 29 November to 3 December 1993) by the maritime authorities of Australia, Canada, China, Fiji, Indonesia, Japan, Malaysia, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Russian federation, Singapore, Solomon Islands, Thailand, Vanuatu, Viet Nam and Hong Kong. As a preliminary target, subject to subsequent review, the authorities will seek to attain a regional annual inspection rate of 25% by the year 2000.

- The Caribbean MOU was signed on 9 February 1996 in Christchurch (Barbados) by 20 states, territories and Islands in the Caribbean. The target established was of 15% annual inspection rate per country within three years.

- The Mediterranean MOU was signed in Valletta (Malta) on July 1997 by representatives from the following maritime authorities: Algeria, Cyprus, Egypt, Israel, Malta, Lebanon, Morocco, Tunisia, Turkey and the Palestinian authority. The member states will seek to accomplish a 15% annual inspection rate per country within three years.

- The Indian Ocean MOU was signed in Pretoria (South Africa) on June 1998 by representatives of each of the following maritime authorities: Djibouti, Eritrea, Ethiopia, India, Iran, Kenya, Maldives, Mauritius, Mozambique, Seychelles, South Africa, Sri Lanka, Sudan, Tanzania and Yemen. The authorities will seek to attain a regional annual inspection rate of 10% per country within three years.

- The MOU in West and Central Africa will be covered in more detail in the next chapter.

- Black Sea region: The first preparatory meeting took place in Varna (Bulgaria) on September 1999, with the participation of Bulgaria, Georgia, Romania, Russian Federation, and Turkey. The signatory ceremony took place on April 7, 2000.

Unilaterally in the United States, all visiting ships have to be boarded at least once a year. A long-standing US Coast Guard boarding programme was instituted in the early 1980's. The US Coast Guard exercises its privilege unilaterally to inspect visiting ships and to detain them, if necessary, until they come into conformity with international standards.

3.2.2 Plan for establishing new MOUs

At the moment, IMO is in consultation with the maritime authorities of countries within other regions where the establishment of PSC agreements is projected in the near future. Particular attention is given to the ROMPE (Regional Organisation for the protection of the Marine Environment) sea areas to which the participating countries are the Arabic Gulf States around the Persian Gulf, namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and The United Arab Emirates. It is relevant to mention in this context that the Islamic Republic of Iran is not included among the member states of the future MOU. The signatory meeting is to be determined.

It can be seen from the above developments that the “regional approach”, as opposed to an individual-country or “global approach”, is favoured at this stage. By the establishing of the mentioned MOUs, a full global coverage of PSC might occur, either through a globalisation of the system of control (global standarisation), or at least by harmonisation of practices and procedures of inspection in the different regions of the world. In both cases, co-operation among PSCs or MOUs and exchange of information database will be necessary between parties as a preliminary step towards sustainable future development.

3.3 Evaluation of inspection in the Paris MOU

Considering the availability of documents and related reports, the evaluation in this part will mainly focus on the Paris MOU. Currently, and according to Alain Cubbain, maritime and coastguard Agency, UK (BIMCO Review, 1999 p 60),” it is estimated that over 90% of individual foreign vessels calling at Paris MOU ports each year are inspected”. In 1999, about 15 percent of them were detained with serious deficiencies.

3.3.1 Inspections, deficiencies, and detentions

Inspections procedures under the Paris MOU are presented under the different sections of Annex I of the agreement. Section 1 fixes the type of ships to be considered as priority inspections. The 2000-revised Manual for Surveyors made a more detailed list of priority inspection in comparison with the previous items of the section. The innovation is particular about the establishing of new target factors and the setting up of a list of elements that are relevant for the targeting factors. The certificates to be examined, to the extent applicable, during inspections are presented under section 2 of the annex I to the Paris MOU document. The list of certificates under the new revised Manual is larger than it was in the preceding text. It includes all certificates required plus the following six documents:

- Cargo securing manual
- For passenger ships, a plan for co-operation with SAR services.
- Bulk carrier booklet
- Loading and unloading plan for bulk carriers
- Garbage management plan
- Garbage record book.

As mentioned earlier the “no more favourable treatment” clause is automatically applicable, as provided in section 3, to ships of non-parties and to ships below convention size. The same section provides a list of items of general importance to be examined in case of inspecting such types of ships. These items are related to the conditions of assignment of load lines, the safety of life at sea and the prevention of pollution from ships. The novelty in the new 2000 Manual is the addition to the existing items of a new element related to the means for the collection, storage and disposal of garbage. Section 4 of the annex gives examples of “clear grounds” for a more detailed or expanded inspection. In addition to these examples in the preceding manuals, the new manual adds certain examples related particularly to oil tanker records of oil discharge, monitoring and control system for the last ballast voyage, absence of an up-date muster list and abandon plan of the

ship in case of fire incident. Section 5 provides clarifications and details about more detailed inspections in case of lack of valid certificates or after establishing clear grounds. PSC of the manning of foreign ships, which is carried out based on the ship's safe manning provisions and requirements of the relevant international conventions, is covered under Section 6 of the agreement's main body. However, Section 7 sets up the requirements to be inspected by PSCOs in relation to ILO convention provisions. Similarly, expanded inspection of certain ships is established under Section 8, particularly in terms of categories of ships subject to this extraordinary inspection, and the procedures of such inspections. Finally, principles, main criteria and detainable deficiencies governing rectification of deficiencies and detention of ships are largely detailed under the last section of the annex I to the Paris MOU agreement.

In terms of quantification of the work done by the Paris MOU, it is estimated that since the MOU entered into force a total of more than 200,000 inspections of foreign ships have been carried out. The following tables show the number of individual foreign ships inspected, the number of inspections, the number of deficiencies observed and the number of ships detained over the last nine years.

Table 3.2:

Number of individual ships inspected[1]

1991	1992	1993	1994	1995	1996	1997	1998	1999
10,101	10,455	11,252	10,694	10,563	10,256	10,719	11,168	11,248

[1] Source: Paris MOU Annual reports.

Table 3.3:

Number of ships detained and % in number of individual ships inspected[2]

	1991	1992	1993	1994	1995	1996	1997	1998	1999
Number	525	588	926	1,597	1,837	1,719	1,624	1,598	1,648
%	5.20	5.62	8.23	14.93	17.39	16.76	15.15	14.31	14,97

Table 3.4:

Number of inspections + detentions in % of inspections[3]

	1991	1992	1993	1994	1995	1996	1997	1998	1999
Number	14,739	14,738	17,294	16,964	16,381	16,070	16,813	17,643	18,399
%	3.56	3.98	5.35	9.41	11.21	10.70	9.66	9.06	9.15

In analysing the above tables it is clear that the number of individual ships inspected reached a peak in 1993 and then decreased continually to the minimum level in 1996. This tendency was reversed to start increased continually to 11,168 in 1998 and to 11,248 in 1999.

The number of inspections follows closely this tendency. However, the number of ships detained indicates quite a different penchant. The data reveal a continual increase from 1991 to 1995 in which the peak point of 1,837 detentions was reached, then steadily decreasing from this point to 1,598 detentions in 1998

[2] *Ibid*

[3] *Ibid*

and 1,684 in 1999. This inclination is probably a good sign of a gradual compliance with standards and regulations, but it is too early to conclude, due to the short period of time, that there has been any real improvement.

Although there has been a high number of inspections, detentions and other measures taken by the authorities of member states, the number of deficiencies still continues to be relatively high. An increasing of 8% was noted during PSC in 1998 in comparison to 1997. This observation is compatible with the fact that the number of detentions has continually decreased over the last five years only in the case that these deficiencies are minor and do not require any measures for detention. The Paris MOU 1998 annual report presents this situation as a product of more selective targeting of ships for inspection. Basic safety item issues such as life saving appliances, fire-fighting equipment, safety in general and navigation still occupy more than half of the deficiencies noted during PSC in 1998. Table 3.5 shows an increase in the number of deficiencies observed between 1991 and 1995, and a slight decrease in the two following years. The number reached the maximum in 1999 with 60,670 deficiencies.

Table 3.5:

Number of deficiencies observed[4]

1991	1992	1993	1994	1995	1996	1997	1998	1999
25,930	27,136	43,071	53,210	54,451	53,967	53,311	57,831	60,670

3.3.2 Case study: "the Erika"

The above tables indicate that a relatively high number of inspections, and detentions were carried out in the region covered by the Paris MOU. The data can only be used for the purpose of the quantification of the evaluation of system.

[4] *Ibid*

However, the quality of such a regime can be viewed in terms of the real contribution to enhance quality shipping on a regional basis.

In trying to evaluate the accomplishment of the system, it is relevant to mention that PSC is a random control, established not to cover everything in detail. Therefore, it is unfair to blame the entire regime for negligence or for incompleted work of its PSCOs. Nevertheless, it is of great importance to link the failure of the shipping community as a whole to all the parties' involved, at different levels and responsibilities, in safety and environmental protection. Consequently, the aim of this part is to discuss the case of the Erika disaster from the point of view of the PSC regime only, particularly in the region covered by the Paris MOU.

On December 12, the Malta-registered tanker "Erika" broke in two during a storm and spilled thousands of tons of its heavy fuel oil cargo into the sea. The catastrophe reversed the idea, that 1999 was considered to be one of the cleanest years in terms of oil spills from tankers occurring as a consequence of accidents at sea.

The casualty can simply be viewed as a reminder of what happened after the sinking of the Amoco Cadiz near the coast of the same country twenty-two years ago. The relevance of this comparison in this particular context is that, as mentioned earlier, the Amoco Cadiz casualty was the direct reason for the establishment of the Paris MOU, which was viewed at that time as one of the remedies available and exercised by the port states to protect themselves against such unhappy events. The question to be asked in relation to this situation is whether safety is back to square one as in 1978 and if what has been done so far has not been efficient and useful.

The Erika case is, from the point of view of this writer, a relevant example in this evaluation, not only because it caused one of the worst oil spills in European waters after being subject to all kinds of theoretical and routine inspections, but also because it was, according to The Sea newspaper, March/April 2000, "one of eight sister ships built between 1974 and 1976, three of which are reported to to have

suffered significant structural damage in the past ten years." According to the same document, "the accident appeared similar to that of the Nakhodka, a Russian vessel that broke in two three years ago, polluting Japan's coast heavy fuel oil."

Since April 1996, the Erika was subject to different PSCs in the Paris MOU, resulting in detention on two occasions. On 17 April 1996 it was inspected at Millazzo (Italy) with small deficiencies relating to the emergency embarkation equipment. Three months later the ship was detained in Gdynia (Poland) for deficiencies viewed by PSCO as serious and covering pumps, auxiliary engines, and hygiene and cleanliness of the engine room. Forty days later, the ship was controlled in Ponta Delgada (Portugal) and the inspection confirmed the same deficiencies: toilets, cleanliness of the engine room, auxiliary engines. During the period from 16 August 1996 to 11 December 1997 (about sixteen months) the ship escaped to all PSCs in the region. At the latter date it was inspected and detained in Rotterdam (Holland) for deficient pumps and corrosion found in the bulkheads. Six months later, the ship was detained in Stavanger (Norway) on 20 May 1998. The Norwegian authorities indicated the existence of several deficiencies in relation, particularly, to fire fighting equipment, toilets, freeboard marks, electrical equipment and corrosion of the hull. Consequently, the ship was released under conditions that all these deficiencies would be rectified within the two weeks after the departure of the ship. The next inspection was carried out in Porto Torres (Italy) on May 1999 and ended in a clean report, with nothing to mention as deficiencies. However, the last report that took place in Novorossisk (Russia) on 12 November 1999 (just one month before the disaster) revealed relatively small deficiencies related to freeboard marks (to be rectified within 14 days), immersion suits (rectified before leaving the port), life buoys (to be rectified at the next port) and personal equipment – fire fighting (to be rectified within 14 days).

In general terms, the process of inspecting the Erika merits comments and observations: Firstly, all PSCs carried out in Italy seem to have overlooked all deficiencies of the ship. The only explanation of that situation could be found by looking at the classification society, which registers the ship, The Registro Italiano Navale: RINA. Therefore, it is facile to conclude that PSC efficiency can be

influenced by many parties involved in the shipping industry. Secondly, deficiencies that are supposed to be corrected within a specific period of time were continually appearing in the subsequent inspections. This circumstance shows that there was no efficient follow-up on the actions taken. Thirdly, although the investigation of the causes of the casualty have not, so far, been concluded, the fact the ship broke into two can be interpreted as a hull strength issue. Nothing in all these seven PSCs mentioned this element, except unusual signs of corrosion in the hull revealed during the inspections in Holland and Norway. The PSCO, therefore, has no efficient means to check parts of the ship, that need more technical equipment such as those available in the dry docks or in the classification societies' laboratories. Finally, one of the lessons to be learnt from this case is that harmonisation and uniformity of PSC procedures has not yet reached the optimal point. Each port state seems to have its own criteria and priority. This practice, however, is in contradiction with the principles of the Paris MOU that encourage all member states to follow the same process in carrying out PSC.

Chapter 4
Memorandum of Understanding in West and Central Africa

4.1 Member States

This agreement was signed under supervision of the IMO in Abuja (Nigeria) on 22 October 1999 by sixteen Coastal States, that stretch from the coast of Mauritania in the north to the coast of South Africa. The member States consist of Benin, Cape Verde, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Liberia, Mauritania, Namibia, Nigeria, Senegal, Sierra Leone, South Africa (Already member to the Indian Pacific MOU) and Togo. However, Angola, Cameroon, Equatorial Guinea, who attended the meeting, agreed to sign the MOU at a later date.

The International Labour Organisation (ILO), the Port Management Association of West and Central Africa (PMAWCA) and the Union of African Shippers Council (UASC) also participated in the meeting as well as the International Association of Classification Societies (IACS), The Communauté Economique et Monetaire de l'Afrique Central (CEMAC), The Economic Commission for Africa (ECA), The United Nations Development Programme (UNDP), The International Transport Federation (ITF). The administrative body under which the agreement has been discussed is the Ministerial Conference of West and Central African States on Maritime Transport (MINCONMAR).

4.2 The obstacles to establishing an efficient WCAMOU

Considering the fact that PSC is not a statutory inspection, the efficiency of such controls depends largely on the authority inspecting the ships. There are

certain numbers of difficulties, at different levels, among the member States. These obstacles cover the status of ratification of international instruments, lack of sufficient number of qualified surveyors, linguistic hindrance, economic constraints, lack of adequate infrastructure and the congestion in some ports in the area.

The status of ratification of international instruments has been improved recently, particularly during the last two years, thanks to the efforts made by IMO. Table 4.1 shows the updated situation of ratification of IMO relevant conventions.

