The position of the Republic of Senegal in the proposed West and Central [African] memorandum of understanding on port state control

Papa Mor Thiam

World Maritime University

Follow this and additional works at: http://commons.wmu.se/all_dissertations

Part of the Admiralty Commons

Recommended Citation
Thiam, Papa Mor, "The position of the Republic of Senegal in the proposed West and Central [African] memorandum of understanding on port state control" (1999). World Maritime University Dissertations. 64.
http://commons.wmu.se/all_dissertations/64

This Dissertation is brought to you courtesy of Maritime Commons. Open Access items may be downloaded for non-commercial, fair use academic purposes. No items may be hosted on another server or web site without express written permission from the World Maritime University. For more information, please contact library@wmu.se.
THE POSITION OF THE REPUBLIC OF SENEGAL
IN THE SUPPOSED WEST AND CENTRAL MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

BY

PAPA MOR THIAM
Senegal

A dissertation submitted to the World Maritime University in partial fulfillment of the requirements for the award of the degree of

MASTER OF SCIENCE

In

MARITIME SAFETY AND ENVIRONMENT PROTECTION

1999
DECLARATIONS

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

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

P. M. THIAM
15 August 1999

Supervised by:
Name: J.Å. JÖNSSON
Office: Professor
World Maritime University

Assessor:
Name: P.K. MUKHERJEE
Office: Course Professor
Institution/organization: World Maritime University

Co-assessor:
Name:
Office:
Institution/organization:
ACKNOWLEDGEMENTS

Presenting this dissertation, I commence by extending acknowledgements to CESTING (Cabinet de Control Expertise Surveillance Techniques Ingenierie), and the Federal Republic of Germany and C.D.G. enabling the embarking and part taking in the World Maritime University master of maritime safety program of 1999.

Recognizing the significant impact of professors, without whose knowledge and academic propellants the successful completion of the course would have been less feasible, I wish to emphasize my gratitude to my supervisors professors Jönsson and Mukherjee of exceptional support.

Indeed, pleased with the professionalism of numerous fellow students, my thanks for camaraderie shown is with equal sincerely expressed.

Of paramount importance to all of my endeavours; my parents to whom I dedicate this thesis, and family members to whom I due to firm, unrelenting encouragement, through profoundest good-will and compassion given, am ever indebted.
ASBSTRACT

Title of the dissertation: The position of the Republic of Senegal in the West and Central African Memorandum of Understanding on Port State Control

Degree MSc

The dissertation is an analysis of the WCAMOU on PSC which is for the time being in the phase of establishment and the role of Senegal as state member in the organisation.

The adoption of the WCAMOU is encountering lot of difficulties related to the specificity of the region. Such specificity has to be seen in terms of safety concept, environment consideration, lack of resources, and diversities of the countries members.

Globally talking, PSC is of great importance since it contributes to the struggle against substandard ships and generated hazards jeopardising the life at sea and the marine environment. Both of these latter indeterminable value justifies the necessity for protection as much as possible. However, there exist certain no negligible secondary effects of direct economic impact that have to be highlighted and taken into consideration in a region where the economic development is one of the lowest in the World.

This does not change the need for a regime of PSC and accordingly there are collective and individual actions to be undertaken.

The dissertation conclusion is a synthesis of the discussed subjects which are followed by recommendations that can help to the effective implementation of a PSC regime in the West and Central Africa.
TABLE OF CONTENTS

Declarations i

Acknowledgements ii

Abstract iii

Table of contents iv

List of tables vii

List of figures viii

List of Abbreviations ix

1 Introduction 1

2 The WCAMOU on PSC 6
   2.1 Presentation of the WCAMOU 6
   2.2 Establishment of the WCAMOU 7
   2.3 Objectives of the WCAMOU 8
       2.3.1 Responsibilities of the Ports States 9
       2.3.2 Application of the WCAMOU 9
3 Port state control procedure

3.1 Legal basis of Port State Control
3.2 Port State Control procedure
   3.2.1 Verification of ship certificates and documents
   3.2.2 More detailed inspection
   3.2.3 Substandard ship and detention

4 The constraints of the WCAMOU

4.1 The West and Central African ports
4.2 The human factor
4.3 Ratification of the international conventions
4.4 Culture differences
4.5 Financial needs
4.6 Lack of ports infrastructures

5 Economic impact of PSC in the States members of The WCAMOU

5.1 Economy of the countries members of the WCAMOU
5.2 Export impact on Gross Domestic Product in the region
5.3 Role of maritime transport in the foreign trade
5.4 Influence of Port State Control on the sea transport
   5.4.1 Influence on the capital costs
   5.4.2 Influence on the operating costs
   5.4.3 Influence on the voyage costs
5.5 Risk of local shipping companies collapse
5.6 Impact of Port State Control on the regional economic integration
6  Position of Senegal in the WCAMOU on PSC  

6.1 Traffic of the foreign vessels in the Senegalese ports  

6.2 Importance of the sea transport in the Senegalese economy  

6.3 Geographical position of the Port Autonome de Dakar  
   6.3.1 Port Autonome de Dakar infrastructures  
   6.3.2 Vessels traffic in the Port Autonome de Dakar  

6.4 Implementation of PSC in Senegal  
   6.4.1 The Senegalese Merchant Marine Directorate  
   6.4.2 Performance of Port State Control in Senegal  
   6.4.3 WCAMOU relevant international instruments in the Senegalese legislation  

7  Conclusion and Recommendations  

7.1 Conclusion  

7.2 Recommendations  
   7.2.1 No use of Port State Control in ports competition  
   7.2.2 Financial solution for the WCAMOU  
   7.2.3 Training of the WCAMOU Port State Control officers  
   7.2.4 Role of the Classification societies in the WCAMOU  
   7.2.5 Necessity of setting up shipping safety culture within the WCMOU  

Bibliography
LIST OF TABLES

Table 1: The West and Central African Ports

Table 2: Status of the ratification of WCAMOU relevant International conventions by the States members

Table 3: Export and import of the countries members of the WCAMOU

Table 4: New ships prices

Table 5: Second hand prices for five years old vessels

Table 6: WCAMOU countries fleets

Table 7: Goods traffic structure in the Port Autonome de Dakar

Table 8: The main regular liners ships calling the Port Autonome de Dakar
LIST OF FIGURES

Figure 1: The supposed states members of the WCAMOU on PSC

Figure 2: Export impact on GDP IN THE African countries

Figure 3: Transport costs and distance relationship

Figure 4: Location of the Port Autonome de Dakar

Figure 5: Configuration of the Port Autonome de Dakar

Figure 6: The Senegalese Merchant Marine Directorate organisation
LIST OF ABBREVIATIONS

COLREG: International Regulation for Preventing Collisions at Sea 1972.
IMO: International Maritime Organisation.
ILO: International Labour Organisation.
ECA: Economic Commission for Africa
MOU: Memorandum of understanding.
Nº: Number.
PSC: Port State Control.
PSCO: Port State Control Officer.
WMU: World Maritime University.
UN: United Nations.
Reg: Regulation.
Res: Resolution.
WCAMOU: West and Central African Memorandum of Understanding.
R: Ratification.
PAD: Port Autonome de Dakar.
IOPP: International Oil Pollution Prevention.
Prt: Protocol.
Grt: Gross Tonnage.
GDP: Gross Domestic Product
CHAPTER 1

INTRODUCTION

For different purposes, ships have been used for several hundreds years. One category of ships such as trawler for instance, is used for fishing. Cargo ships like dry cargo ships or tankers convey merchandises of different nature in liquid, bulk or package form. The passenger ships are devoted primarily for the transport of persons either in yachting, cruise or travelling. The warships sail for military needs. The scientific ships route for scientific research like oil exploration. Finally come mobile platforms such as the oil platform that are used for offshore oil exploitation.