Table 4.1:

Status of ratification of relevant international instruments (on 31/5/2000)

	SOLAS Convention 74	SOLAS Protocol 78	LOAD LINES Convention 66	TONNAGE Convention 69	COLREG Convention 72	STCW Convention 78	MARPOL 73/78 (Annex I/II)	MARPOL 73/78 (Annex III)	MARPOL 73/78 (Annex IV)	MARPOL 73/78 (Annex V)	ILO No 147
Angola	x	x	x		x	x					
Benin	x	x	x	x	x	x	x	x	x	x	
Cameroon	x		x		x	x					
Cape Verde	x		x		x	x					
Congo	x		x		x						
Côte d'Ivoire	x	x	x	x	x	x	x	x	x	x	x
Equatorial Guinea	x	x	x	x	x	x	x	x	x	x	x
Gabon	x		x		x	x	x	x	x	x	
Gambia	x		x	x	x	x	x	x	x	x	
Ghana	x	x	x	x	x	x	x				
Guinea	x		x	x	x	x					
Liberia	x	x	x	x	x	x	x	x		x	x
Mauritania	x	x	x	x	x	x	x	x	x	x	x
Namibia											
Nigeria	x	x	x	x	x	x					
Senegal	x	x	x	x	x	x	x	x	x	x	x
Sierra Leone	x		x			x					
South Africa	x	x	x	x	x	x	x	x		x	x
Togo	x	x	x	x	x	x	x	x	x	x	x

This situation indicates that some countries are still far away from fulfilling the requested ratification. Namibia is, for instance, not party to any of these instruments. Only Côte d'Ivoire, Equatorial Guinea, Liberia, Mauritania, Senegal, South Africa and Togo have ratified the relevant international instruments including ILO No.147 Convention.

The lack of qualified and efficient surveyors is one of the major difficulties facing the majority of WCAMOU states. The IMO resolution A787 (19) states clearly the required qualifications of a PSCO. He should be an experienced officer qualified as flag state surveyor, be able to communicate in English with the key crew and should have the necessary, latest and updated knowledge of the provisions of the applicable conventions, that are relevant in the conduct of PSC. Moreover the resolution specifies that

> *The PSCO should be qualified as master or chief engineer and have appropriate seagoing experience, or have qualifications from an institution recognised by the administration in a maritime related field and have specialised training to ensure adequate competence and skill, or be a qualified officer of the administration with an equivalent level of experience and training, for performing inspections of the relevant operational requirements.*

The WCAMOU document follows word by word the qualification criteria for PSCO established by the other MOUs that are based on the IMO resolution A787 (19), with a small difference relating to the term "English", which is replaced in the MOU by " the language most commonly spoken at sea". This terminology may be interpreted differently by the different states. Moreover, the MOUs provide more specifications and details in terms of period of previous service and specialisation of PSCOs. In addition, the administrations have the right to establish their own equivalent qualification as criteria for PSCOs. (Annex 4 to Appendix A of this dissertation provides these criteria).

In practical terms, some countries in the MCAMOU have insufficient inspecting officers to carry out inspections on their national ships and also foreign ships. This is mainly due to the fact that the wages are often low in the administration. The best-qualified personnel are attracted to go elsewhere in order to find a much better financial situation.

The linguistic hindrances stretch beyond the simple problem of language. They take the form of historical and political stature. There are four different official languages in the sub-regions, which are Arabic, English, French and Portuguese. The following table shows the classification of member states according to their official languages:

Table 4.2:

Official languages of WCAMOU member States

Arabic	English	French	Portuguese
Mauritania	Gambia, Ghana, Liberia, Namibia, Nigeria, Sierra Leone, south Africa.	Benin, Congo, Côte d'Ivoire, Gabon, Guinea, Senegal, Togo.	Cape Verde

Unfortunately, a spirit of linguistic fundamentalism has been spreading in the region. Although the MOU document has been drafted both in English and French, the English predominance is obvious in such organisations for the simple reason that in the maritime field English has become more and more widely used. This situation may provoke a mutual misunderstanding among the member States.

The economic constraint is the cornerstone of the organisation. Almost all member States face very difficult economic situations. Maritime safety and pollution prevention is generally at the bottom of national priority ranking. The priority is generally granted to more vital and crucial sectors such as food supply, health, education, combating poverty and improvement of country infrastructures.

Since the PSC does not generate any income by itself, the budget of the organisation will be primarily based on the member States contributions in order to

cover the basic costs such as the wages of the secretariat personel, the communication fees (computer centre or other alternatives means of communication) and costs engendered by regular seminars for PSCOs. In addition to the collective charges of PSC activity, an individual cost by each Member State is to be taken into consideration. This covers essentially the salaries for the PSCOs.

Another complication, that puts at risk the efficiency of PSC in the sub-region, is the inadequate port infrastructure that are necessary to rectify deficiencies if they are founded during inspections. This situation is due to the fact that ports in the area are built to respond to the need of these countries in terms of the import and export of goods. They are still badly equipped in terms of means of repairs and reception facilities as required by international conventions.

The congestion in some of ports in the area may hamper the conduct of PSC. A conflict of interest may arise between the commercial aspect of ports on one side, and the right to act in protecting the environment and enhancing safety at sea on the other. A theoretical case of a ship being detained by PSCO in a highly congested port may lead to the cancellation of all the results of the inspection in order to get a vacant berth for one of the waiting ships. This situation may be aggravated by the fact that most ports in the region have an autonomous regime from the central maritime administration in terms of management of port affairs. The personal research of the author concludes that some ports have an average waiting time both “in waiting” and “out waiting”. In the Monrovia Rice Port (Liberia), for instance, the average waiting time for all convention ships is 28.7 hours. The situation is however much better in the container terminal, where the average waiting time is about 4 hours. In Lomé Port (Togo), the average waiting time can also reach 28 hours including delays due to non-availability of the pilot. The situation is less complicated in Abidjan Port (Côte d’Ivoire) where the average waiting time is only about 8 hours for all ships. However, some ports in the region did not respond to the questionnaire sent to them. This could be because they have no congestion as such, typically the same as in Europe, or simply because these data, once published, may affect the competitivity of these ports. More details about the congestion of Mauritanian ports will be discussed in the next chapter.

4.3 Presentation of the WCAMOU document

4.3.1 Comparison with other MOU documents

Basically, the document does not deviate largely from the provisions of the other MOUs. It is similar to the other regional PSC agreements already established around the world. Their provisions are quite *mutatis mutandis.* The differences between the WCAMOU and other MOUs, particularly the Paris MOU, can not be found in the content of the documents but in the surrounding factors, that lead to the establishing of such agreements:

1. The Paris MOU was established as a consequence of and response to many accidents, that had occurred in the heavy traffic areas along the European coasts, which created a political will and a public awareness to develop a regime of prevention of such casualties. This factor helped these states to join their forces in combating substandard ships. In the West Coast of Africa the situation is quite different. The idea was born as a response to the pressure of the international community, particularly IMO, to organise a PSC regime on a regional basis. The ignorance of the fact that most maritime administrations in the sub-region are not well prepared to carry out the activity properly may affect the ambitious idea of globalisation of the activity.

2. Although the requirements of inspections are the same under the Paris MOU and the WCAMOU (certificates inspection, more detailed inspections, detention, rectification etc), the gap between the two MOU member states' maritime administrations in terms of human factor and port infrastructures is extremely large.

3. The only clear difference that can be found through the reading of different MOU documents is related to the percentage of inspections to be accomplished. The draft of WCAMOU requires each maritime authority, which is signatory to the agreement, to make an annually required total number of inspections of at least 15% of the estimated number of foreign merchant ships entering the region's

ports during the year, within a period of three years after the MOU becomes effective. This percentage is higher than the quota of inspections in the Indian Ocean MOU (10%), similar to the rate in the Caribbean and the Mediterranean MOUs, but less than those in the Paris and Tokyo MOU (25%).

4.3.2 Co-operation, harmonisation of procedures and exchange of information

4.3.2.1 Co-operation

One of the advantages of entering into multilateral agreement is to prepare the ground for beneficial co-operation between member States. Actually, and according to Yahya Al Jumah in his survey notes " Regional co-operation on PSC in the west and central Africa p.38":

> *Not all the States in the Sub-region exercise PSC, and those that do, do not use the same system of control even though the control of ship could be done according to the relevant international conventions. They have now realised that, in order to attain their development objectives in the maritime sector; it is very essential that they collectively promote self-reliance among themselves. Through Regional co-operation considerable efforts to develop their maritime sector would be attained, as it would straighten relationships among themselves in the various field of shipping and ports issues. These could be done by pooling their resources together and entering into co-operation systems it would at the same time enable them to increase their know-how about other member states in the sub-region by engaging their expertise in the maritime sector.*

However, and prior to the establishment of the WCAMOU, the majority of member states have been associated in the maritime field with different kinds of co-operation, particularly through the Ministerial Conference of West and Central African States on Maritime Transport (MINCOMAR) and the Port Management Association of West and Central Africa (PMAWCA). An evaluation of the results

achieved by these two bodies is, unfortunately, not encouraging. Nothing has been positively achieved regionally since these bodies were instituted.

4.3.2.2 Harmonisation of procedures

The most difficult task in conducting PSC is the harmonisation of procedures as shown earlier in the example of the case of Erika in the Paris MOU. The main reason for that is not only because different administrations establish different priorities and items to be inspected, but also that every PSCO within each administration has his own priorities, based on its own background. Experience has shown that nautical surveyors and engineer surveyors chose different items to check on board ships when carrying out PSC.

4.3.2.3 The exchange of information

The exchange of information is of great importance. It must allow a free flow of information and communications among member States so that substandard ships can be identified and targeted. The optimal and ideal way for this to be achieved is through the setting up of a computer network. This option can be considered as relatively expensive, especially when considering the economic situation of the member States. More objectively, other alternative types of communication system can be developed such as telex, telefax or even telephone as required by the MOU document. The example of the Mediterranean MOU, that still uses alternative means to the computer network since its establishment in 1997, is a clear confirmation of this idea, particularly when considering the relative advanced standing of the Mediterranean member States in comparison to WCAMOU member States.

4.3.3 IMO technical assistance and co-operation with the existing MOUs

In accordance with the new tendency of IMO policy, the priority is oriented on implementation and compliance with existing rules and standards rather than

making new and more complex rules. In this sense IMO encourages States to ratify or accept IMO conventions in order to ensure their global application.

The Technical Co-operation (TC) Division of the organisation carries out the technical assistance. Since IMO has 159 member States, the majority of which are developing countries, the assistance is basically oriented to aid these developing countries.

According to David T.Edwards, Director of the TC Division, as contracting parties, developing countries have every right to expect assistance from other contracting parties with the capacity to help, as well as from the UN system through IMO. In order to pursue the mission of assisting developing countries, IMO's TC strategy is based on establishing partnerships with regional organisations, donors, recipient governments and industry at the local, regional and international levels.

The capacity building for safer shipping and cleaner oceans can not be achieved without focusing on human resource development. From this point of view, IMO assistance in the WCAMOU can cover the following items:

- Evaluation and mobilisation of the regional maritime expertise and resources.
- Facilitation of the regional co-operation among member States and with the existing MOUs by emphasising the global coverage of PSC. This co-operation can cover the availability and exchange of information about substandard ships and the sharing of experiences.
- Funding partnerships through UNDP and bilateral donors.
- Strengthening of individual maritime administrations by focusing on responsibilities as flag and port states.
- Supporting and assisting maritime training of PSC officers.

These tasks can be co-ordinated by the IMO regional co-ordinating bureau in West and Central Africa, which opened in May 1999 in Accra (Ghana) and is headed by a former WMU graduate. The office has the primary function to co-ordinate the delivery of the technical assistance to work closely with regional

multilateral and bilateral providers of development assistance. However, there is no doubt that in the early stage of implementing WCAMOU the emphasis of assistance should be focused on the education and training of PSCOs, particularly in terms of understanding and familiarisation with the requirements of the international conventions.

4.3.4 Shipowners point of view

Not everyone regards the proliferation of PSC authorities to be entirely good news. Mr Alan Cubbin, a senior official at the UK Maritime and Coast Guard Agency, was quoted by Lloyd's List newspaper recently as saying that some of the newer regimes seemed to be using inspections to raise revenue. He cited the example of six ships, which obtained PSC certificates in southern Europe, only to be declared substandard and detained in northern Europe.[5]

The Norwegian Shipowners Association's point of view, concerning particularly the establishment of WCAMOU, is typically identical. Their major concern is, as expressed by the Association spokesman Mr Arne Peder Blix, Head of Division in the NSA, during MAEP/MSEP 2000 field trip to Norway in November 1999, related to the high level of bribery of PSCOs in the region. This situation, in their point of view, is the consequence of the fact that these officers are badly paid. Consequently, and according to the same spokesman, these officers, when conducting inspections, will not issue a clear report to the ship without asking for a bribe, notwithstanding the condition of the ship.

[5] Source: The Sea newspaper, Issued 143 Jan/Feb 2000, p3.

During research process, the author has send a questionnaire to the MAERSK line in Copenhagen, in order to have their point of view about the PSC activity in general and in particular in the West and Central Africa. They, finally, were not willing to provide this information for reasons that are not clear for the writer.

Chapter 5
Case study: Mauritania

5.1 Importance of maritime safety and environmental protection

Despite the fact that maritime safety and environmental protection is of great importance to the national interests of the State, the awareness about the matter is not compatible with the danger that might be caused by an incident to the maritime sector in particular, and to the national economy in general. Mauritania does not, therefore, make an exception to that rule in the maritime domain that stipulates that awareness and prevention measures are always engendered by maritime disasters.

After the independence of the country in 1960, the national economy became more and more dependent on maritime activities.

Since Mauritania is located in one of the richest fishing areas in the world, fisheries represent now the country's principle economic resource, accounting for more than 66% of the national revenue. According to the Ministry of Fisheries' statistics, there is a total of 495 fishing vessels operating in Mauritanian waters, among them 270 vessels registered in the national registry, the rest; 225 vessels are foreign vessels operating under bilateral agreements. This situation may create an overfishing situation that will certainly endanger the sustainable exploitation of the country's national wealth in addition jeopardise the environment and the safety at sea. It is appropriate to mention here that no merchant ships, passenger or any other type of ships (except the fishing vessels) are registered in Mauritania.

The national coastline areas provide an exceptional ecosystem equilibrium, that creates "The National Park of Arguin", which is a national asset of great biological and economic value. The extraordinary rich bird life, fisheries and other marine assemblages, in particular the prevalence of seagrass beds and other productive, shallow-water benthic ecosystems, is significant near shore, upwelling within and around the Park where 40% of the national coast line is situated. The Park also offers protection to the world's largest concentration of overwintering waders. This was the main reason why the Park was listed under the Ramsar Convention in 1982 and added to UNESCO's World Heritage List in 1986.[6]

In addition, the country trade and exchange is largely seaborne trade. The percentage is estimated to be more than 95% of both import and export in terms of value and quantity. On top of fishing products, export is dominated by iron ore shipments; about 12 million tons per year are exported through the mineral quay in the economic capital city (Nouadhibou). However, more than 90% of the import of goods is carried out through the autonomous port of Nouakchott (the capital city), the so-called " the port of friendship".