Both the different countries economy developing and the world population growing have caused huge people need of voyage by ship and the import and export expansion through the sea-borne trade. The world fleet have therefore increased in terms of ships over years in order to supply the world ships demand for the international transport. This phenomenon led to the rise of the number of ships and their capacity. For instance, from 9 million of gross tons in 1860, the world merchant fleet grew in 1995 to more than 491 million gross tons of which 82,890 vessels were of more than 100 gross tons. Since, year by year, the sea traffic has become more and more dense rendering higher the risk of sea accidents. As a result, the loss of life at sea and the environment disasters that are caused by ships became disquieting. Several accidents of different category of vessels have occurred in the past. Amongst them, the Titanic disaster had the biggest impact than any other on maritime safety because of the largest number of casualties the world has never seen: more than 1,500 victims.
As a proverb says that it is an ill wind that blows nobody any good, the Titanic event represented the prelude to the creation of the International Maritime Organisation, a United Nations agency dealing with the maritime safety and the environment protection.

In reality, IMO is not the first precursor of the safety of ships. As early as 1912, after the Titanic sinking, there were voices rising to denounce the setting of international safety standard of ships. So in 1914, the first SOLAS convention that did not entered into force due to the First World War was adopted under the aegis of the British government at that time. Another version of SOLAS was edited in 1929 followed by the Loadline convention in 1931. Although there had already been agreements on ship safety between some countries, it is the creation in 1948, after the Second World War, of IMO as agency of the United Nations that indeed gave ruling on international standards on ship safety.

Composed nowadays by 156 state members with the same concern on safety of life at sea and the protection of the marine environment, IMO endeavours to minimise as much as possible the risk of ship accidents and related environment consequences through international treaties. Thanks to IMO, at least 35 international conventions and agreements and their protocols and/or amendments are adopted. In addition, a multitude of codes, recommendations, resolutions, circulars, and guidelines are under credit of IMO.

After a convention has entered into force, the IMO member states are bound by the requirements of that convention. Consequently each respective flag state shall itself implement the international instrument within the area of its jurisdiction through appropriate provisions, of which prior is the introduction of the convention into the domestic law.
However, for one reason or another, the flag states do not always fulfil their commitment vis-à-vis their international obligations by effective application and enforcement of the IMO conventions.

Still with the same major concern of ship safety and the pollution of the marine environment, IMO through its resolution A.787 (19) adopted in November 1995, initiated Port State Control (PSC). The Port State Control consists of inspection of ships when they call foreign ports. The Port State Control is just a complementary measure to ensure the respect of the IMO international requirements, as supported by Plaza (1997, 30):

*In an ideal world, Port State Control would not exists, but when shipowners, classification societies, insurers, or flag states administrators have in one way or another failed to their job, Port State Control comes into scene.*

In addition, it is paramount to notify that Port State Control cannot substitute the flag state role.

*The efforts of the flag states are of primarily importance in ensuring that ships conform to the international safety standards.* Plaza (1997, 30)

The history of Port State Control started several years before the IMO resolution A.787 (19). Even if it was not called port state control, every port authority used to set its individual requirements of safety to vessels coming to its port under national legislation. As early as 1978 the Hague Memorandum was created. That memorandum was an agreement on port control between maritime authorities of eight countries bordering the North Sea. Four years later in 1982, the Hague Memorandum was changed to the Paris Memorandum that strengthened port control by making it a concern of the port states. The idea of involving the port states in the implementation and enforcement of the international conventions on maritime safety and protection of the marine environment was welcome into IMO, owing to the
increasing number of substandard ships and the growth of the flags of convenience. Subsequently, the IMO resolution A.787 (19), that gives authority to the port state to go on board foreign vessels within its port for inspection was, drafted and adopted on the 23 November 1995. The inspection is based on the following international instruments:
- The International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74), and modified (SOLAS Protocols 1978 and 1998)
- The international Convention for the prevention of the pollution from ships, 1973 as modified by the protocol of 1978 relating thereto, as amended (MARPOL 73/78)
- The Collision Regulation (CORLEG 72)
- The International Convention on Standards of Training, Certification and Watchkeeping for seafarers, 1978, as amended (STCW 78)
- The international Convention on Tonnage Measurement of ships, 1969
To the above listed conventions, which are IMO’s instruments, is added the ILO Convention 147 dealing with the living condition of the seafarers.

To make port state control more efficient, IMO is promoting a regional approach through memoranda of understanding according to the geographical location of the countries.

A world network of memoranda of understanding is setting up. Already five memoranda are existing. They are the Paris MOU (European countries and Canada), the Acuerdo de Viña del Mar (Latin American countries), the Tokyo (Asian and Pacific countries), the Caribbean (countries of the Caribbean region), and the Mediterranean (Maghrebean countries). Other memoranda of understanding on port state control are also being set up. Among them are the West and Central Africa
Memorandum of understanding (WCAMOU) which is in a very advanced stage of establishment.

The WCAMOU may encounter different obstacles of various natures during the setting up of the organisation and later on when achieving the required tasks of ship control. Indeed, despite their geographical neighbourhood, the countries which are members of the WCAMOU are far of composing one bloc with the same concern of sub-standard ships and the action that should be taken as foreign ship enter their ports or harbours. Such situation comes from the fact that the state members of the WCAMOU, despite their appurtenance of the same African continent are different in terms of people and history, internal structure and political stability, capacity of self-management and autonomy, and shipping level. In addition, there is a serious competition and conflict between countries of the sub-region.

With such a situation, the success of the WCAMOU is a challenge for all state members, which have to undertake appropriate collective and individual measures. Since then, what can be the position of Senegal within the supposed WCAMOU on PSC?
CHAPTER 2

THE SUPPOSED WEST AND CENTRAL AFRICAN MEMORANDUM ON PSC

2.1 Presentation Of the WCAMOU

MAP

Figure 1: Member States of the supposed WCAMOU on PSC
The WCAMOU is composed of 22 countries along the East Atlantic Ocean. It goes from Mauritania in the North to South Africa in the South. The current member states of the WCAMOU region are in alphabetic order: Angola, Benin, Cameroon, Cape Verde, Congo, Ivory Coast, Gabon, Democratic Republic of Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mauritania, Namibia, Nigeria, Sao-Tomé & Principe, Senegal, Sierra Leone, South Africa, and Togo.

2.2 Establishment of the WCAMOU

The idea of the creation of the WCAMOU was risen during the 18th IMO Assembly. Representatives of the West and Central Africa countries decided after a discussion to establish a port state control agreement in the Eastern Atlantic Ocean. The Ministerial Conference of the West and Central African states on maritime transport (MINCONMAR) was agreed as the co-ordination body. Following that, the creation of the WCAMOU has been undertaken.

The first preparatory meeting was held from 17 to 20 February 1998 in Accra in Ghana with the participation of 20 of the 22 concerned countries. Also the following observers were present at the meeting: IMO, the International Labour Organisation (ILO), the Communauté Economique et Monétaire de l'Afrique Centrale (CEMAC), the Economic Commission for Africa (ECA), The International Association of Classification Societies (IACS), the Ministerial Conference of Maritime Transport of the West and Central African states (MINCONMAR), The United Nations Development Programme (PNUD), and the International Transport Federation (ITF). It was in that meeting the first draft of the WCAMOU was published.
2.3 Objectives of the WCAMOU

The aim of the WCAMOU is to take part in the global struggle to enhance ship safety and the protection of the environment. So within the regional agreement and through a unified and harmonised system on port state control, the different countries that compose the WCAMOU decided, with joined action, to eliminate sub-standard ship entering their respective ports.

A sub-standard ship is any ship that for one reason or another jeopardises:
- The safety of life at sea
- The living and working condition on board ship
- The environment

To reach the above mentioned objectives, it is agreed that the performance of port state control shall be based on the conventions below:
- The International Convention on Load Lines, 1966
- 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 Regulation for Preventing Collision at Sea, 1972
- The International Convention on Tonnage Measurement of Ships, 1969
- The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention N°147)
Also the amendments to these instruments, once entered into force and ratified by a state, should be considered by the states as relevant instrument for port state control.

2.3.1 Responsibilities of the Port States

It is important to mention first that port state control is not an imperative duty of the states, but a right they have to go on board targeted ship to check the compliance with the requirements of the international standards. However, within the WCAMOU the following obligations are to be fulfilled by every state member:

- The number of ship inspections: "Each Authority will achieve within a period of three years from the coming into effect of the Memorandum an annual total inspection corresponding to 15% of the estimated number of individual foreign merchant ships, herein after referred as "ship", which entered the ports of its state during a recent representative period of 12 months."

- The co-operation between port state authorities: The port state authorities have the obligation to carry out ship inspection aiming the effectiveness of the MOU as the common concern. Owing to that, they shall communicate each other about their inspection results through a network of information, co-ordinate their actions and share their experience relating to port state control.

2.3.2 Application of the WCAMOU

In a port of country members of the WCAMOU, port state control applies to all merchant ships that are engaged in international voyage unless such ship is exempted by specific reasons. Two cases have to be taken into consideration. Firstly, the ships of Convention size such as cargo ships of 500 grt and above or any passenger ship in international traffic is subject to inspection according to the regional agreement regulation. These ships are targeted with regard to their age, their owner, their class and classification society, their flag, their category, and the type of cargo they convey.
Within the WCAMOU ship should not be inspected more than once in a six months period unless there is a clear ground of the hazard of that ship. The clause of "No more favourable treatment" as stated in the SOLAS Protocol 78; MARPOL 73/78; STCW; and ILO Convention Nº147 binds ships flying the flag of states, which is not party to the relevant conventions. Secondly, concerning ships below Convention size (ships less than 500 grt), the states national legislation applies to them. They may be inspected according to their type, size, and the voyages they are intended to do. It is up to the respective national maritime administration to decide whether or not such a non-Convention ship represents a hazard according to the required standards of ship safety, crew condition of living, and environment protection.
CHAPTER 3

PORT STATE CONTROL PROCEDURE

The control of foreign ships is not a duty, but a right the Port States have to ensure that ships calling at their ports do not endanger neither the safety of the crew and passengers on board nor the maritime environment.

3.1 Legal basis of Port State Control

Several international treaties contain provisions dealing with PSC. They consist of the following conventions of UN and its agencies IMO and ILO.

- UNCLOS (entered into force 28 July 1996) in its Article
- ILO Convention 147 (entered into force 28 October 1980) in its Article 4
- SOLAS 74 (entered into force 25 May 1980) in its Regulation 19 Chapter I and Regulation 4 Chapter XI
- Load Lines 1966 (entered into force 21 July 1968) in its Article 21
- MARPOL 73/74 (entered into force 20 October 1983) in its Article 5 and 6, Regulation 8 of Annex I; Regulation 15 of Annex II; Regulation 8 of Annex III; Regulation 8 of Annex V
- STCW 1978 (entered into force 28 April 1984) in its Article X
- Tonnage 1969 (entered into force 18 July 1982) in its Article 12

In addition, IMO Resolution A.19/Res.787, that revokes resolutions A.466(XII) as amended, A.542(13), A.597(15), MEPC.26(23) and A.742(18), goes beyond the
requirements of the above mentioned conventions. Adopted on 23 November 1995, its provides a guideline for PSC, that is followed in the different MOUs as far set up.

3.2 Port State Control procedure

Thus the procedure is basically the same and consists of three main parts: inspection of certificates and documents, hull and machinery inspection, and ship operation inspection. The performance of the two last inspections depends mainly to the results of the first one and the professional judgement of the inspection executor.

3.2.1 Verification of ship certificates and documents

A port state control visit on board a ship will normally start with verification of the following certificates and documents issued in accordance with, the relevant instruments of the regional agreement:
- International safety construction certificate
- International safety equipment certificate
- IOPP certificate
- Oil records book
- Record of construction and equipment
- International tonnage certificate (1969)
- Minimum safe manning document
- Certificates of competency
- International certificates of fitness for the carriage of liquefied gases in bulk or dangerous chemicals in bulk (if relevant)
- Medical certificates
- Stability information
- Cargo record book (if relevant)
- If appropriate, class certificates as to the ship's hull strength and machinery installations
- Radio certificate

In addition, there will be a general inspection of several areas on board to verify that the condition of the ship complies with that required by the various certificates.

In one hand, if the ship is found to comply, a "clean" inspection report is issued to the master of the ship. Moreover, the data of the respective ship and the inspection results will be recorded and communicated to the other port state members.

On the other hand, if valid certificates or documents are not on board, or if there are "clear grounds" to believe that the condition of the ship, its equipment or its crew does not substantially meet the requirement of a relevant convention, a more detailed inspection will be carried out.

"Clear grounds" for detailed ship inspection

When talking about "clear grounds" for more detailed inspection, two cases have to be taken into consideration:

a) The notification of ship deficiencies

Such notification may be of divers forms
- A report by another authority
- 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, unless this complaint is clearly deemed to be unfounded
- Other indication of serious deficiencies
In addition there are requirements for expanded inspections for bulk carriers and tankers above a certain age and for passenger ships.

b) Unsatisfactory results from the first phase of inspection

The approbation of these results depends on the relative severity of the non-compliance with the requirements and the personal judgement of the inspector. For instance, for on board operational performances, "clear grounds" are mainly the following:

- Evidence of operational shortcomings revealed during port state control procedures in accordance with SOLAS 74/78 and SOLAS Protocol 88, or MARPOL 73/78 or STCW 78
- Evidence of cargo operations procedure or other procedures not being conducted safely or in accordance with IMO guidelines
- Involvement of the ship in accidents due to failure to comply with operational requirements
- Evidence from the witnessing of fire or abandon ship drills, that the crew is not familiar with essential procedures
- Absence of an up-to-date muster list
- Indication that key crew members may not be able to communicate with each other or with other persons on board.