All the above-mentioned maritime activities require that preventive measures must be put in place to hinder the occurrence of unhappy incidents or disasters. This can be done only through the strict application of the international standards both for national ships as a flag state and for foreign ships as a port state.

5.2 Presentation of maritime administration in Mauritania

The maritime administration in every country is the main body dealing with the activities of the maritime sector. The functions of the maritime administration are those assigned to it within the framework of the government's overall policy. The most important aspect of its duties is to advocate, to improve and to protect the national interests of the State in terms of marine safety, maritime environment protection, training and education, welfare of maritime personnel both on board and

[6] Source: IUCN, *Coastal Assessment of Parc National du Banc D'Arguin*, 1992, p2.

ashore, and more generally to protect the national interest in respect to shipping, commerce, economy and strategy. These responsibilities can be accomplished through the development of a national maritime policy, regulations and the supply of maritime services.

Meanwhile, the set up of a maritime administration varies from one country to another due to their particular socio-cultural status, traditions, level of development, historical background and even geographical location.

The maritime administration in the Islamic Republic of Mauritania is largely under the Ministry of Fisheries and Maritime Economy (MPEM), which is in charge of the development and implementation of government policies and decisions in the maritime field. The Ministry exercises the power of control, fixed by laws and rules, over State companies, joint-economical companies and public firms in the maritime industry. Under the responsibilities of the minister there are seven government departments (Directorates) which are:

- Fishing Directorate
- Development fishing resources and research Directorate
- Nouadhibou (the economic capital city) maritime district Directorate.
- Promotion of fish product Directorate.
- Supervision and control of fishing activities at sea Delegation.
- Merchant marine Directorate.
- Maritime training and administrative affairs Directorate.

All the above mentioned directorates are exclusively dealing with the fishing industry except the last two. This is mainly because of the importance of the fishing sector in the national economy, which is overwhelmingly dependent on it. These directorates are in charge of fishing licences, management of fisheries, production, transportation and marketing the fisheries products, supervision and control of fishing activities at sea.

The Merchant Marine Directorate is dealing particularly with ports and maritime transport, the marine environment and coastal development, navigation and maritime safety including the survey, inspection and certification of ships.

The Training and Administration Directorate has the duty of training, administration affairs and translation tasks.

The Nouadhibou Maritime District Directorate represents, on a regional basis, the Ministry of Fisheries and Maritime Economy. It is composed of the Fisheries Regional Department and Merchant Marine Department.

The administration, as most administrations in developing countries, presents a wide list of weaknesses that includes:

- Need for an adequate maritime legislation and regulation, and lack of effective implementation of the relevant legislation.
- Lack of consultation between concerned ministries and between agencies.
- Lack of consistency in matters of information flow within the administration, and need for exchange of information.
- Lack of cohesion in terms of tutelage of maritime institutions.
- Contradiction and opposite objectives relating to maritime policies.
- Passive contribution in the development of international standards.
- Lack of qualified personnel with maritime background and knowledge at all levels of maritime administration.
- Insufficient infrastructure and equipment: aids to navigation, protection of the marine environment equipment etc.

5.3 Survey operations:

Shipping by nature has an international feature that is reflected by the fact that a ship can cross the world without calling at its port of registry. This situation puts the flag state in a difficult position in terms of monitoring and controlling the compliance of the ship in accordance with all applicable conventions and rules. This is where the classification societies come into the picture through the increasing role they play in maritime affairs with regards to safety, not only in the performance of governmental functions with regard to statutory survey and certification but also in the performance of their traditional classification work for the maritime industry. The benefit that occurs in delegating of such tasks is that, in carrying out the duties, whether pursuant to applicable international agreements, conventions, or a national legislation, the classification society acts solely as the agent of the administration, under whose authority or upon whose behalf it performs such work. Even if the tasks are delegated the responsibility always remains with the national administration.

In Mauritania, the administration (the Merchant Marine Directorate) surveyors do not conduct the surveying, inspecting and certifying of ships. The delegation of such responsibilities is based on the Merchant Marine Code, Article 154 that provides that the Maritime Administration may authorise a society or experts to act by reporting on its behalf for certain tasks. Actually, these tasks are delegated to a private society: MATEMA (Mauritania Maritime Technical Assistance), which is headed by one Italian expert from the Italian classification society RINA and two national assistants. Reading the report of a survey carried out by this society, during the author's visit to the Merchant Marine Directorate, shows that such a company conducts no serious survey. The survey covers only the general aspects without going into technical details that are the main purpose of the delegated survey. Therefore, it can be said that the quality of the inspection is very poor. Appendix B shows a case, selected indiscriminately, of a survey conducted on 19 August 1999. It was carried out on board a small fishing boat called "MASSIRA-5".

The idea, that will be generated from this situation, is simply that a maritime administration which is not able to properly carry out its own duties on board its own ships, will not be capable, for the time being, to accurately carry out PSC on board foreign ships.

5.4 Category of ships visiting Mauritania's ports

In Mauritania, ports have a leading position in the maritime activity; port authorities are in charge of pilotage, towage, aids to navigation and hydrography in the port area. The port's administrative status is derived from the French system that usually establishes a specific sort of port authority that enjoys financial autonomy and commercial status as organisations in establishments. Meanwhile, these authorities are still under the tutelage of the public administration.

There are two sea-going ports across the country: The Autonomous Port of Nouadhibou and the "Port of Friendship". The former, despite the fact that it was built basically for fishing purposes, is used by merchant ships from time to time to get fresh supplies to the north of the country. The port includes also a the iron terminal, and a petroleum quay that is used for the import of crude oil from the neighbouring country Algeria. The latter is typically a merchant port where the quasi-totality of calling ships is foreign ships. This is the reason why the author chose it as the case study for carrying out PSC.

However, the main difference between the two establishments is their administrative supervision (tutelage). The port of Nouadhibou is under the tutelage of the Ministry of Fisheries, while the "port of friendship" is under the supervision of the Ministry of Equipment and Transport. Consequently, this situation may complicate, for the maritime administration, the conducting of PSC particularly in the "port of friendship", which is under a separate and independent entity of control. This unusual separation was caused mainly for technical reasons engendered by the natural conditions in which the port was built. The coastline near the capital Nouakchott is an unprotected area where maritime infrastructures require special technical monitoring. It is relevant to mention here that the port was built for

economic independence reasons particularly from the port of Dakar in the neighbouring country, the Republic of Senegal, to the south.

The number of ships and their types, during the last three years, are shown in the following table.

Table 5.1

Number and type of ships visiting the "Port of Friendship"[7]

Year / Type of ship	1997	1998	1999
Conventional ships	107	97	124
RO/RO	47	49	24
Container Ships	78	101	113
Gas Carriers	9	9	10
Bulk Carriers	59	50	52
Trawlers	129	147	59
Total	429	453	382

These data show that the dominant category of foreign ships visiting the port is conventional and container ships followed by bulk carriers and RO/RO ships. The lesson to be learnt from this is relevant to the training of future PSCOs in the short term. Special emphasis must be put on these categories of ship and particularly on their technical aspects and conventional requirements.

The flag states of these ships are various. The following table summarises the distribution of the annual traffic in accordance with the Flag State of visiting ships.

[7] Source: "Port of Friendship" annual statistics reports: 1997,1998 and 1999.

Table 5.2

Distribution of the annual traffic in accordance with the Flag State of the ship.[8]

Unit: tonnes of cargo

Flag States	1997	1998	1999
Panama	83,235	99,316	72,344
Spain	71,782	47,028	5,214
Liberia	54,290	75,158	113,575
Malta	53,364	41,531	92,511
Cyprus	51,662	138,176	163,520
Antigua-Barade	50,136	54,563	15,697
Italy	40,391	7,345	0
Singapore	33,536	10,892	1,915
Germany	29,188	51,270	70,348
France	15,559	32,641	18,267
Turkey	17,176	1,897	14,319
Bahamas	16,778	20,812	51,705
Saint-Vincent	12,939	6,501	51,202
Romania	12,531	4,612	16,990
Greece	12,481	54,113	55,099
Gabon	11,135	0	0
Bahrain	9,697	20,042	7,846
Mauritania	8,907	110,00	0
Philippines	8,602	11,487	7,160
Honduras	7,861	6,498	3,010
Denmark	7,214	182,00	21,408
Norway	7,213	0	0
Russia	7,082	16,125	5,300
Holland	7,002	11,570	1,717
Portugal	6,616	8,407	14,011
Cap Verde	5,594	6,020	757
Estonia	5,178	2,899	0
USA	3,125	2,824	3,998
Lebanon	4,415	819	0
Hong Kong	1,157	1,109	27,917
Algeria	982	3,275	0
Others	115,780	106,081	38,499
Total	776,608	843,303	874,329

[8] *Ibid*

It can be concluded from the above table that since 1999, Mauritania has no merchant ships owned or registered in its national register. The last one was a ship called “Marseille” owned by a Mauritanian citizen, which was sold in 1998. Both ships of flag of convenience, such as Panama, Liberia, Malta, Cyprus, Antigua-Barbade, Bahamas, Saint Vincent as well as flag of traditional (close) registry such as Germany, France, Denmark, Norway, Portugal, Spain occupy a big portion in the percentage of ships that call at the port. This information is, to some extent, useful as one of the criteria of selecting ships for inspection.

5.5 Constraints of carrying out PSC in Mauritania

Since Mauritania has ratified all the required international instruments, as mentioned earlier, this provides an adequate ground for conducting PSC on board foreign ships. This condition is necessary, but it is not sufficient for the full implementation and enforcement of the activity. A lack of surveyors and well-educated, trained personnel make the situation more complicated, especially since the maritime administration has no surveyors of its own.

In addition to this insufficiency, and to some other general problems that create major hindrances for an efficient PSC regime in the whole region, the congestion of the “port of friendship” requires a comment. In fact, and in accordance with the statistics of the port authority, ships waiting time is relatively very high, as described in the following tables.

Table 5.3

1997 ships waiting time by berth[9]

Unit: Hour

Berth / Month	Berth N0 1	Berth N02	Berth N03	Wharf SG	Wharf ES
January	530	544	138	468	146
February	18	83	2	3	48
Mars	68	227	33	3	244
April	54	270	55	27	14
May	122	72	31	6	111
June	58	53	22	9	40
July	79	242	48	1	3
August	204	317	329	7	15
September	290	52	27	1	41
October	76	63	66	1	120
November	39	139	385	3	122
December	482	460	261	22	126
Total	2020	2522	1397	551	1030

According to these data, the average waiting time of a single ship is:

A/1997 = (2020 + 2522+ 1397 +551 +1030) /421 = 18 Hours.

[9] Source: “Port of Friendship” 1997 annual statistics report.

Table 5.4

1998 ships waiting time by berth[10]

Unit: Hour

Berth / Month	Berth N01	Berth N02	Berth N03	Wharf SG	Wharf ES
January	153	1043	843	16	13
February	86	73	34	59	31
March	57	76	23	26	36
April	175	164	37	31	22
May	30	112	76	39	3
June	190	48	25	41	63
July	63	44	211	45	11
August	69	80	215	11	112
September	103	144	172	4	50
October	42	43	50	6	28
November	108	44	164	57	17
December	73	212	106	21	0
Total	1149	2083	1956	356	386

In the same way as calculated in the previous table, and considering that the number of ships calling at the port is 453 ships, the average waiting time for a ship is about 13 hours, which is much better than the previous year.

[10] Source: "Port of Friendship" 1998 annual statistics report.

Table 5.5

1999 ships waiting time by berth[11]

Unit: hour

Berth / Month	Berth N01	Berth N02	Berth N03	Wharf SG	Wharf ES
January	247	395	130	26	17
February	32	40	77	14	6
Mars	112	89	144	17	0
April	96	144	176	17	76
May	390	392	347	7	57
June	442	166	642	0	16
July	297	513	227	31	7
August	301	181	41	15	28
September	155	104	393	22	2
October	169	120	202	0	0
November	43	208	382	9	1
December	297	110	1148	29	1
Total	2581	2462	3909	187	211

It can be concluded from the above data that the average waiting time of each of the 382 ships that called at the port during 1999 is about 20 hours, which is the highest during the last three years.

The average waiting time during the last three years is:

A/1997,1998,1999 = (18+13+20)/3 = 17 hours.

However, and according to the same source, the occupation rate of the port berths is not very high being 50% in 1998 and 58,8% in 1999. This may explain that congestion is due, among other things, to natural conditions of the port that do not allow ships to enter it in relatively bad weather.

[11] Source: "Port of Friendship" 1999 annual statistics report.

As mentioned earlier, in the case of detention of ships, it will be a difficult choice for the authority to delay the ship for safety and environmental protection reasons, while a long queue of ships are waiting for berths.

In addition, the port does not possess any reception facility as required by the relevant international conventions, particularly MARPOL 73/78. Moreover, the lack of expertise and shipyards for reparation and rectification of deficiencies, which might be revealed by PSCOs, is also a major obstacle to the establishment of an effective PSC regime.

It seems from the above arguments that conducting PSC is not conceivable at the present time. On the contrary, it is possible but not unconstrained. To overcome these shortcomings, it is the responsibility of the maritime administration to establish recommendations and guidelines to all concerned parties in order to co-ordinate their actions and to ensure a positive involvement of all parties, including the private sector, that can act as ship repairers and service providers.

Chapter 6
Conclusions and Recommendations

6.1 Conclusions

To place the role of PSC in the context of marine environmental protection and safety at sea, it is widely recognised that it is a defence against, not a solution to, the problem of substandard ships. It is not the authentic solution for eradicating substandard shipping but it is a step in the right direction. Its main aim is to strengthen the efforts of all parties involved in the enforcement measures of safety standards and pollution prevention.

It should be no surprise that international law attaches a burden of responsibility to the attribution of vessel nationality. When a state assumes legal authority over a ship by granting its flag, the state also assumes certain obligations to take measures to ensure that the vessel acts in a fashion consistent with international law. However, if a ship voluntarily enters a port or offshore terminal of a state, that state must be able to exercise jurisdiction over it in respect of certain matters, depending on to which conventions that state is party, taking into consideration the well known clause “no more favourable treatment”. This jurisdiction was implemented over the world on a regional basis, since the establishment of the first MOU on PSC in Paris in 1982. It has been relatively successful, as demonstrated earlier, through the statistics of inspections. Other port states systems were established following its model, others are being planned in different regions of the world. By doing so, it is expected that there will, in due course, be full data flow between all systems. It is therefore likely that the port state regime may significantly augment the traditional flag state inspection system. Hopefully, no substandard vessel will be able to escape this future global network.

It can therefore be concluded that, although the MOUs are informal international instruments strictly within the conventional application of international law, they nonetheless have considerable effect. This is directly and strongly in proportion with the member states administrative abilities and potentials both in terms of maritime infrastructure and human resources.