Furthermore, control on compliance with other on board operational requirements may be included in the control procedures, particularly if there are reasons to believe that the crew demonstrate insufficient proficiency in that area.
3.2.2 More detailed Inspection

"Clear grounds" does not lead to the checking up of the entire ship. It allows the port state officer to go deepest in the inspection focusing in certain optional aspects of the ship, that he judges necessary to verify. Guidelines are given in the IMO resolution A19/Res.787 on port state control for the detailed inspections on the following ship main aspects

a) Ship structure and equipment
- The ship structure
- The machinery space
- The condition of assignment of load lines
- The life saving appliances
- The safety of life
- The regulations for prevention of collision at sea
- The cargo ship safety construction certificate
- The cargo ship safety radio certificate
- The equipment in excess of convention or flag state requirements

b) Discharge requirements under MARPOL
- Annex I for the prohibition of oil discharge (MARPOL Regulations 9 and 10)
- Annex II for the prohibition of noxious liquid discharges (MARPOL Regulation 5)
- Inspection of crude oil washing system operation
- Inspection of unloading, stripping and prewash operations

c) Control of operational requirements
- Muster list
- Communication between crew
- Fire and abandon ship drill
- Fire drill
- Abandon of ship drill
- Damage control plan and Shipboard Oil pollution emergency plan (SOPEP)
- Fire control plan
- Bridge operation
- Cargo operation
- Operation of machinery
- Manuals instructions
- Handling of Oil and oily mixtures from machinery
- Dangerous goods and harmful substances in packaged form
- Garbage handling
d) Minimum manning standards and certification
- Manning control
- Control under the STCW 78

When deficiencies are found during the inspections, the ship may be qualified as substandard ship and subsequently being detained.

3.2.3 Substandard ship and detention

IMO resolution A19/Res787 on port state control, Chap 4, paragraph 4 defines a substandard ship as a ship of which the hull, machinery, equipment or operational safety, is substantially below the standard required by the relevant conventions, or whose crew is not in conformance with the safe manning document owing to, inter alia,

1. The absence of principal equipment or arrangement required by the conventions
2. Non-compliance of equipment or arrangement with relevant specifications of the conventions
3. Substantial deterioration of the ship or her equipment because of, for instance, poor maintenance
4 Insufficiency of operational proficiency or unfamiliarity of the essential operation of procedures by the crew, and
5 Insufficiency on manning or insufficiency of certificate of seafarers

According to this definition, the term substandard ship is a relative term. Therefore a professional judgement that is based on the number and degree of deficiencies is necessary to consider a ship as substandard in order to detain her.

The following are the main criteria for the detention of a ship
- A ship which is unsafe to proceed to sea will be detained upon the first inspection, irrespective of the time the ship is scheduled to stay in port
- The deficiencies on a ship are so serious that they must be rectified before sailing.

In case the deficiencies are clearly hazardous to safety, health or the environment, the maritime authorities will ensure that the hazard is rectified before the ship is allowed to proceed to sea. For this purpose they will either detain the vessel or issue a formal prohibition of the ship to continue an operation.

Since then, certain circumstances should be taken into consideration, like:
- The length and nature of the intended voyage or service
- Whether or not the deficiency poses a danger to the ship, persons on board or the environment
- Whether or nor appropriate rest periods of the crew can be maintained
- The size and type of ship and the equipment provided
- The nature of the cargo
CHAPTER 4
THE CONSTRAINTS OF THE WCAMOU

As all organisations, the success of the WCAMOU on PSC necessitates an amalgamation of various elements. These elements can be resumed in human, financial, technological, and political factors. Unfortunately, in the concerned countries of the WCAMOU, the mentioned factors are of crucial shortage. Consequently, the effectiveness of the regional agreement on port state control as it should be will likely be difficult to realise despite all the efforts laid down for its success.

4.1 The West and Central African ports

Along the Eastern Atlantic Ocean are located many African ports of different purposes. Certain are of multipurpose and others are oil terminals. The number of ports and their distribution varies among the countries.

Table 1: The West and Central African ports

<table>
<thead>
<tr>
<th>Countries</th>
<th>Number of ports</th>
<th>Names of the ports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>18</td>
<td>Ambriz, Cabinda, Essungo Marine Terminal, Futila Terminal, Kiabo Marine Terminal, Lobito, Lombo Marine Terminal, Luanda, Malongo Terminal, Mocamedes, Namibe, Palanca Terminal, Porto Amboim, Porto Saco, Quinfuquena Terminal, Soyo, Sumbe, Takula Terminal</td>
</tr>
<tr>
<td>Benin</td>
<td>2</td>
<td>Cotonou, Seme Terminal</td>
</tr>
<tr>
<td>Cameroon</td>
<td>10</td>
<td>Bonaberi, Douala, Garoua, Kole Terminal, Kribi, limbe, Limboh</td>
</tr>
<tr>
<td>Country</td>
<td>Count</td>
<td>Ports</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>-------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>7</td>
<td>Mindelo, Palmeira Bay, Pedra De Lume, Porto Grande, Porto Praia, Sal Island, Santa Maria Bay</td>
</tr>
<tr>
<td>Congo</td>
<td>3</td>
<td>Dieno, Pointe-Noire, Yombo</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>6</td>
<td>Abidjan, Banco Bay, Canal de Vridi, Locodjo, Port Bouet Tanker Terminal, San Pedro</td>
</tr>
<tr>
<td>Democratic Republic of Congo</td>
<td>5</td>
<td>Ango-Ango, Banana, Boma, Matadi, Moanda Oil Terminal</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>9</td>
<td>Bata, Benito, Cogo, Luba, Malabo, Puerto Iradier, Puerto Macias, Punto Europa Terminal, Rey Malabo</td>
</tr>
<tr>
<td>Gabon</td>
<td>11</td>
<td>Cap Lopez, Gamba, Libreville, Lucina Terminal, M'Bya Terminal, Mayumba, Nyanga, Oguendjo Terminal, Ovendo, Owendo, Port Gentil.</td>
</tr>
<tr>
<td>Ghana</td>
<td>3</td>
<td>Saltpond, Takoradi, Tema</td>
</tr>
<tr>
<td>Gambia</td>
<td>1</td>
<td>Banjul</td>
</tr>
<tr>
<td>Guinea</td>
<td>4</td>
<td>Conakri, Dougoufissa Creek, Kakande, Port Kamsar</td>
</tr>
<tr>
<td>Guinea Bissau</td>
<td>2</td>
<td>Bissau, Baloma</td>
</tr>
<tr>
<td>Liberia</td>
<td>5</td>
<td>Buchanan, Cape Palmas, Greenville, Harper, Morovia</td>
</tr>
<tr>
<td>Mauritania</td>
<td>5</td>
<td>Nouadibou, Nouakchott, Point Central, Port de l' Amitie, Port Etienne</td>
</tr>
<tr>
<td>Namibia</td>
<td>2</td>
<td>Luderitz, Walvis Bay</td>
</tr>
<tr>
<td>Nigeria</td>
<td>26</td>
<td>Abonnema, Aldja, Anta Terminal, Apapa, Bonny Inshore Terminal, Bonny Offshore Terminal, Brass Terminal, Burutu, Calabar, Dawes Island, Degema, Dockyard Creek, Escravo Oil Terminal, Forcavos Oil Terminal, Koko, Lagos, Odudu Terminal, Okrika, Onne,</td>
</tr>
</tbody>
</table>
All the mentioned ports in Table 1 are frequented by foreign vessels. Therefore, they constitute the places where ship inspection will take place on behalf of the MOU.

Viewing the number of concerned ports and the procedure of PSC operation as earlier described, it can be seen that the work to be done is both complex and difficult to handle. There are many factors relating either to the entire region or to the respective member countries of the WCAMOU that may hamper the effective implementation of PSC within the region.

4.2 The human factors

The magnitude of ship inspection for the port state members of the WCAMOU depends on the number of ports in the country and the frequency of the visiting vessels. Following that, the need of PSCOIs is not the same everywhere. However, whatever the situation is, the skills below must be available for the allocated task:

- Nautical surveyors
- Hull surveyors
- Engineer surveyors
- Radio surveyors

It is required in the IMO Res. 787 that PSCOs should be an experienced officer, who is qualified as flag state surveyor. Indeed, few states have in their Maritime Administration the qualified people to carry out PSC because of two main reasons. Firstly, for many countries, the national fleet is only composed of a limited number of fishing vessels with difficult conditions of working. As a result of that, only a small number of people have been interested on a carrier in the maritime field, where the demand of officers of high skills is low. Consequently, well trained officers, naval architects, and marine engineers are relatively rare. Secondly, the people that fulfil the criteria of PSCO are not usually willing to work in the administration where the wage is often paltry. For instance, the sailing officer salary can be four or even five times the salary of the maritime administration officer. Subsequently, the existing officers are not at all motivated of being PSCO. In addition, the new STCW-95 renders the situation more difficult. In fact, the training of the African seafarers as required, is almost impossible in a region where there are very few maritime institutes fulfilling the STCW-95 standard. And the worst thing is that the classification societies may enter in the scene of PSC by delegation. As a result, the eventual new role of the classification societies in addition to their classical role will create a conflict of interests and will render the regional PSC agreement inefficient.

4.3 Ratification of the international conventions

Before the regional PSC can start, the port states should have ratified the conventions and implemented them by means of national legislation. But many of the state members of the WCAMOU have not yet satisfied these conditions.

Table 2: Status of the ratification of WCAMOU relevant international Conventions by the States members

<table>
<thead>
<tr>
<th>Country</th>
<th>SOLAS 74</th>
<th>SOLAS Prt 78</th>
<th>LL</th>
<th>TONNAGE 69</th>
<th>COLREG 72</th>
<th>STCW 78</th>
<th>MARPOL A.I/II</th>
<th>MARPOL A.III</th>
<th>MARPOL A.IV</th>
<th>ILO No 147</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Benin</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Cameroon</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Congo</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Republic of Congo</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Gabon</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Gambia</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Ghana</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Guinea</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Guinea Bissau</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Liberia</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Mauritania</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Namibia</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Nigeria</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Sao-Tome</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Senegal</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>South Africa</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Togo</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Cap Verde</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
</tbody>
</table>
Concerning the IMO conventions the table shows that only seven of twenty two of the WCAMOU states have already ratified all the relevant conventions. These are Ivory Coast, Equatorial Guinea, Liberia, Mauritania, Senegal, South Africa, and Togo. Certain state members such as Guinea Bissau, Namibia, and Sao Tomé & Princípe have not yet ratified any of the instruments as provisions of the agreement on the regional MOU.

The situation is the same for the labour Convention N°147 on Shipping Minimum Standards. The difficulties of this convention must be placed within a global context of the ILO concern with the rest of the labour matters in the region. It is quite impossible to give particular treatment to the seafarers in order to fulfil the requirements of the ILO Convention N°147 in an undesirable environment of working condition that characterizes in general the labour community as a whole in almost all the countries of the region.

4.4 Cultural differences

When talking about cultural difference, there are two main factors that have to be taken into consideration: the language of communication and the behavior or interpretation.

Communication is one of the crucial problems in many cross organizations like the WCAMOU which involves people who are originating from different countries. Amongst the twenty two states that compose the WCAMOU, there are distinct countries of three different official languages: French, Portuguese, and English. Since the latest is chosen as the language of communication in the regional agreement, the lusophone and francophone representatives may have hard time of expressing themselves when taking part in the decision making. Subsequently a lack of mutual understanding may occur
within the organization. Obviously, some members will be less privileged. In such a prevailed situation, it will likely happen that people speaking French and those speaking Portuguese interpret this as a sign of English countries predominance as it is usually the case in the existing African organizations. Therefore, there is a high risk of leadership and frustration that can cause lot of internal discrepancies for the PSC regime. Such barriers of communication and mutual comprehension resulting from the “balkanization“ of the African continent, will encourage division in the regional organization on PSC with the growing up of clans according to the linguistics appurtenance or other related interests. Subsequently, members unity and full cooperation which are indispensable to the success of PSC may be negatively affected.

In addition to the above mentioned problems of communication, there is also crucial interpretation and behavior difference viewing the multitude of ethnic groups that compose the sub-region.

“People of different cultures share basic concepts but view them from different angles and perspectives, leading them to behave in a manner which we may consider irrational or even in direct contradiction of what we hold sacred.” (Richard, 1996).

Furthermore, apart from the practical and technical part which is clearly defined, national psychology and characteristics may interfere at the executive level, where decisions tend to be more complex than the practical accords reached between the state members. The setting up of a real regional agreement on PSC is not something willy-nilly. Some people would like to prioritize the competency of their port in terms of income by ignoring their commitments vis-à-vis of the agreement. So, while ship inspection in one port state is rare and less rigorous, there is a natural shifting of foreign vessels to that port state.
In some of the contracting twenty two countries there is in addition the phenomenon of bribery which is highly developed in such way that it will be a challenge for the regional PSC to be exempted of this reality linked to the citizen ethics. The bribery may be materialized by cash, gift or by a casual relationship that jeopardize the effectiveness of the application of many regulations. As a mentality concern, the bribery has reached all the different levels of the population who do believe in its necessity.

### 4.5 Financial needs

The WCAMOU is a non profit organization. However, like many organizations, it requires money for the acquisition of equipment for the functioning of the organization itself. In fact, to allow the twenty two maritime administrations in charge of the regional agreement on PSC to exchange information and to avoid the duplication of inspection, there should exist a network of information between the member. Such network is composed of a computer center that receives daily reports from the countries terminals to which it is connected. As a mailbox, the computer center will be able to give to the terminal operators the necessary information about targeted ships. It is also indispensable for the organization to have a substantial budget for the wages of its permanent secretariat personal and to undertake regular seminars that ensure the effective and harmonized inspection procedures of the PSCO's and keep them informed of the new technical developments and amendments. Also to ensure there is a uniform standard in all regional states.