The PSC regime is theoretically set up based on clear legislation, that provides the legal basis for conducting such activity. However, in practice, the task is not unconstrained because technical shortcomings conceal an immense list of substandardness that includes, on top of ship structure, machinery and crews, shipowners and operators, insurers and classifications societies that act on behalf of mediocre maritime administrations. The true eradication of substandard ships can not be achieved without exterminating the unscrupulous acting of all these parties.

The biased financial benefit is the primary cause of such a phenomenon. Consequently substandard ships, that are repressed by efficient PSC regimes established in some parts of the world, will continue to operate within other regions that are not protected by such a tool or those with inefficient control regimes, or within those in the phase of establishing PSC, such as the west coast of Africa.

It is understandable to conclude that this region faces a certain number of constraints to the conducting of an efficient PSC in comparison to other MOUs, in particular to the Paris MOU. These difficulties cover principally inexperienced human resources, inadequate maritime infrastructures, as well as economic, cultural, political, and legal issues.

The internal effort to improve the member states maritime administrations is the cornerstone of the task. However, support and co-operation with the existing MOUs and the IMO's Technical Assistance Division can speed up the establishment of such a regime in terms of individual countries and the regional organisation of the activity.

In accordance with this orientation, Mauritania maritime administration has gone over the legal requirements by ratifying the relevant international conventions. Meanwhile, a lot has to be done to abridge the gap that exists between the administration's actual situation in terms of human resources and ports infrastructure and what is commonly required to efficiently conduct a PSC regime.

6.2 Recommendations

The recommendations cover proposed solutions for certain shortcomings facing the individual maritime administrations in the region in particular, and the WCAMOU organisation in general.

6.2.1 The role of maritime administrations

Most of the maritime administrations in the region are emerging maritime administrations. They confront a lack of sufficient organisation systems, covering all maritime aspects. In this sense, particular concern should be given to the establishment of adequate maritime legislation through which an effective implementation of the international convention provisions can be granted. Special emphasis on Maritime Safety and Environmental Protection should take the leading place in the priority ranking of these legal issues.

In addition to the legal aspects, the maritime administrations should act actively as the main body that has the responsibility to protect the country's interests; an example of this shortcoming is the poor participation of these administrations in the elaboration of the international legislation. Consequently, ratification of or accession to international conventions, without participating to their elaboration, is unfortunately the only choice available to these countries. The ratified or acceded conventions are, sometimes, far away from the actual national potential and ability. In this context, it is of paramount importance to emphasise the importance of attending IMO meetings.

An urgent review of delegation of survey and certification to classification societies should be put in place. The maritime administrations should have at least the capability to monitor them for the work delegated.

The organisational structure of the maritime administrations should be simplified as much as possible. However, the setting up of maritime safety departments within the administrations will certainly increase their efficiency in combating substandard ships.

In most member states there is a shortage of qualified surveyors and PSCOs. The solution to this problem can be found in the handout of lectures given by Captain W B Rial at WMU about PSC:

> *An emerging Maritime Administration will not have the benefits of its own pool of in-house surveyors. Under these circumstances, particularly if the Administration does not intend to operate a significant ship register, it will be necessary to address the requirement for trained personnel to undertake PSC inspections. Whilst the primary function of such officers will of course be PSC inspections. There will inevitably be some Flag State activities involved.*

With support from this idea, some organisations like the navy and coast guard, along with senior merchant marine and navy personnel, can be useful as a temporary solution.

6.2.2 The role of Classification Societies

Classification Societies can contribute positively to the establishment of an efficient PSC in the region. The information concerning ships, for which “class” has been withdrawn but which continue to operate in the region, is of leading importance to the port states. However, the delegation of PSC to the Classification Societies, that some countries may envisage possible, is not of common usage for the three following reasons:

1. The policy of the classification societies is in contradiction with the principle itself. They inspect ships and issue certificates on behalf of Flag States; therefore it will make no sense if they check their compliance with rules and regulations on behalf of Port States. This situation can also eventually lead to unfair competition and conflicts of interests between different Classification Societies.
2. Administrations are usually not in favour for such delegations that will actually engender new expenses, much higher than the costs generated by the recruitment of several PSCOs.
3. The qualifications of Classification Societies surveyors are usually different to what is required by Res A787 (19) as amended and the different MOUs.

6.2.3 Maritime Infrastructure

In most countries, port authorities have independent status from the maritime administrations. Meanwhile, it is in the interests of these authorities that substandard ships are inspected closely in order to avoid incidents in the port areas. The close co-operation between port authorities and maritime administrations is of primary importance. In addition, port authorities should improve their operations service levels and accelerate their handling activities in order to reduce the ship's waiting time that cost a lot to the shipping business and may hinder the achievement of PSC objectives. Moreover, ports should be equipped with reception facilities as preventive measures to the dumping of wastes into the sea, as required by several international convention provisions. Furthermore, the building of ship repair yards, that can carry out repair work in case of deficiencies detected during the conduct of PSC, is highly recommended.

6.2.4 Training and education

PSCOs are the cornerstones in conducting PSC. In addition to a great knowledge of the requirements set up by international resolutions and regulations, PSCOs should have a deep apprehension of the relevant convention provisions.

This can be achieved through periodical regional seminars in co-operation with the existing MOUs and the IMO Technical Assistance Division. Likewise, special importance should be put on the study of English, which has become the first international maritime communication and working language.

6.2.5 Co-operation and communication

Efficient regional co-operation in conducting PSC requires a rapid and reliable tool of communication. The ideal mechanism is to set up a computer network. Nevertheless, this alternative is far away from being a reality if we consider the economic situation of many member states. Other options such as telex, telefax or telephone can be used temporarily. It should be borne in mind, however, that their use could impede the efficiency of the organisation.

6.2.6 The financial issues

Multi-lateral organisation success is highly dependent on the degree of honouring the financial commitments of the member states. The annual contributions to the secretariat budget should be based on the total annual gross tonnage of foreign ships calling at the member's ports. However, most countries in the region are in difficult economic situations. To overcome this situation, port authorities that are usually in better financial condition should assume this responsibility on behalf of their maritime administrations respectively. In addition governments of member states should facilitate the obtaining of gifts and subscriptions by donors countries or organisations.

6.2.7 Targeting factors

In addition to the priority given under Section 3, Annex 2 of the WCAMOU for selecting ships for inspection, in the short term, special emphasis should be put on ships that basically operate within the region. This can be justified by the fact that these ships are not subject to any PSC outside the region. On top of that, factors established by the WCAMOU should be highly considered in order to avoid unfair competition between ports in the region in terms of commercial advantage.

6.2.8 Harmonisation

Although the WCAMOU requires that the inspection should be harmonised throughout the region, the task of the PSCO at this level is not facile. In the Paris MOU member states have explicitly decided against the use of checklists during inspections. This is to encourage the professional judgement of PSCOs, and at the same time to decrease the rigidity and inflexibility of the inspections. Therefore, it is of primary importance that a mutual understanding and consensus among inspectors in the region emerges. This can be achieved through periodical PSCO seminars.

Finally, the author believes that the joint efforts of all the maritime administrations in the region examined and the lessons learnt from other administrations can ensure the effectiveness of PSC. In addition, there is a need to improve the capacity of each administration in terms of human resources and infrastructure. As demonstrated earlier, Mauritania, like any other member state, is expected to provide the impetus not only for the effective putting into place of WCAMOU, but also as concerns its enforcement.

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Stewart, J.W. (1990). Port state control: a contemporary legal study. Unpublished master's thesis, World Maritime University, Malmö, Sweden.

Thiam, P M. (1999). The Position of the Republic of Senegal in the supposed West and Central Africa Memorandum of Understanding on Port State Control. Unpublished master's thesis, World Maritime University, Malmö, Sweden.

World Conservation Union (IUCN) (1992). Coastal Assessment of Parc National du Banc d'Arguin, Mauritania. Gland, Switzerland: Author.

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Appendix A

MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL FOR THE WEST AND CENTRAL AFRICAN REGION

The Maritime Authorities of :

Angola	Guinea
Benin	Liberia
Cameroon	Mauritania
Cape Verde	Namibia
Congo	Nigeria
Côte d'Ivoire	Senegal
Equatorial Guinea	Sierra Leone
Gabon	South Africa
The Gambia	Togo
Ghana	

Hereinafter referred to as **"the Authorities"**

Recognizing the need to increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ships;

Noting the established training methods and programmes for port State control officers and the urgent need to implement a training programme for PSCOs in the region;

Noting with appreciation the progress achieved in these fields, in particular by the International Maritime Organisation (IMO) and the International Labour Organisation (ILO); noting also IMO Resolution A.682(17), concerning Regional Co-operation in the Control of Ships and discharges;

Noting the following MINCOMAR resolutions:

Resolution No. 166/5SE/97 adopted in Abuja, in December 1997, and;
Resolution No. 172/10/98 adopted in Brazzaville on 30 October 1998.

Mindful that the principal responsibility for the effective application of standards laid down in international instruments rests upon the authorities of the State whose flag a ship is entitled to fly;

Recognizing that effective action by port States is required to prevent the operation of sub-standard ships;

Recognizing also the need to avoid distorting competition between ports;

Convinced of the necessity, for these purposes, of an improved and harmonized system of port State control and of strengthening co-operation and the exchange of information;

Have reached the following understanding:

Section 1 Commitments

1.1 Each Authority will give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum, and take all necessary steps to ratify or accede instruments relevant for the purposes of this Memorandum.

1.2 Each Authority will establish and maintain an effective system of Port State Control with a view to ensuring that, without discrimination as to flag, foreign merchant ships visiting the ports of its State comply with the standards laid down in the relevant instruments defined in section 2.

1.3 Each Authority will achieve, within a period of 3 years from the coming into effect of the Memorandum an annual total inspections corresponding to 15% of the estimated number of individual foreign merchant ships, hereinafter referred to as "ships", which entered the ports of its State during a recent representative period of 12 months. The Committee established pursuant to Section 7.1 will monitor the overall inspection activity and its effectiveness throughout the region. The Committee will also adjust the target inspection rate based on experience gained and progress made in the implementation of the Memorandum of Understanding.

1.4 Each Authority will consult, co-operate and exchange information with the other Authorities in order to further the aims of the Memorandum.

Section 2 Relevant instruments

2.1 For the purposes of the Memorandum "relevant instruments" are, together with the Protocols and amendments to these instruments and related codes of mandatory status as and when they come into force the following instruments:

- The International Convention on Load Lines, 1966; (LOADLINE 66)

- The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);

- The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974;

- The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);

- The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);

- The Convention on the International Regulations for Preventing Collisions at Sea, 1972; (COLREG 72)

- The International Convention on Tonnage Measurement of Ships, 1969; (TONNAGE 9)

- The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147),

2.2 With respect to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147). Each Authority will apply the instructions in Annex 1 for the application of ILO publication "Inspection of Labour Conditions on board Ship: Guidelines for procedure".

2.3 Each Authority will apply those relevant instruments which are in force and to which its State is a Party. In the case of amendments to a relevant instrument, each Authority will apply those amendments which are in force and which its State has accepted. An instrument so amended will then be deemed to be the "relevant instrument" for that Authority.

2.4 When inspecting a ship flying the flag of a State not party to a Convention or to a "relevant instrument" as amended for the purposes of port State control, the Authorities which are party to such Convention or "relevant instrument", as amended, shall ensure that the treatment given to such ship and its crew is not more favourable than that given

to ships flying the flag of a State which is party to that Convention or "relevant instrument".

2.5 In the case of ships below 500 Gross Tonnage, the Authorities will apply those requirements of the relevant instruments which are applicable and will to the extent that a relevant instrument does not apply take such action as may be necessary to ensure that those ships are not clearly hazardous to safety, health or the environment, having regard, in particular to Annex 2.

Section 3 Inspection procedures, rectification and detention

3.1.1 In implementing the Memorandum, the Authorities will carry out inspections which will consist of a visit on board a ship in order to check the validity of the certificates and other documents relevant for the purposes of the Memorandum as well as the condition of the ship, its equipment and crew, as well as the living and working conditions of the crew.

3.1.2 The Authority shall ensure that the Port State Control Officer (PSCO) shall, as a minimum, check the certificates and documents listed in Annex 2, to the extent applicable and satisfy himself of the overall conditions of the ship including the engine room and the accommodations and the hygienic conditions.

3.2.1 Whenever there are clear grounds for believing that the condition of a ship or of its equipments or crew does not substantially meet the requirements of a relevant instrument a more detailed inspection shall be carried out, including further checking of compliance with on-board operational requirements.

3.2.2 Clear grounds exist when the PSCO finds evidence, which, in his professional judgement warrants a more detailed inspection of ship, equipment or crew. The Authorities will consider facts regarded as clear ground, "inter alia"; those set out in Annex 3.

3.2.3 Nothing in these procedures should be construed as restricting the powers of the Authorities to take measures within its jurisdiction in respect of any matter to which the relevant instruments relate.

3.2.4 The relevant procedures and guidelines for control of ships specified in Annex 2 shall also be applied.

3.3 In selecting ships for inspection, the Authorities shall give priority to the following ships :

- ships visiting a port of a State, the Authority of which is a signatory to the Memorandum, for the first time or after an absence of 12 months or more;

- ships which have been permitted to leave the port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;

- ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;

- ships whose statutory certificates on the ship's construction and equipment, have not been issued in accordance with the relevant instruments;

- ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal State;

- ships which have been suspended from their class for safety reasons in the course of the preceding six months.

3.4 The Authorities will seek to endeavour to avoid inspecting ships which have been inspected within the previous 6 months by other Authorities, unless there are clear grounds for inspection. These procedures are not applicable to ships listed under 3.3, which may be inspected whenever the Authority deems appropriate.

3.5.1 Inspections will be carried out only by a person, duly authorised by its Authority to carry out port State inspections and responsible to that Authority, who fulfils the requirements of paragraph 3.5.3 and the qualification criteria specified in Annex 4.

3.5.2 The PSCO carrying out Port State Control may be assisted by a person with the required expertise at the discretion of the Authority when such expertise cannot be provided by his Administration.

3.5.3 The PSCO carrying out Port State Control and the person assisting him shall have no personal or commercial interest either in the port of inspection or in the ships inspected, nor shall the PSCO be employed or undertake work on behalf of non-governmental organisations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

3.5.4 Each PSCO shall carry a personal document in the form of an identity card issued by his authority indicating that the PSCO is authorised to carry out inspections. A common standard for such an identity card is attached at Annex 5.

3.6.1 On completion of an inspection the master of ship shall be provided by the PSCO with a document in the form specified in Annex 6 to this Memorandum, giving the results of the inspection and details of any decision taken by the PSCO and of the corrective action to be taken by the master, owner or operator.