To the above financial need which is for the organization itself, every member country have to ensure its own logistics and personal for the inspection of ships calling its ports. There are already countries that manifest their incapacity or non-willing to afford the required necessary budget.
4.6 Lack of ports infrastructures

It is said in the WCAMOU provisions that, if the deficiencies found during the inspection of ship are clearly hazardous to the safety, health or the environment, the maritime authorities should ensure that the hazard is rectified before the ship is allowed to proceed to sea. However there exist some factors that render laborious the application of these measures as stated. Indeed, many West and Central African ports are of low capacity of ship berthing, due to their very limited number of adequate rooms to receive big size foreign vessels that are used for the seaborne trade. Certain countries major ports dispose of less than ten berths and the situation is worst in the secondary ports. Thus detained ships and generated port congestion will hamper many ports activities. Subsequently, there is a risk of compromising ports commercial aspects.

Moreover, along the West coast of Africa very few Port States provide ship repair facilities. Therefore, it will be absurd to require remedial action for the release of defective vessels where the means of repair are not available. Otherwise there will be tremendous undue delay to ship and bother to ship-owners.

Last but not least, it is stated in MARPOL Annex I Reg 12, Annex II Reg 7, Annex IV Reg 10, and Annex V Reg 7, that Parties to the Convention shall ensure the facilities for the reception of ship waste and cargo residues. Unfortunately, the sub-region ports do not as far provide those facilities to allow ships to discharge generated waste ashore. Such a situation may incite to the disposal of ships hazardous substances into the sea.
CHAPTER 5

ECONOMY IMPACT OF PSC IN THE STATES MEMBERS OF THE WCAMOU

There is no doubt that PSC in the West coast of Africa is of paramount importance for the safety of life at sea and the protection of the environment. But as many agreements in this order there will also be some negative consequences that should be taken into consideration: the direct economic impact. This aspect of PSC in the region should not be concealed. From this approach, there will a better balance of PSC implementation within the global economic activity of the respective countries and the entire concerned region.

5.1 The economy of the WCAMOU countries

According to the World Bank statistics, the West and Central African countries that compose the MOU are all classified amongst the developing countries. Their principal resources consist of agriculture and industry. In the past, the agriculture was mainly of subsistence. Using primitive technology with a low productivity, the culture of grain and the fishery served only the local population consumption. Over the years, modern technology was developed with the aim to produce for the international market things like tea, coffee, cocoa, oilseeds, and rubber plantation, peanut etc. Beside the artisanal fishery the industrial fishery has grown, of which the catch is in major part exported out of the region. Although the agriculture remains important in term of its contribution to the gross domestic product, the industry is also of high-income. The industry consists mainly of manufacturing and mining supplying the domestic market and to a large extend also the
international market. Among these the industrial products are for instance clothing, oil, chemical goods, coal, phosphates and iron, that are often transported in form of raw material.

The aim of the agriculture and industry product export is to diversify the means of earning foreign currency but also to rise the countries GDP through the enlargement of their share of the World trade.

Table 3: Export and import value of the countries members of the WCAMOU

<table>
<thead>
<tr>
<th>Countries</th>
<th>Export (million of US dollars, current price) in 1997</th>
<th>Import (million US dollars, current price) in 1997</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>5,196</td>
<td>5,003</td>
</tr>
<tr>
<td>Benin</td>
<td>527</td>
<td>696</td>
</tr>
<tr>
<td>Cameroon</td>
<td>2,457</td>
<td>2,052</td>
</tr>
<tr>
<td>Cap Verde</td>
<td>108</td>
<td>272</td>
</tr>
<tr>
<td>Demo. Rep. of Congo</td>
<td>1,463</td>
<td>1,350</td>
</tr>
<tr>
<td>Rep. of Congo</td>
<td>1,767</td>
<td>1,565</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>4,777</td>
<td>4,055</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>489</td>
<td>630</td>
</tr>
<tr>
<td>Gabon</td>
<td>3,296</td>
<td>2,165</td>
</tr>
<tr>
<td>Gambia</td>
<td>192</td>
<td>248</td>
</tr>
<tr>
<td>Ghana</td>
<td>1,678</td>
<td>2,268</td>
</tr>
<tr>
<td>Guinea</td>
<td>853</td>
<td>948</td>
</tr>
<tr>
<td>Guinea Bissau</td>
<td>56</td>
<td>106</td>
</tr>
<tr>
<td>Liberia</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mauritania</td>
<td>497</td>
<td>560</td>
</tr>
<tr>
<td>Namibia</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nigeria</td>
<td>21,310</td>
<td>17,897</td>
</tr>
<tr>
<td>Sao Tom &amp; Principe</td>
<td>10 (in 1996)</td>
<td>42 (in 1996)</td>
</tr>
<tr>
<td>Senegal</td>
<td>1,481</td>
<td>1,730</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>111 (in 1996)</td>
<td>290 (in 1996)</td>
</tr>
<tr>
<td>South Africa</td>
<td>35,848</td>
<td>34,365</td>
</tr>
<tr>
<td>Togo</td>
<td>484</td>
<td>533</td>
</tr>
</tbody>
</table>

The value of export and import of the above mentioned countries varies from one country to another. Such values depend mainly on the countries economy health and
their level of development. However, whichever country it is, the international trade plays an important role in its economy.

5.2 Export impact on Gross Domestic Product in the region

Export has a significant impact on the GDP, mostly in the developing countries. In Africa the increase of the GDP depends mainly on the export growth due to the high value of the foreign trade.

Figure 2: Export impact on GDP in the African countries
Figure 2 shows that all the countries, which are members of the WCMOU, depend closely to their export. The countries with less export value are of a lower GDP. Since the GDP measures the economic health and development in a country, one can see the important impact of export in the global economy of the West and Central African region and the respective countries.

5.3 The role of maritime transport in the foreign trade

The means which are used for the transportation of goods from one region to another are of four modes: air, road, rail, and sea. The most important factor that determines the transport mode option, is the cost of transport since the final aim is to make profit on the exported goods. However, this transport cost depends mainly to the voyage distance and the transport mode.

Figure 3: Transport cost and distance relationship

It is noticeable from the above table that for the long voyages, as is usually the case in the foreign trade, the transport by sea is cheaper than the other modes of transport.
Shipping is the source of the cheapest transport which can open up wider markets to specialisation, by offering transport for even the most everyday products at prices far below those that can be achieved by any other means. Economic development has gone hand in hand with sea trade for sound economic reasons. (Martin, 1997, 3)

Moreover, the sea transport capacity is very big, following the increase of the ships tonnage. For instance, there exist nowadays bulk carriers of 300,000 dwt and container ships of more than 6,000 TEU. The rapidity of air transport competes the sea transport, but only in the transportation of products of high value. Road and rail transport stand mainly for internal or regional use, but not for international transport between continents.

Although shipping constitutes the cheapest and the most common means of transport in foreign trade, it remains quite expensive and the regional agreement on PSC may make it even more expensive in certain measures.

5.4 Influence of PSC on the sea transport

The tendency is to neglect the influence of transport cost on developing countries trade, because of the presuming that freight costs are less important than tariffs. In fact transport costs can outweigh the impact of transport.

The freight cost for African export and import to the Western countries, such as the United States and Europe, are usually considerably high. It is now fluctuating to a nominal freight rate of more than 19 percent of the goods value.
The implementation of PSC may increase the freight cost with the elimination of many ships seen as substandard and the investments needed to keep certain ships on the so called standard level or to acquire new ones. Talking about ship cost transport price is directly linked, three aspects have to be taken into consideration: the capital costs, the operation costs, and the voyage costs. All these costs are subject to increase under the PSC regime.

### 5.4.1 Influence on the capital costs

The capital cost is used for the acquisition of a ship. It is fixed in one hand by the type and the size of the ship, and in another hand by the age, and the state of the ship. To fulfil the requirements of the international conventions, which are the provisions of PSC, there are special design and fittings for tanker, passenger ship, and general cargo respectively. For instance, the double bottom and the crude oil washing system is indispensable for the oil tankers to minimise the risk for oil pollution according to MARPOL, while emphasis is put to the safety equipment on board passenger ship according to SOLAS, in order to diminish the risk of loss of life at sea. Furthermore, new ships are always more expensive than second hand ships, since the cost for compliance with conventions is bigger for new ships than for existing ships.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>30,000 dwt bulk</td>
<td>20</td>
<td>21</td>
<td>198</td>
</tr>
<tr>
<td>32,000 dwt tanker</td>
<td>28</td>
<td>30</td>
<td>32</td>
</tr>
<tr>
<td>70,000 dwt bulk</td>
<td>27</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>80,000 dwt tanker</td>
<td>42</td>
<td>43</td>
<td>43</td>
</tr>
<tr>
<td>120,000 dwt bulk</td>
<td>40</td>
<td>40</td>
<td>41</td>
</tr>
<tr>
<td>250,000 dwt tanker</td>
<td>82</td>
<td>84</td>
<td>85</td>
</tr>
<tr>
<td>125,000 m$^3$ LNG</td>
<td>255</td>
<td>255</td>
<td>255</td>
</tr>
<tr>
<td>75,000 m$^3$ LPG</td>
<td>70</td>
<td>68</td>
<td>67</td>
</tr>
<tr>
<td>1,200 TEU RoRo</td>
<td>42</td>
<td>42</td>
<td>42</td>
</tr>
<tr>
<td>15,000 dwt general cargo ship</td>
<td>21</td>
<td>21</td>
<td>21</td>
</tr>
</tbody>
</table>
Table 5: Second hand prices for five years old of vessels (in millions dollars)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>30,000 dwt tanker</td>
<td>18</td>
<td>21</td>
<td>22</td>
</tr>
<tr>
<td>80,000 qwt tanker</td>
<td>30</td>
<td>31</td>
<td>23</td>
</tr>
<tr>
<td>130,000 dwt tanker</td>
<td>34</td>
<td>35.5</td>
<td>40</td>
</tr>
<tr>
<td>45,000 dwt dry bulk carrier</td>
<td>20.7</td>
<td>22</td>
<td>18.5</td>
</tr>
<tr>
<td>70,000 dwt dry bulk carrier</td>
<td>21.5</td>
<td>23</td>
<td>20.5</td>
</tr>
<tr>
<td>150,000 dwt dry bulk carrier</td>
<td>32</td>
<td>28</td>
<td>26.5</td>
</tr>
</tbody>
</table>

5.4.2 Influence on the operating costs

The operating costs consist of the needed cost to operate the ship. In addition to the insurance cost, the operating cost involves the labour costs and the repair and maintenance costs. Concerning labour costs matter, ILO Convention N° 147 requires certain standard of the living conditions for the crew. As a consequence there are, regardless to the nationality, fixed minimum wages for seafarers, minimum decency of accommodation and working condition, and maximum working hours. Hence, the labour cost word wide is nowadays basically the same and more expensive. Consequently, the attracting low labour cost that earlier characterized the seafarers of the region and encouraged foreign shipping companies to engage African crew may be seriously affected. This situation can lead to a substantial increase of seafarers unemployment in a region, where the countries fleets are mostly too small to satisfy the employment demands.

About ship maintenance, it is difficult to estimate the costs increase due to the influence of PSC. Ship maintenance is more frequent and regular as a routine daily task. However, the costs are mainly allocated to the acquisition of more spare parts, the repair on board, the dry dock expenditures, and subsequent ship lay out consuming time.
5.4.3 Influence on the voyage costs

The voyage costs includes mainly the expenditure for fuel oil and port dues. Also to avoid PSC burden, the main propulsion machinery is among other ship equipment to be kept in good condition. This necessitates the use of fuel of higher quality for better combustion and less hazardous exhausted gas. Viewing the important daily ship combustible consumption up to 60 tons for instance, one can see that the required additional cost for good fuel can be tremendous.

The port due is paid as long as a ship stays in a given port. Since the detention after PSC may require many days to rectify deficiencies, it is a lot of money involved. Moreover, there exists penalty clause between charterer and shipowner for any ship delay in the scheduled time. And the issue is more sensitive if the cargo to be transported is perishable.

This scope can be seen through the need of combustibles of better quality and higher price to keep the main engine and the auxiliaries in good condition. Moreover, a time delay that may be caused for instance if a ship is detained by PSCO, can increase the port costs and eventually also the canal dues owing to the non respect of the booked time or turn of passage that is usually applied several days in advance.

In a region of which the countries are among the poorest of the world according to the World Bank statistics, an increase of the freight cost, whatever the reason is, will likely negatively influence the economy of the region. Indeed the inflation rate will accordingly rise in addition to its nowadays high level, resulting from the recent devaluation of most of the countries currencies due to their weak economy.
5.5 Risk of Local shipping companies collapse

The shipping business involves highly capital-intensive equipment and operations in which middle and high income companies have a comparative advantage. Unfortunately, most of the existent African shipping companies are nowadays under perfusion and their major concern is to survive the burden of being in dept and the lack of capital for investment. This situation explains the very low tonnage of the West African countries and the critical high age of their ships.