3.6.2 The Authorities shall be satisfied that any deficiencies confirmed or revealed by the inspection are rectified.

3.6.3 In the case of deficiencies which are clearly hazardous to safety, health or the environment the Authority will detain the ship or will stop the operation in relation to which the deficiencies have been revealed. The detention order or the stoppage of the operation shall not be lifted until the hazard is removed, except under the conditions provided for in 3.8.1 below.

3.6.4 When exercising his professional judgement as to whether or not a ship should be detained, the PSCO shall be guided by the criteria set out in Annex 2.

3.7 In the event that a ship is detained, the Authority shall immediately inform the administration of the State whose flag the ship is entitled to fly and the Consul or, in his absence, its nearest diplomatic representative of the action taken. Where relevant, the organisation responsible for the issue of the certificates shall also be informed.

3.8.1 Where deficiencies referred to in 3.6.3 cannot be remedied in the port of inspection, the Authority may allow the ship to proceed to another port, or the nearest repair yard subject to any appropriate conditions determined by that Authority with a view to ensuring that the ship can so proceed without danger to safety, health or the environment. In such circumstances, the Authority will notify the competent Authority of the State where the next port of call or the repairyard is situated, the parties mentioned in 3.7 and any other Authority as appropriate. Notification to Authorities will be made in accordance with Annex 7. The Authority receiving such notification will inform the notifying Authority of action taken.

3.8.2 The Authorities will take measures to ensure that ships referred to in 3.8.1 which either proceed to sea without complying with the conditions determined by the Authority which detained the ship or which do not call into the agreed port or yard to undertake repairs, shall be refused access to any port within this Memorandum until the owner or operator and the Flag State notify the Authority of the State where the ship was found defective or the Authority which receives the vessel that the ship complies with all applicable requirements of the relevant instruments. In the latter case, the receiving Authority will notify all other Authorities of such compliance.

3.8.3 In the exceptional event of “force majeure”, access to a specific port may be permitted to minimise the risk of loss of life or of pollution.

3.9 The provisions of Section 3.7 and 3.8 are without prejudice to the requirements of relevant instruments or procedures established by international organisations concerning notification and reporting procedures relating to port State control.

3.10 When exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the

Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay.

3.11 In case the master, owner or agent of the ship notifies the port State control Authorities prior to or upon arrival of the vessel at the port, of any damage, breakdown or deficiency to the ship, its machinery and equipment, which is intended to be repaired or rectified before the ship sails from that port, the detention should be issued only if deficiencies justifying detentions are found after the master has given notification that the ship was ready for inspections. The same procedure applies when the port State control Authorities are notified that the ship is scheduled to be surveyed at the port with respect to flag, statutory or class requirements.

3.12 In exceptional circumstances, when a ship on its way to a specified repairyard needs to call at a port for temporary repairs for safety reasons, it may be allowed into that port. All commercial operations are forbidden, except the unloading of its cargo or bunkers if required for safety reasons. The ship may be allowed to proceed to the specified repairyard only if the flag State of the ship has issued statutory certificates to the ship restricting their validity to that specific voyage, and the port State is satisfied that such ship shall not pose undue risk to safety of ship, or to the environment or cause undue hardship to the crew.

3.13 The owner or the operator of a ship will have the right of appeal against a detention to higher administrative Authority or to the Court of competent jurisdiction, according to the law in each country. However, an appeal shall not cause the detention to be suspended.

3.14 Should an inspection reveal deficiencies warranting detention of a ship, all costs relating to inspections subsequent to the first shall be covered by the shipowner or the operator. The detention shall not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs.

Section 4 Provision of information

4.1 Each Authority will report on its inspections under the Memorandum to the Secretariat and their results, in accordance with the procedures specified in Annex 8.

4.2 The Authorities will supply the following information to the Memorandum Secretariat:

a) number of PSCOs working on their behalf on port State inspections. Where PSCOs work on a part-time basis, the total is corrected into a number of full-time employed PSCOs;

b) number of individual ships entering their ports in a representative year prior to the Memorandum;

c) fees for inspections, if any.

This information will be updated annually.

Section 5 Operational violations

The Authorities will upon the request of another Authority endeavour to secure evidence relating to suspected violations of the requirements on operation matters of Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto. In case of suspected violations involving the discharge of harmful substances, an Authority will, upon the request of another Authority, visit in port the ship suspected of such a violation in order to obtain information and, where appropriate, to take a sample of any alleged pollutant. In the cases referred to in this article, the requesting Authority should state that the flag State of the ship has already been notified of the alleged violation.

Section 6 Training programmes and seminars

The Authorities will endeavour to establish appropriate training programmes and seminars.

Section 7 Organisation

7.1 A Committee composed of a representative of each of the Authorities that are party to the Memorandum will be established. A representative of the International Maritime Organisation, the International Labour Organisation and the Maritime Organisation of West and Central Africa will be invited to participate without vote in the work of the Committee. Representatives of the maritime Authorities of other African States and, subject to the provisions of Section 10, any other Organisation or Authority which the Committee may deem appropriate, may be accorded the status of observer without vote.

7.2 The Committee will meet at least once a year and at such other times as it may decide.

7.3 The Committee will :

- carry out the specific tasks assigned to it under the Memorandum;

- promote by all means necessary, including seminars for surveyors, the harmonization of procedures and practices relating to the inspection, rectification, detention and the application of 2.4;

- develop and review guidelines for carrying out inspections under the Memorandum;

- develop and review procedures, including those related to the exchange of information;

- keep under review other matters relating to the operation and the effectiveness of the Memorandum;

- promote by all means necessary the harmonization of the operation and effectiveness of this Memorandum with those of similar agreements for other Regions;

- adopt the budget and decide the contributions of every Party to the Memorandum.

7.4 Except where provided otherwise (in section 9), the Committee will take its decisions acting on simple majority.

7.5 A Secretariat will be established in accordance with the following principles:

a) the Secretariat is a non-profit making body located in [Lagos], Nigeria;

b) the Secretariat will be totally independent from any maritime administration or organisation;

c) the Secretariat will be governed by and be accountable to the Committee;

d) the Secretariat will have a bank account into which all dues and contributions are made;

e) the Secretariat will operate from the established bank account in accordance with the budget determined by the Committee.

7.6 The Secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will :

- prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions;

- facilitate the exchange of information, carry out the procedures outlined in Annex 2 and prepare reports as may be necessary for the purposes of the Memorandum;

- carry out such other work as may be necessary to ensure the effective operation of the Memorandum.

Section 8 Financial Mechanism

The costs for running the Secretariat and the Information Centre are financed by :

- the financial contribution of every Party to the Memorandum;

- gifts and subscriptions by donor countries or organisations.

Each Party to the Memorandum undertakes to settle its financial contribution to the costs for running the Secretariat and the Information Centre, in conformity with the decisions and procedures adopted by the Committee.

Section 9 Amendments

9.1 Any Authority, which has accepted the Memorandum, may propose amendments to the Memorandum.

9.2 In the case of proposed amendments to sections of the Memorandum, the following procedure will apply:

a) The proposed amendment will be submitted through the Secretariat for consideration at least six weeks before the Committee meets.

b) Amendments will be adopted by a two-thirds majority of the representative of the Authorities present and voting in the Committee.

If so adopted an amendment will be communicated by the Secretariat to the Authorities for acceptance.

9.3 The amendments of Section 2.1 are adopted by two-thirds of the representatives of the Authorities present and voting which are party to the new Convention proposed for inclusion as “relevant instrument”.

9.4 An amendment will be deemed to have been accepted either at the end of a period of six months after adoption by the representatives of the Authorities in the Committee or at the end of any other period determined unanimously by the representatives of the Authorities in the Committee at the time of adoption, unless within the relevant period an objection is communicated to the Secretariat by an Authority.

9.5 An amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee.

9.6 In the case of proposed amendments to Annexes of the Memorandum the following procedure will apply :

a) the proposed amendment will be submitted through the Secretariat for consideration by the Authorities;

b) the amendment will be deemed to have been accepted at the end of a period of three months from the date on which it has been communicated by the Secretariat unless an Authority requests in writing that the amendment should be considered by the Committee. In the latter case the procedure specified in 9.2 will apply;

c) the amendment will take effect 60 days after it has been accepted or at the end of any period determined unanimously by the Authorities.

Section 10 Administrative provisions

10.1 The Memorandum is without prejudice to the rights and obligations under any international Instrument.

10.2 A Maritime Authority of a State, which complies with the criteria specified in Annex 9, may adhere to the Memorandum with the consent of all Authorities which have accepted the Memorandum.

10.3 The Memorandum remains open for signature to West and Central African States for twelve (12) months at the MOWCA headquarters. After this date, States will be able to accede to the Memorandum if they meet those requirements which are laid down in Annex 9..

10.4 Acceptance or accession will be effected by a written communication by the Maritime Authorities to the Secretariat.

10.5 The Secretariat will inform the Maritime Authorities who have signed the Memorandum of any signature or written communication, or of acceptance or accession and of the date on which such an event has taken place.

10.6 This Memorandum will enter into force for each Authority ninety (90) days from the date of acceptance or accession.

10.7 Any Maritime Authority or Organisation wishing to participate as an observer will submit in writing an application to the Committee and will be accepted as an

observer subject to the unanimous consent of the representatives of the Authorities present and voting at the Committee meeting.

10.8 Any Authority may withdraw from the Memorandum by providing the Committee with 60 days notice in writing.

10.9 The English and French versions of the Memorandum are equally authentic.

This Memorandum is signed at Abuja on the twenty second day of October of One Thousand Nine Hundred and Ninety Nine by the following Authorities:

Annex 1

LIST OF MARITIME ADMINISTRATIONS "MARITIME AUTHORITIES" (PSC FOCAL POINTS)

ANGOLA

First Focal Point
Direccao Nacional Da Marinha Mercante E Portos
Ministry of Transport
P.O. Box 2393
Luanda
Tel.: 394 347/339 847/390 034
Fax.: 339 848/394 296

Alternate Focal Point
Machine Engineer/Surveyor
Ministry of Transport
P.O. Box 2393
Luanda
Tel.: 394 3471339/947 390034
Fax: 339 848

BENIN

Direction de la Marine Marchande
B.P. 1234
Cotonou
Tel.: 314669

Fax: 315845

CAMEROON

Director of Maritime Affairs and Inland Waterways
P.O. Box 416
Douala
Tel.: 237 428 956
Fax: 237 428 956

CAPE VERDE

Ship Inspector
Direccão General de Marinha E Portos
P.O. Box 7
Mindelo
S. Vicente
Tel.: 238 324 243
Fax: 238 324 343

REPUBLIC OF CONGO

First Focal Point
Directeur Général de la Marine Marchande
B.P. 1107
Pointe-Noire
Tel.: 242 94 4469/2326/0107
Fax: 242 944 832

Alternative Focal Point
Commandant du Port Autonome de Pointe-Noire
B.P. 711
Pointe-Noire
Tel.: 242 940 049
Fax: 242 942 042

COTE D'IVOIRE

First Focal Point
Directeur des Affaires Maritimes et Portuaires

B.P. 67
Abidjan
Tel.: 225 221630
Fax: 225 215 317

Alternate Focal Point
Port Autonome d'Abidjan
Département Sécurité/Département juridique
B.P. V 85
Abidjan
Tel.: 225 23 80 00
Fax: 225 23 80 80

EQUATORIAL GUINEA

Direction Générale des Transports et de l'Aviation Civile
Ministerio de Communicaciones & Transportes
Malabo
Tel.: 240 92605
Fax: 240 92515

GABON

First Focal Point
Direction Générale de la Marine Marchande
Ministère de la Marine Marchande et de la Pêche
B.P. 803
Libreville
Tel.: 241 760185/760600/745307
Fax: 241 760185/720042

Alternate Focal Point
Délégué des Affaires Maritimes
B.P. 803
Libreville
Tel.: 241 724547
Fax: 241 760185/720042

Délégué des Affaires Maritimes
B.P. 43
Port Gentil

Tel.: 241 552453/560089
Fax: 241 553547

THE GAMBIA

First Focal Point
Permanent Secretary
Ministry of Works, Communications and Information
Banjul
Tel.: 220 227 406
Fax: 220 227 268

Alternate Focal Point
Director of Maritime and Shipping Services
Gambia Ports Authority
Wellington Street
Banjul

GHANA

First Focal Point
Shipping Commissioner
Shipping Division
Ministry of Roads and Transport
P.O. Box M38
Accra
Tel.: 233 21663506
Fax: 233 21667114

Alternate Focal Point
Deputy Shipping Commissioner
Shipping Division
Ministry of Roads and Transport
Tel.: 233 21662122
Fax: 233 21667114

GUINEA

First Focal Point
Chef Division Sécurité Maritime et Affaires Portuaires
Direction Nationale de la Marine Marchande
B.P. 06

Conakry
Tel.: 224 412 743/453 539
Fax: 224 412 604/412 848

Alternate Focal Point
Commandant Adjoint du Port de Conakry
Port Autonome de Conakry
B.P. 805
Conakry
Tel.: 224 412 737/412 728
Fax: 224 412 604

LIBERIA

The Honorable Commissioner
Bureau of Maritime Affairs
Tubman Boulevard
P.O. Box 10-9042
100 Monrovia 10
Tel.: 226069
Fax: 227044
E-mail: maritime@liberia.net

MAURITANIA

First Focal Point
Directeur de la Marine Marchande (DMM)
Direction de la Marine Marchande
Minsitère des Pêches et de l'Economie Maritime
B.P. 137
Nouakchott
Tel.: 2222 578 93/52476-96
Fax: 2222 531 46

Alternate Focal Point
Responsable de la Sécurité des Navires à la Direction de la Marine Marchande (DMM)
Ministère des Pêches et de l'Economie Maritime
B.P. 137
Nouakchott
Tel.: 2222 524 76-96 poste 116
Fax: 2222 531 46

NAMIBIA

First Focal Point
Deputy Director, Operations
Ministry of Works, Transport and Communications
Directorate of Maritime Affairs
Private Bag 5004
Walvis Bay
Tel.: 264 064 203 317/207 977
Fax: 264 064 205 266

Alternate Focal Point
Director, Maritime Affairs
Ministry of Transport
Directorate of Maritime Affairs
Provate Bag 5004
Walvis Bay
Tel.: 264 061 208 2195
Fax: 264 061 228 560

NIGERIA

First Focal Point
Director Maritime Services
Ministry of Transport
Federal Secretariat, 2nd Floor, Annex III
Shehu Shagari Way
Maitama
Abuja
Tel.: 09 523 6094/523 7050
Fax: 09 523 7050

Alternate Focal Point
Director-General/Chief Executive
National Maritime Authority
1970 Michael Okpara Road, Wuse II
Abuja
Tel.: 234 95237015/234 95232359 (direct line)
Fax: 234 95237015

SENEGAL

Directeur de la Marine Marchande
Direction de la Marine Marchande
B.P. 4032
Dakar
Tel.: 821 3643

SIERRA LEONE

First Focal Point
The Permanent Secretary
Ministry of Transport and Communications
Youyi Building
Freetown
Tel.: 232 22 222706
Fax: 232 22 228488

Alternate Focal Point
The General Manager
Sierra Leone Ports Authority
Cline Town
Freetown
Tel.: 232 22 226480
Fax: 232 22 226480

SOUTH AFRICA

First Focal Point
Principal Officer
South African Maritime Safety Authority
P.O. Box 33
Saldanha 7395
Tel.: 02271 41612
Fax: 02271 43635

Alternate Focal Point
Chief Executive Officer
South African Maritime Safety Authority
P.O. Box 13186
Hatfield
0028
Tel.: 012 3423049

Fax: 012 3423160
E-mail: samsa@iafrica.com

TOGO

First Focal Point
Directeur des Affaires Maritimes
Direction des Affaires Maritimes
P.O. Box 4771 Lomé
Tel.: 228 214161
Fax: 228 221796

Annex 2

GUIDELINES FOR SURVEYORS TO BE OBSERVED IN THE INSPECTION OF INTERNATIONAL SHIPPING

Contents

Section 4 Merchant shipping (Minimum Standards) Convention, 1976 (ILO Convention No.147)

Section 5 Guidelines for Surveyors to be Observed in the Inspection of cargo Ships below 500 gross tonnage and Ships of Traditional Built

Section 1 General

1.1 Guidelines to be observed in the inspection of foreign ships

The guidelines mentioned in section 3.1 of the Memorandum refer to the relevant provisions of the following:

a) procedures for Port State Control (IMO Resolution A.787(19));

b) principles of Safe Manning (IMO resolution A. 481(XII) and Annexes which are Contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2));

c) the provisions of the International Maritime Dangerous Goods Code;

d) ILO publication "Inspection of labour conditions on board Ship: Guidelines for procedure";

e) the procedures laid down in the Annex to the Memorandum.

1.2 Principles governing rectification of deficiencies or detention of a ship

In taking a decision concerning the rectification of a deficiency or detention of a ship, the PSCO shall take into consideration the results of the detailed inspection carried out in accordance with section 3. The PSCO shall exercise his professional judgement in determining whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies without unreasonable danger to the safety, health or the environment, having regard to the particular circumstances of the intended voyage. As regards minimum manning standards and the provisions of ILO Convention No.147, special procedures shall be observed set out in sections 3 and 4 of this Annex.

1.3 Application of the clause of "no more favourable treatment"

In applying Section 2.4 of the Memorandum the following shall be observed. Ships entitled to fly the flag of a State which is not a party to a relevant instrument listed in Section 2 and thus not provided with certificates representing prima facie evidence of

satisfactory conditions on board, shall receive a detailed inspection. In making such an inspection the PSCO should follow the same guidelines as provided for ships to which the relevant instruments are applicable.

The conditions of and on such a ship and its equipment and the certification of the crew, its number and composition shall be compatible with the aims of the provisions of a relevant instrument otherwise the ship shall be subject to such restrictions as are necessary to obtain a comparable level of safety.

Section 2 The safety of the ships as related to SOLAS 74/78, LOADLINES 66, COLREG 72 and MARPOL 73/78

2.1 More detailed inspection

In so far as there are clear grounds for a more detailed inspection relating to the provisions of the SOLAS Convention, the Protocol thereto, the Load Lines Convention, COLREG 72 and MARPOL 73/78, the PSCO when carrying out this inspection shall take into account the considerations given in "Procedures for Port State Control" (IMO Resolution A.787(19)), the provisions of the International Maritime Dangerous Goods Code and the provisions of Section 4 with regard to living and working conditions on board ships.

Section 3 Minimum manning standards and certification

3.1 Introduction

The guiding principle for port State inspection of the manning of a foreign ship should be to establish conformity with the flag State's safe manning requirements. Where this is in doubt the flag State should be consulted. Such safe manning requirements stem from :

a) the International Convention for the Safety of Life at Sea (SOLAS) 1974;

b) the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which inter alia refers to the ILO Convention No.53 Articles 3 and 4;

c) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;

d) the Contents of Minimum Safe Manning Document (IMO Resolution A.481(XII), Annex 1);

e) the Guidelines for the Application of Principles of Safe Manning (IMO Resolution A.481(XII).

Detention as port State action shall only be taken on the grounds laid down in the relevant instruments.

3.2 Manning Control

3.2.1 If a ship is manned in accordance with a safe manning document or equivalent document issued by the flag State, the PSCO should accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the relevant instruments and in the IMO Guidelines for the Application of Principles of Safe Manning. In this last case, the PSCO should act according to the procedures defined in paragraph 3.2.3.

3.2.2 If the actual crew number or composition does not conform to the manning document, the port State should request the flag State for advice whether or not the ship can sail with the actual number of crew and its composition. Such request should be made as quickly as possible.

The reply, if any, from the flag State should be confirmed by telex/telefax. If the actual crew number and composition is not brought into accordance with the safe manning document or the flag State does not advise that the ship could sail, the ship may be considered for detention after the criteria set out in paragraph 3.4 of this Annex have been taken into proper account.

3.2.3 If the ship does not carry a safe manning document or equivalent, the port State should request the flag State to specify the required number of crew and its composition and to issue a document as quickly as possible. In case the actual number or composition of the crew does not conform to the specifications received from the flag State, the procedure as contained in paragraph 3.2.2 applies. If the flag State does not respond to the request this will be considered as a clear ground for a more detailed inspection to ensure that the number and composition of the crew is in accordance with the principles laid down in paragraph

3.1. The ship shall only be allowed to proceed if it is safe to do so, taking into account the criteria for detention under paragraph 3.4. In any such case the minimum standards to be applied shall be no more stringent than those applied to ships flying the flag of the port State. The lack of a safe manning document shall be reported as a deficiency.

3.3 Certification Control

3.3.1 General certification control upon ships should be carried out in accordance with the procedures stipulated in Article X and in Regulation I/4 of the STCW Convention.

3.3.2 Certification control upon ships engaged in the carriage of liquid hazardous cargo in bulk should be more stringent. The PSCO should satisfy himself that the officers responsible for cargo handling and operation possess documentary evidence of having had the appropriate training and experience.

No exemption from the carriage of such documentary evidence should be accepted. Where a deficiency is found the master should be informed and the deficiency rectified. With regard to appropriate training, reference is made to chapter V of the STCW Convention, to resolutions 10, 11 and 12 adopted by the International Convention on Training, Certification and Watchkeeping of Seafarers 1978 and to the relevant sections of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk.

3.4 Detention

Before detaining a ship under paragraph 3.2 or 3.3 of this Annex, the following circumstances should be considered :

a) length and nature of the intended voyage or service;

b) whether or not the deficiency poses a danger to ship, persons on board or the environment;

c) whether or not appropriate rest periods of the crew can be observed;

d) size and type of ship and equipment provided;

e) nature of cargo.

The absence of a Deck or Engineer Officer required to be certificated should not be grounds for detention whether the absence is in accordance with any exceptional provisions approved by the flag State.

Section 4 Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No.147)

4.1 Inspections on board ships under the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention No.147) shall relate to :

a) the Minimum Age Convention, 1973 (No.138); or the Minimum Age (Sea) Convention (Revised, 1936 (No.58)), or the Minimum Age (Sea) Convention, 1920 (No.7);

b) the Medical Examination (Seafarers) Convention, 1946 (No.73);

c) the Prevention of Accidents (Seafarers) Convention, 1970 (No.134) (Articles 4 and 7);

d) the Accommodation of Crews Convention (Revised), 1949 (No.92);

e) the Food and Catering (Ship's Crews) Convention, 1946 (No.68) (Article 5);

f) the Officers' Competency Certificates Convention, 1936 (No.53) (Articles 3 and 4).

Inspection regarding certificates of competency is dealt with in Section 3 of this Annex. In the exercise of control functions the PSCO, in the light of his general impression of the ship, will have to use his professional judgement to decide whether the ship shall receive a more detailed inspection. All complaints regarding conditions on board should be investigated thoroughly and action taken as deemed necessary by the circumstances. He shall also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions, and may if necessary detain the ship until appropriate corrective action is taken.

4.2 In so far as there are clear grounds for a more detailed inspection relating to the provisions of ILO Convention No.147, the PSCO when carrying out an inspection shall take into account the previous paragraph in this section and the considerations given in the ILO publication "Inspection of Labour Conditions on board Ship: guidelines for procedure".

4.3 The Conventions relevant in the framework of the provisions of paragraph 4.4 are:

a) the Seamen's Articles of Agreement Convention, 1926 (No.22);

b) the Repatriation of Seamen Convention, 1926 (No.23);

c) the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No.55); or the Sickness Insurance (Sea) Convention, 1936 (No.56); or the Medical Care and Sickness Benefits Convention, 1969 (No.130);

d) the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No.87);

e) the Right to Organise and Collective Bargaining Convention, 1949 (No.98).

4.4 If the PSCO receives a complaint to the effect that the standards laid down in the Conventions listed in paragraph 4.3 are not met, the matter should be reported to the nearest maritime, consular or diplomatic representation of the flag State for further action. If deemed necessary, the appropriate Authority may prepare a report to the flag State, if possible with evidence, with a copy to the ILO.

4.5 Those parts of the ILO publication "Inspection of Labour Conditions on board Ship : Guidelines for procedure" which deal with:

a) control procedures for national flag ships;
b) vocational training;
c) officer's certificates of competency;
d) hours of work and manning;

should not be considered as relevant provisions for the inspection of ships but as information to PSCOs only.

Section 5 Guidelines for Surveyors to be Observed in the Inspection of cargo Ships below 500 gross tonnage and Ships of Traditional Built

1 Cargo ships of non-convention sized ships

1.1 The following is a guide for the application of Section 2.5 in respect of cargo ships of
non-convention sized ships

1.2 To the extent a relevant instrument is not applicable to a ship below 500 gross tonnage, the PSCO shall be guided by the provisions of the "Safety Regulations for Non-convention Sized Ships".

2 Ships of traditional build

2.1 The following is a guide for the application of Section 2.5 in respect of ships of traditional build

2.2 To the extent a relevant instrument is not applicable to a ship of traditional build, the PSCO's task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment, the PSCO shall take due account of such factors as the length and nature of the intended voyage

or service, the size and type of the ship, the equipment provided and the nature of the cargo.

2.3 In the exercise of his functions under paragraph 2.2, the PSCO should be guided by any certificates and other documents issued by the flag State. The PSCO will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship shall receive a more detailed inspection, taking into account the factors mentioned in paragraph 2.2, the PSCO shall, to the extent he deems necessary, pay attention to the items listed in paragraph 2.4. The list is not considered exhaustive but is intended to give an exemplification of relevant items.

2.4 Items of general importance

Items related to the conditions of assignment of load lines:

- weathertight (or watertight as the case may be) integrity of exposed decks;
- hatches and closing appliances;
- weathertight closures to openings in superstructures;
- freeing arrangements;
- side outlets;
- ventilators and air pipes;
- stability information.

2.4.2 Other items related to the safety of life at sea:

- life-saving appliances;
- fire-fighting appliances;
- general structural conditions (i.e. hull, deck, hatch covers etc.);
- main machinery and electrical installations;
- navigational equipment including radio installations.

2.4.3 Items related to the prevention of pollution from ships:

- means for the control of discharge of oil and oily mixtures, e.g. oily water separating or other equivalent means (tank(s)) for retaining oil, oily mixtures, oil residues;

- presence of oil in the engine room bilges.

2.5 In the case of deficiencies which are considered dangerous to safety. Health or the environment the PSCO shall take such action, which may include detention as may be necessary, having regard to the factors mentioned in paragraph 2.2, to ensure

that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

Annex 3

FACTS REGARDED AS '"CLEAR GROUNDS"

The Authorities will regard as "clear grounds" *inter alia* the following:

.1 a report or notification by another Authority;

.2 a report or complaint by the master, a crew member, or any person or organisation with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded. The identity of the person lodging the report or the complaint must not be revealed to the master or the shipowner of the ship concerned;

.3 other indications which may warrant a more detailed or an expanded inspection, having regard in particular to Annex 2.

For the purposes of control on compliance with on-board operational requirements, specific "clear grounds" are the following:

.1 evidence of operational shortcomings revealed during port State control procedures in accordance with SOLAS 74, MARPOL 73/78 and STCW 1978;

.2 evidence of cargo and other operations not being conducted safely or in accordance with IMO guidelines;

.3 involvement of the ship in incidents due to failure to comply with operational requirements;

.4 evidence, from the witnessing of a fire and abandon ship drill, that the crew are not familiar with essential procedures;

.5 absence of an up-to-date muster list;

.6 indications that the relevant crew members are unable to communicate appropriately with each other, or with other persons on board, or that the ship is

unable to communicate with the shore-based authorities either in a common language or in the language of those authorities.

Annex 4

QUALIFICATION CRITERIA FOR PORT STATE CONTROL OFFICERS

1 In pursuance of the provisions of 3.5 of the Memorandum. The port State control Officers must be properly qualified and authorised by the Authority to carry out port State control inspections.

2 A properly qualified port State control Officer must have completed a minimum of one year's service as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments and be in possession of:

.1 a certificate of competency as master, enabling that person to take command of a ship as specified in STCW, Regulation II/2, or

.2 a certificate of competency as chief engineer, enabling that person to take up that task on board a ship as specified in STCW, Regulation III/2, or

.3 has passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least 5 years, or

.4 has an equivalent qualification as determined by the Administration.

The port State control Officers mentioned under 1 and 2 above must have served for a period of not less than five years at sea as officer in the deck or engine department.

3 Alternatively, a port State control Officer is deemed to be properly qualified if that person:

.1 holds a relevant university degree or an equivalent training, and

.2 has been trained and qualified at a school for ship safety PSCOs, and

.3 has served at least 2 years as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments.

4 A properly qualified port State control Officer must be able to communicate orally and in writing with seafarers in the language most commonly spoken at sea.

5 A properly qualified port State control officer must have appropriate knowledge of the provisions of the relevant instruments and of the relevant procedures on port State control.

6 Port State control officers not fulfilling the above criteria are also accepted if they are employed for port State control by the Authorities, two (2) years before the date of the Memorandum was signed.

Annex 5

REQUIREMENTS FOR THE IDENTITY CARD FOR PORT STATE CONTROL OFFICERS

The identity card shall contain at least the following information:

a) name of issuing Authority;

b) full name of the holder of the identity card and date of birth after the seal;

c) an up-to-date picture of the holder of the identity card;

d) the signature of the holder of the identity card;

e) a statement to the effect that the holder of the identity card is authorised to carry out inspections in accordance with national legislations.

If the main language used on the identity card is not English, it must include a translation into that language.

The format of the identity card is left to the discretion of the competent Authorities.

Annex 6

REPORT OF INSPECTION IN ACCORDANCE WITH WEST AND CENTRAL AFRICAN MEMORANDUM OF UNDERSTANDING ON PORT STATECONTROL

Form A

Reporting Authority Address Telephone Telefax	Copy to: Master Head Office PSCO If ship is detained, copy to: Flag State Recognised Organisation, if applicable

1.reporting authority of ---------- 2.Name of ship----------

3.Flag of ship---------- 4. Type of ship---------- 5. Call sign
---
6.IMO Number ---------- 7. Gross tonnage---------- 8.Deadweight(where applicable)----------
---
9. Year of build ---------- 10. Date of inspection ---------- 11. Place of inspection----------
---
12 Classification Society---------- 13. Date of release from detention----------
----------**)
14. Particulars of owners/operators (delete as appropriate) --------
----------**)

---
15. name and signature of the Master to certify that the information under 14 is correct:
name ---------- signature

16.relevant certificate(s)**)

a. title	b. issuing authority	c. dates of issue and validity
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

d. information on last intermediate or annual survey**)

date	Surveying authority	Place
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

17 expanded inspection Yes/No
18 deficiences Yes/No (see attached Form B)
19 ship detained Yes/No ***)
20 detainable deficiencies Yes/No
21 supporting documentation Yes/No (see Annex)
District office---------- Name ----------
(duly authorised PSCO of reporting authority)
Telephone
Telefax Signature

This report must be retained on board for a period of two years and must be available for consultation by Port State Control officers at all times.

***) This inspection report has been issued solely for the purpose of informing the Master and other port States that an inspection by the port state mentioned in the heading, has taken place. This inspection report cannot be construed as seaworthiness certificate in excess of the certificate the ship is required to carry.**

****) To be completed in the event of a detention**

*****) Masters, shipowner and/or operator are advised that detailed information on a detention may be subject to publication.**

REPORT OF INSPECTION IN ACCORDANCE WITH WEST AND CENTRAL AFRICAN MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

Form B

Reporting Authority Address Telephone Telefax	Copy to: Master Head Office PSCO If ship is detained, copy to: Flag State Recognised Organisation, if applicable

2. Name of ship ---------- 6. IMO Number

---

10. Date of inspection ---------- 11. Place of inspection

---

22 Code	Nature of deficiency 1)	Convention references 2)	23 action taken 3)

Name----------

(duly authorised PSCO of reporting authority)

Signature----------

1) This inspection was not a full survey and deficiencies listed may not be exhaustive. In the event of a detention, it is recommended that a full survey is carried out and all deficiencies are rectified before an application for re-inspection is made.

2) To be completed in the event of a detention.

3) Codes for action taken include i.a.: ship detained/released, flag state informed, classification society informed, next port informed (for codes see reverse side of copy)

(Reverse side of Form B)

Codes for action taken

Code

00 No action taken

10 Deficiency rectified
12 All deficiencies rectified
15 rectify deficiency at next port
16 rectify deficiency within 14 days
17 master instructed to rectify deficiency before departure
20 ship delayed to rectify deficiencies
25 ship allowed to sail after delay
30 ship detained
35 detention raised (+ specify date)
40 next port informed
45 next port informed to re-detain
50 flag state/consul informed
55 flag state consulted
60 region state informed
70 classification society informed
80 temporary substitution of equipment
85 investigation of contravention of discharge provisions (MARPOL)
99 other (specify in clear text)

Annex 7

EXCHANGE OF MESSAGES BY REGION AUTHORITIES IN ACCORDANCE WITH SECTION 3.8 OF THE MEMORANDUM

1 In case of deficiencies not fully rectified or provisionally repaired, a message shall be sent to the competent Authority of the region State where the next port of call of the ship is situated.

2 The exchange of messages as in paragraph 1 above, shall take effect through the use of communication facilities incorporated in the information system as described in Annex 8 and /or by facsimile on the form contained in the Appendix to this Annex.

3 Each message as in paragraph 1 above, shall contain the following information:

- Date:
- from (country):
- port:
- to (country):
- port:
- a statement reading deficiencies:
- name of ship:
- IMO identification number (if available):
- official number
- Type of ship:
- Flag of ship:
- Call sign:
- Gross tonnage:
- Year of build:
- Issuing Authority(ies) of relevant certificate(s):
- Date of departure:
- Estimated place and time of arrival:
- Nature of deficiencies:
- Action taken:

- Suggested action at next port of call:
- Name and facsimile number of sender.

REPORT OF DEFICIENCIES
NOT FULLY RECTIFIED OR ONLY PROVISIONALLY REPAIRED

In accordance with the Memorandum of Understanding on Port State Control
in the West and Central African Regio

Annex 8

INFORMATION SYSTEM ON INSPECTIONS

1 To assist Authorities in their selection of foreign flag ships to be inspected in their ports, it is necessary to have at the disposal of Authorities up to date information of inspection of an individual foreign flag ship in one of the other regional ports, within the preceding six months.

2 For that purpose the Authorities undertake to provide an Information Centre, preferably by means of computerized data transmission, with information on ships inspected in the national ports, basing themselves on the information set out in Annex 6 to the Memorandum. The insertion of information into the inspection files should preferably be realized by means of direct, computerized input on a daily basis.

3 For the purpose of exchanging rapid information, the information system shall embrace a communication facility which allows for a direct, computerized exchange of messages between individual Authorities, including the notifications as referred to in Section 3.8 of the Memorandum and the exchange of information on operational violations as referred to in Section 5 of the Memorandum.

4 The information as in paragraphs 2 and 3 above shall be handled in a standardized form and in accordance with standardization as set out in the guide for users of the information system provided by the Information Centre.

5 The Information Centre will organise the processing of information as in paragraph 2 above, so as to ensure that inspection data are easily accessible, both for purposes of consultation and updating, in accordance with procedures as set out in the guide for users of the information system provided by the Information Centre.

6 The telex or facsimile facilities shall continue to be an alternative system of exchanging information to which a standardized form applies as set out in the Appendix to this Annex.

7 Information for administrative purpose, such as statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on data provided by the Information Centre.

8 The information system indicated in the foregoing paragraphs will be implemented as long as the Memorandum takes effect. Studies to monitor and, where necessary, to improve the quality of the system will be carried out on a continuous basis.

Whenever deficiencies are found which lead to the detention of a ship, the Port State Authority will send a copy of the report, as referred to in Annex 7 to the Memorandum, to the flag Administration concerned.

With the consent of the Authorities and in consultation with the Secretariat, the Information Centre will, on behalf of the Authorities, submit detention reports to the International Maritime Organization in accordance with regulation I/19 of SOLAS 74, Article 11 of MARPOL 73/78, Article 21 of LOADLINE 66 and Article X of STCW 78 and to the International Labour Organization in accordance with Article 4 of ILO No 147.

Appendix to Annex 8

TELEX OR FACSIMILE FORM FOR SHIPS INSPECTED

Report of inspection

1 name of issuing country
2 name of ship
3 flag of ship
4 type of ship
5 call sign
6 IMO number
7 Gross tonnage
8 Year of build
9 Date of inspection (format: dd-mm-yy)
10 Place of inspection
11 Relevant certificates*

a) title of certificate
b) issuing authority
c) date of issue and expiry (format : dd-mm-yy/dd-mm-yy)
d) last intermediate survey (format : dd-mm-yy/authority/place)

12 deficiencies (yes/no)
13 ship delayed/detained (yes/no)
14 nature of deficiencies** (format : def:def:def:)
15 actions taken# (format : def:def:def:)

---

* *to be repeated for each relevant certificate.*

** *including reference to the relevant Conventions if shown on the document left on board.*

may alternatively be added to the particularfs under 14 (nature of deficiencies) if the action taken has a direct relation to the corresponding deficiency. Deficiency and action(s) taken must be separated by a slat (/) (format: 15. Def/at/at;def/at/at/at; 16. See 15).

Annex 9

QUALITATIVE CRITERIA FOR ADHERENCE TO THE MEMORANDUM IN ACCORDANCE WITH ADMINISTRATIVE PRIORITIES OF THE MEMORANDUM

Qualitative criteria

A Maritime Authority of a State may adhere as a full member, provided that all of the following qualitative criteria have been met:

1 Such Maritime Authority shall explicitly subscribe to the commitments under the Memorandum with a view to contributing to the common endeavour to eliminate the operation of sub-standard ships;

2 Such Maritime Authority shall take all necessary measures to encourage the ratification of all relevant instruments in force.

3 Such Maritime Authorities shall have sufficient capacity, logistically and substantially, to appropriately enforce compliance with international maritime standards regarding maritime safety, pollution prevention and living and working conditions on board with regard to ships entitled to fly its flag, which shall include the employment of properly qualified PSCOs acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in section 7.1 of the Memorandum.

4 Such Maritime Authority shall have sufficient capacity, logistically and substantially, to comply in full with all provisions and activities specified in the Memorandum in order to enhance its commitment, which shall include the employment of properly qualified port State Control officers acting under the

responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in Section 7.1 of the Memorandum.

5 Such Maritime Authority shall, as of its effective date of membership, establish an on-line connection to the information system referred to in Annex 8.

6 Such Maritime Authority shall sign a financial agreement for paying its share in the operating cost of the Memorandum and shall, as of its effective date pay its financial contribution to the budget as approved by the Committee referred to in 7.1 of the Memorandum.

Assessment of compliance with the above conditions shall only be valid for each individual case and shall not create a precedent for any future cases, neither for the Authorities present under the Memorandum nor for the potential new signatory.

Annex 10

FUNCTIONS OF THE SECRETARIAT OF THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

The Secretariat, acting under guidance of the Committee and within the limits of the resources available to it, will:

- prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions;

- facilitate the exchange of information, carry out the procedures outlined in Annex 8 of the Memorandum and prepare reports as may be necessary for the purpose of the Memorandum;

- carry out such other work as may be necessary for it to ensure the effective operation of the Memorandum.

On the basis of these tasks, an indication is given below of the services the Secretariat could provide for. The listed items only serve an illustrative purpose. Decisions on the tasks of the Secretariat will have to be taken by the Committee as reflected in section 7 of the Memorandum.

The Secretariat* would:

- assist the Committee in organising the meetings of the Committee;

- prepare papers for the meetings of the Committee as instructed by the Committee or on proposal of individual meetings;

- circulate papers among the Members of the Committee, IMO, ILO or any other institution or body as deemed necessary by the Committee;

- prepare draft summary records of the meetings of the Committee and any other paper that results from the meetings for approval by the Committee;

- present information on developments on port State control in international bodies, such as IMO and ILO on request and on behalf of the Committee;

- supply information on the Memorandum of Understanding to other interested Authorities, bodies and organisations on request and on behalf of the Committee;

N.B.:*
- present statistical information on deficiencies found as well as analysis of the nature of the deficiencies;
- present statistical information on the inspections by the maritime Authorities;

which were previously included within the tasks of the Secretariat, should be included within the tasks of the Information Centre.

- deal administratively with requests of Authorities to accede according to the formal procedure for accession as requested by the Committee;

- provide each year before 31 September a budget proposal for the work of the Secretariat;

- each year before 31 March render an account on the previous year, including suggestions for payment or additional payment;

- inform the Committee on any other financial aspects of the West and Central African Memorandum of Understanding.

Appendix B

EPUBLIQUE ISLAMIQUE DE MAURITANIE — HONNEUR - FRATERNITE - JUSTICE
MINISTERE DES PECHES ET DE L'ECONOMIE MARITIME
Direction Maritime de Dakhlet Nouadhibou
08901 90899/VMS/SAM

ORIGINAL

Nouadhibou, le 19 août 1999

CERTIFICAT de SECURITE

Visite: de Mise en Service

Nom, N° d'Immatriculation Port d'Attache du Navire	Pavillon	Signal Distinctif	Jauge Brute	Rapport d'Inspection	
				Date	Numéro
MASSIRA-5 PA 0949 NOUADHIBOU	E.V MAURITANISAT	Non Attribué	89	19/08/99	08901190899/VMS/SAM

Observations ou Prescriptions Eventuelles

Embarquer au moins 12 Fusées de Détresse et 04 Fumigènes
* Réviser les radeaux de Sauvetage ou fournir les justificatifs de leur revision .
* Présenter le Certificat de Navigabilité antérieur.
* Présenter la Licence et le Certificat de Contrôle Périodique de la Station Radio .
* Présenter les Originaux de tous les documents du navire.
* Revalider les Certificats de Classification Coque et Machine au delà du 22.10.99.
* Présenter le Rôle d'Equipage sous pavillon Mauritanien .
* Présenter les plans du navire (généraux, parties, detailles, forme, capacité, etc...) du navire.
* Présenter l'Acte de Mauritanisation dès son établissement.
* Présenter les contrats et certificats d'Assurance Navire, Equipage,et environnement.
* Pour les documents complémentaires voir Lettre MATEMA N° D/MSD/161/99 du 19 Août 1999 annexée au présent certificat.
* Le présent Certificat pourra être prorogé après la Levée des Prescriptions.

Ce Navire a été inspecté. Il a été constaté que son état apparent lui permet de naviguer dans les eaux Mauritaniennes. Sous reserve de se conformer aux observations et prescriptions précitées, le présent certificat de sécurité est valable jusqu'au: **31 août 1999**

L'Expert Maritime

Le Directeur Maritime de Dakhlet Nouadhibou

MATEMA-SA
BP 5001 - Tél (222) 253151 - Fax (222) 253546 - Télex 5834 - Nouakchott
BP 248 - Tél (222) 745216 - Fax (222) 745337 - Nouadhibou
République Islamique de Mauritanie

le 19 août 1999

RAPPORT D'EXPERTISE DE CONFORMITE D'IDENTITE ET DE CARACTERISTIQUES

N° 01632193899/CIC/SAM

Nous soussigné, Mauritanienne d'Assistances Techniques Maritimes, MATEMA, certifions avoir visité le navire MASSIRA-5
de Pavillon En Voie de MAURITANISATION a l'effet de rechercher et de vérifier l'Identité et les Caractéristiques Techniques de ce navire
en rapport à ceux mentionnés dans l'acte administratif de référence pour la présente expertise.
Les informations relevées par nos investigations sont ordonnées et classées ci-après suivant leurs rubriques respectives pour servir et valoir ce que de droit.

Rubriques		Eléments d'informations en référence à l'acte administratif considéré	Eléments d'informations en référence aux investigations à bord
Ordre	Intitulé		
1	Acte Adm. de référence		
1.1	Type, N° et Date Acte	Autorisation d'acquisition, 007/MPEM/99, 16/06/99	
1.2	Validité de cet acte	du 16/06/99 au 16/12/99	
1.3	Opération Autorisée	Pêche	
1.4	Zone Autorisée	La Zee sauf la "Zone interdite"	
1.5	Espèces Autorisées	Non Indiqué	
1.6	Type de Pêche Autorisée	Non Indiqué	Pêche Artisanale - NASSE
1.7	Maillage Chalut ou Senne autorisé	Non Indiqué	
1.8	Marins Mauritaniens à embarquer	Non Indiqué	
1.9	Contractants		
	*Etrangers	Non Indiqué	
	*Mauritaniens	Ses ABIDINE Ould SIDATTY	
1.10	Genre installation traitement	Non Indiqué	Glace
1.11	N° et date quittance TP	Non Indiqué	
1.12	Autres		
2	Identité du navire		
2.1	Nom	MASSIRA-5	MASSIRA-5
2.2	Pavillon	Non Indiqué	En Voie de MAURITANISATION
2.3	Indicatif d'appel radio	Non Indiqué	Non encore Attribué
2.4	N° Immatriculation	Non Indiqué	6949 PA
2.5	Port d'attache	Non Indiqué	NOUADHIBOU
2.6	Type de navire	Non Indiqué	Artisanal-Glacier
2.7	Type de construction	Non Indiqué	Moderne
2.8	Chantier de construction	Non Indiqué	Chantier J. FREIRE, S.A.
2.9	N° de construction	Non Indiqué	Non Disponible
2.10	Construit en	1976	1976
2.11	Reconstruit en		
2.12	Coque	Acier	Acier
2.13	Pont supérieur	Non Indiqué	Non satisfaisant
2.14	Espaces exclus	Non Indiqué	Non Disponible
2.15	Longueur HT	24,10 m	24,10 m

Rubriques		Eléments d'informations en référence à l'acte administratif considéré	Eléments d'informations en référence aux investigations à bord
Ordre	Intitulé		
2.16	Longueur flottaison	Non Indiqué	Non Communiqué
2.17	Largeur pont principal	6,50 m	6,30 m
2.18	Creux sur quille	Non Indiqué	3,40 m
2.19	Tirant d'eau et poids corresp		
	* sous vide	Non Indiqué	Non Communiqué
	* sous lest	Non Indiqué	Non Communiqué
	* pleine charge	Non Indiqué	Non Communiqué
2.20	Type de propulsion	Non Indiqué	Mécanique Diesel
2.21	Puissance moteur	190 CV	190 CV
2.22	Vitesse		
	* en navigation libre	Non Indiqué	8 nds
	* en opérations	Non Indiqué	Non applicable
2.23	Jauge brute	89,00 TJB	89,00 TX
2.24	Jauge nette	NI	39,53 TX
2.25	Port en lourd	Non Indiqué	Non Communiqué
2.26	Cales		
	* nombre	Non Indiqué	01
	* capacité	Non Indiqué	Non Communiqué
	* type	Non Indiqué	A Glace
2.27	Congélation		
	* tunels	Non Indiqué	Non applicable
	* plaques	Non Indiqué	Non applicable
2.28	Cabines		
	* équipage règlementaire	Non Indiqué	Non Communiqué
	* équipage professionnel	Non Indiqué	14
	* passagers	Non Indiqué	Inexistant
2.29	Assureurs		
	* navire	Non Indiqué	Non Communiqué
	* cargaison	Non Indiqué	Non Communiqué
	* équipage	Non Indiqué	Non Communiqué
	* environnement	Non Indiqué	Non Communiqué
2.30	Propriétaire	Non Indiqué	Ets ABIDINE Ould SIDATTY
2.31	Armateur	Ets ABIDINE Ould SIDATTY	Ets ABIDINE Ould SIDATTY
2.32	Frêteur	Non Indiqué	INEXISTANT
2.33	Affrêteur	Non Indiqué	INEXISTANT
2.34	Exploitant	Non Indiqué	Ets ABIDINE Ould SIDATTY
2.35	Consignataire	Non Indiqué	Ets ABIDINE Ould SIDATTY
2.36	Autres		
3	Situation du navire		
3.1	Position Géographique		
	* Port / Mer	Non Indiqué	Mer 20°54,5 N , 17°01,6 W
	* Quai/Mouillage/Dock/Coordonnées	Non Indiqué	Mouillage
3.2	Position Administrative		

Rubriques		Eléments d'informations en référence à l'acte administratif considéré	Eléments d'informations en référence aux investigations à bord
Ordre	Intitulé		
	* Désarmé (raison)	Non Indiqué	Oui (Formalités de Mauritanisation)
	* Armé		
	** Opérationnel	Non Indiqué	Oui
	** Fonctionnel	Non Indiqué	Oui
	** Immobilisé	Non Indiqué	Oui
3.3	Position Juridique		
	* Normale sans restrictions	Non Indiqué	Oui
	* Hypothèque	Non Indiqué	Non
	* Saisie		
	** Conservatoire	Non Indiqué	Non
	** Définitive	Non Indiqué	Non
	* Réquisitionné	Non Indiqué	Non
3.4	Appréciation d'âge		
	* Etat apparent	Non Indiqué	Satisfaisant
	* Age approximatif	Non Indiqué	25 ans
3.5	Reportage Photographique	Non Indiqué	Oui
3.6	Nationalité Equipage		
	* Principales Fonctions Etrangers	Non Indiqué	Capitaine, Chef mécanicien, Second Capitain et Second mécanicien
	* Principales Fonctions Mauritaniens	Non Indiqué	Matelos
3.7	Identité du Capitaine		
	* Nom Complet	Non Indiqué	Juan Antonio Loureiro IGLESIAS
	* Fils de	Non Indiqué	Antonio
	* et de	Non Indiqué	Visitacion
	* Date et Lieu de naissance	Non Indiqué	23/04/66 à CARANTONA
	* Situation Familliale	Non Indiqué	Non Communiqué
	* Nationalité	Non Indiqué	ESPAGNOLE
	* N° d'Immatriculation	Non Indiqué	440036882
	* Adresse Permanente	Non Indiqué	LA CORUNA
	* Autres adresses importantes	Non Indiqué	Non Communiqué
	* Livret Maritime		
	** N°	Non Indiqué	368/1982
	** Date et Lieu d'expédition	Non Indiqué	03/09/1982 à LA CORUNA
	** Validité	Non Indiqué	
	* Qualifications Obtenues	Non Indiqué	Brevet N° 27.859 du 11.04.96
	* Fonctions antérieures occupées	Non Indiqué	Divers
	* Durée d'expérience		
	** En zone Mauritanie	Non Indiqué	1 ère fois
	** En qualité Capitaine	Non Indiqué	3 ans
	* Nom & Adresse Agence Contractante		
	** En pays d'origine	Non Indiqué	Non Communiqué
	** En pays intermédiaire	Non Indiqué	Non Communiqué
	** En Mauritanie	Non Indiqué	Non Communiqué
3.8	Identité du Chef Mécanicien		

Rubriques		Eléments d'informations en référence à l'acte administratif considéré	Eléments d'informations en référence aux investigations à bord
Ordre	Intitulé		
	* Nom Complet	Non Indiqué	Abdelmalek RIFAI
	* Fils de	Non Indiqué	Mohamed
	* et de	Non Indiqué	Aftimou
	* Date et Lieu de naissance	Non Indiqué	1973 à BOUALEM
	* Situation Famillale	Non Indiqué	Non Communiqué
	* Nationalité	Non Indiqué	MAROCAINE.
	* N° d'Immatriculation	Non Indiqué	CIN 6M34810
	* Adresse Permanente	Non Indiqué	AGADIR
	* Autres adresses importantes	Non Indiqué	Non Communiqué
	* Livret Maritime		
	** N°	Non Indiqué	CIN 6M 34810
	** Date et Lieu d'expédition	Non Indiqué	04/10/93 à AGADIR
	** Validité	Non Indiqué	
	* Qualifications Obtenues	Non Indiqué	Diplôme Off.Mécanicien 3 ème Classe
	* Fonctions antérieures occupées	Non Indiqué	Divers
	* Durée d'expérience		
	** En zone Mauritanie	Non Indiqué	1 ère fois
	** En qualité Chef Mécanicien	Non Indiqué	3 ans
	* Nom & Adresse Agence Contractante		
	** En pays d'origine	Non Indiqué	Non Communiqué
	** En pays intermédiaire	Non Indiqué	Non Communiqué
	** En Mauritanie	Non Indiqué	Non Communiqué
4	Documentation Techn. Administr. Juridique		
4.1	Photographies Générales	Non Indiqué	Non Communiqué
4.2	Historique	Non Indiqué	Non Communiqué
4.3	Spécifications Techniques	Non Indiqué	Non Communiqué
4.4	Plans Généraux	Non Indiqué	Non Communiqué
4.5	Plans de Structures et de Détails	Non Indiqué	Non Communiqué
4.6	Plans des Parties, Circuits et Installations	Non Indiqué	Non Communiqué
4.7	Schémas et Croquis Spécifiques	Non Indiqué	Non Communiqué
4.8	Procés Verbaux d'Epreuves et d'Essais	Non Indiqué	Non Communiqué
4.9	Documents Techniques et Professionnels		
4.10	Certificat de Constuction	Non Indiqué	Non Communiqué
4.11	Certificat de Reconstruction	Non Indiqué	Non Communiqué
4.12	Autorisation Admin. de Constr. et/ou Import.	Non Indiqué	Non Communiqué
4.13	Journal de Bord	Non Indiqué	Disponible
4.14	Journal de Navigation	Non Indiqué	Disponible
4.15	Journal Machine	Non Indiqué	Disponible
4.16	Journal d'Evénements de Mer	Non Indiqué	Non Communiqué
4.17	Journal de Communications Radios	Non Indiqué	Non Communiqué
4.18	Journaux Professionnels	Non Indiqué	Non Communiqué
4.19	Rapports Techniques et Professionnels	Non Indiqué	Non Communiqué
4.20	Historiques des Evénements en Mer	Non Indiqué	Non Communiqué

Rubriques		Eléments d'informations en référence à l'acte administratif considéré	Eléments d'informations en référence aux investigations à bord
Ordre	Intitulé		
4.21	Historiques des Arrêts Techn. et Carénages	Non Indiqué	Non Communiqué
4.22	Certificat de Jauge		
	* International "1969 Londres"	Non Indiqué	Non Communiqué
	* National	Non Indiqué	Non Communiqué
	* Certificat de Mesure des Cales	Non Indiqué	Non Communiqué
	* Schéma des Cales	Non Indiqué	Non Communiqué
4.23	Certificat de Franc-Bord	Non Indiqué	Non Communiqué
4.24	Carnet de Chargement et de Stabilité	Non Indiqué	Non Communiqué
4.25	Certificat de Sécurité Matériel et Equipement:	Non Indiqué	Non Communiqué
4.26	Certificat de Contrôle Radio	Non Indiqué	Non Communiqué
4.27	Licence d'Exploitation Radio	Non Indiqué	Non Communiqué
4.28	Livret et/ou fiche Suivi et Contrôle Compas N	Non Indiqué	Non Communiqué
4.29	Livret et/ou fiche Suivi et Contrôle Montres d	Non Indiqué	Non Communiqué
4.30	Livret et/ou fiche Suivi et Contrôle Sextants e	Non Indiqué	Non Communiqué
4.31	Certificat de Contrôle		
	* radeaux de sauvetage	Non Indiqué	Non Communiqué
	* bouées/reflec./lumineuses	Non Indiqué	Non Communiqué
	* fusées parach./fumigènes/feux	Non Indiqué	Non Communiqué
	* brassières/gilets de sauvetage	Non Indiqué	Non Communiqué
	* bouteilles sous pression	Non Indiqué	Non Communiqué
	* compresseur d'air	Non Indiqué	Non Communiqué
	* grues/mâts de charge/cabestan	Non Indiqué	Non Communiqué
	* treuil de pêche	Non Indiqué	Non Communiqué
	* guindeau	Non Indiqué	Non Communiqué
	* appareil à gouverner	Non Indiqué	Non Communiqué
	* ligne d'arbre/hélice	Non Indiqué	Non Communiqué
	* réducteur	Non Indiqué	Non Communiqué
	* turbo-soufflante	Non Indiqué	Non Communiqué
	* moteur de propulsion	Non Indiqué	Non Communiqué
	* moteurs et générateurs électriques	Non Indiqué	Non Communiqué
	* installations électriques	Non Indiqué	Non Communiqué
	* pompes	Non Indiqué	Non Communiqué
	* circuit d'eau de mer	Non Indiqué	Non Communiqué
4.32	Certificat de Prévention Pollution		
	* hydrocarbures	Non Indiqué	Non Communiqué
	* rejets	Non Indiqué	Non Communiqué
	* déchets	Non Indiqué	Non Communiqué
	* ordures	Non Indiqué	Non Communiqué
	* produits toxiques	Non Indiqué	Non Communiqué

Rubriques		Eléments d'informations en référence à l'acte administratif considéré	Eléments d'informations en référence aux investigations à bord
Ordre	Intitulé		
4.33	Certificats Sanitaires		
	* Dératisation	Non Indiqué	Non Communiqué
	* Contrôle de Eaux	Non Indiqué	Non Communiqué
	* Ustensiles	Non Indiqué	Non Communiqué
	* Habitat	Non Indiqué	Non Communiqué
4.34	Certificat de Classification		
	* Coque	Non Indiqué	Oui
	* Machine	Non Indiqué	Oui
	* Frigorifique	Non Indiqué	Non Communiqué
	* Radio	Non Indiqué	Non Communiqué
	* Equipements de Pêche	Non Indiqué	Non Communiqué
	* Autres	Non Indiqué	Non Communiqué
4.35	Contrats et Certificats d'Assurance		
	* Navire	Non Indiqué	Non Communiqué
	* Cargaison	Non Indiqué	Non Communiqué
	* Passagers	Non Indiqué	Non Communiqué
	* Equipage	Non Indiqué	Non Communiqué
	* Environnement	Non Indiqué	Non Communiqué
4.36	Relevé des Plaques Sign. Principaux Apparei	Non Indiqué	Partiel
4.37	Permis de Navigabilité	Non Indiqué	Non Communiqué
4.38	Acte de Naturalisation et/ou de Nationalité	Non Indiqué	En Voie
4.39	Historique du navire	Non Indiqué	Non Communiqué
4.40	Rôle d'Equipage	Non Indiqué	En Voie
4.41	Licence ou Brevets Commandant et Chef Méc	Non Indiqué	Disponible
4.42	Livrets Commandant, Chef Mécanicien et Ofl	Non Indiqué	Disponible
4.43	Liste membres d'équipage/Spécialités/Fonctio	Non Indiqué	Disponible
4.44	Liste Passagers/raisons	Non Indiqué	Non Communiqué
4.45	Autorisation d'Exercice Professionnel ou Lice	Non Indiqué	Non Communiqué
4.46	Autres Actes d'Interêt	Non Indiqué	Non Communiqué

cuments joints :
* Annexe 1, Références des équipements et objets utiles à bord.
* Annexe 2, Relevé des documents utiles à bord.

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