Table 6: WCAMOU countries fleets

<table>
<thead>
<tr>
<th>Fleet</th>
<th>Number</th>
<th>Gross Tonnage</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>113</td>
<td>81856</td>
<td>17</td>
</tr>
<tr>
<td>Benin</td>
<td>7</td>
<td>1,022</td>
<td>27</td>
</tr>
<tr>
<td>Cameroon</td>
<td>50</td>
<td>36,726</td>
<td>28</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>37</td>
<td>14,882</td>
<td>27</td>
</tr>
<tr>
<td>Congo</td>
<td>20</td>
<td>6,250</td>
<td>27</td>
</tr>
<tr>
<td>Ivory Coast</td>
<td>45</td>
<td>12,730</td>
<td>33</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>29</td>
<td>20,618</td>
<td>27</td>
</tr>
<tr>
<td>Gabon</td>
<td>37</td>
<td>33,183</td>
<td>23</td>
</tr>
<tr>
<td>Gambia</td>
<td>6</td>
<td>1490</td>
<td>20</td>
</tr>
<tr>
<td>Ghana</td>
<td>195</td>
<td>134,686</td>
<td>24</td>
</tr>
<tr>
<td>Guinea</td>
<td>25</td>
<td>6,704</td>
<td>22</td>
</tr>
<tr>
<td>Guinea Bissau</td>
<td>21</td>
<td>5,891</td>
<td>18</td>
</tr>
<tr>
<td>Liberia</td>
<td>1684</td>
<td>59,988,908</td>
<td>12</td>
</tr>
<tr>
<td>Mauritania</td>
<td>131</td>
<td>42,679</td>
<td>19</td>
</tr>
<tr>
<td>Namibia</td>
<td>114</td>
<td>58,591,22</td>
<td>22</td>
</tr>
<tr>
<td>Nigeria</td>
<td>288</td>
<td>447,164</td>
<td>19</td>
</tr>
<tr>
<td>Sao Tome &amp; Principe</td>
<td>5</td>
<td>2,848</td>
<td>19</td>
</tr>
<tr>
<td>Senegal</td>
<td>189</td>
<td>49,601</td>
<td>28</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>56</td>
<td>19,361</td>
<td>24</td>
</tr>
<tr>
<td>South Africa</td>
<td>182</td>
<td>371,396</td>
<td>24</td>
</tr>
<tr>
<td>Togo</td>
<td>6</td>
<td>1,128</td>
<td>21</td>
</tr>
<tr>
<td>Congo Republic</td>
<td>27</td>
<td>14917</td>
<td>31</td>
</tr>
</tbody>
</table>
The West African fleets are very old. The ships average age is over 23 years. Only the Liberian fleet, which is an international registration has young ships that mainly sail on other destination than the West African waters. Its shipowers or operators are mostly European or American that can afford the necessary investments to meet the requirements of the international instruments. Otherwise, the rest of the fleets do not have that capacity owing to their small asset. Consequently, most of the few existing shipping companies of which ships are intended to international voyages, are subject to bankrupt. They do not have the cash either for the acquisition of new ships or for the maintenance of ships of more than 23 years old to reach the minimum required standard as internationally agreed.

The difficult situation for the West African shipping companies that is coming from the implementation of PSC will generate, apart from the individual effect in each country, an undesirable effect on the process of regional integration that has been in progress so far.

5.6 Impact of PSC on the regional economic integration

The foreign trade of the West African countries consisted of export and import mostly in the direction of Europe for historical reasons. The price of the commodities were in one way or another fixed by the European ex-mother countries to the prejudice of the African interest. Fully aware of this phenomenon and the expensiveness of transport costs due to the long distance between the two continents, the different Authorities of the West Africa have been establishing a regional integration that is based on the intra-regional trade with free circulation of commodity between the countries. As a result of that, during the recent years, food and beverages in intra-regional trade rose by 48.4 percent in term of value and crude oil by 120.3 percent. Mineral fuels
registered an increase of 47.1 percent, while chemicals increased sharply by 211.5 percent, and machinery by 231 percent.

This intra-regional trade is maintained by sea transport owing to the fact that very few trans-regional rail ways or roads exist. Furthermore, the air traffic within the region is irregular and too expensive to be used as means of transport. Consequently, it was created a Ministerial Conference on the Maritime Transport of West and Central African states (MINCOMAR) to promote the regional exchange of commodities by sea transport. However there is definitely a high risk that most of the existing shipping companies, which play an important role, will close down or limit their activities to domestic transport. Such a situation will likely jeopardize the transport facilitation which is the objectives of MINCOMAR. Subsequently, the economic integration will be seriously affected due to the shortage of means of transport between the countries of the region.
CHAPTER 6

POSITION OF SENEGAL IN THE WCAMOU ON PSC

Senegal is situated at the Westernmost point of the African continent at the Atlantic Ocean. The country has a long history of shipping and is very much concerned by shipping activities. After its independence in 1960, the Republic of Senegal became a member of IMO and participates in the achievement of the International Organisation objectives: Safety at sea and the protection of the marine environment.

The state of Senegal is one of the twenty-two members composing the WCAMOU, an organisation that endeavours the control of visiting vessels compliance with the international instruments under the legal framework of the PSC. The aim of the regional agreement is the unification of foreign ships inspection in the West African ports of the Atlantic Ocean for more effectiveness and efficiency. In this global perspective of PSC the Republic of Senegal, as all the other state members, has an individual role to play for the edification of the MOU. The magnitude of the task is proportional to the foreign ships traffic to the Senegalese ports and depends also on the rigour and tenacity of which the inspection is handled.

6.1 Traffic of the foreign vessels in the Senegalese ports

In Senegal, the so called secondary ports, Ziguinchor, Kaolack, and Saint Louis are located in the provinces and are all characterised by the shortage of infrastructures and the lack of maintenance. Their viability in the past was linked to the respective province economy which nowadays is in state of absolute decadence. This is provoked by the drought influence of the proximity to the Sahara desert, and
the absence of consistent investment. As seaborne trade depends on the economical health, these secondary ports are very rarely called by foreign ships. They are mostly frequented by fishing vessels and other vessels intended for the domestic transports. Thus talking about PSC in Senegal, it must be mainly considered ships calling the Port Autonome de Dakar (PAD), the Senegal capital city harbour.

To understand the frequency of the visiting vessels in the Senegalese ports, the inter-link between the economy in the country and the sea transport must be highlighted.

6.2 Importance of sea transport in the Senegalese economy

The importance of the transport by sea in particular the role of the Port of Dakar in the Senegalese economy, has to be appreciated in terms of import of merchandises for the industrial development and the social welfare of the Senegalese population in one hand, and in another hand the export of national resources and products, on which the country GDP depends very much.

The base of the Senegalese economy is still the agriculture, which is dominated by the mono-culture of groundnuts inherited from the colonialism period. The production of this grain as well as the new and timid development of other cash crops such as cotton, sugar and market garden products are mostly for the supply of the foreign market. The government policy on the cash crops has led to the lack of culture diversification with the receding of the traditional culture of subsistence, like millet and sorghum. The state encounter a situation of non self-sufficient agriculture produce and the basic food of the population nowadays consists mainly of cereals (rice, wheat) products which are purchased from the Asian, European, and American countries.

Senegal has the most developed manufacturing sector in the francophone West Africa after Ivory Coast, but still depends widely on the import of consumer goods, fittings goods, and sources of energy.
Although the Senegal’s foreign trade has consistently been in deficit, there is a national policy of boosting the export for a relative equilibrium of the trade balance. Presently in Senegal the mining sector, that is dominated by the calcium and aluminium phosphates, becomes an important source of export earning as well as the development of the fishing industry, which provides about 30% of the country annual export earning.

Table 7: Goods traffic structure in the Port of Dakar (1997)

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>QUANTITY (in tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U</td>
<td>Oil products</td>
</tr>
<tr>
<td>N</td>
<td>Sulphur</td>
</tr>
<tr>
<td>L</td>
<td>Wine in bulk</td>
</tr>
<tr>
<td>O</td>
<td>Rice</td>
</tr>
<tr>
<td>A</td>
<td>Wheat</td>
</tr>
<tr>
<td>D</td>
<td>Fishing products</td>
</tr>
<tr>
<td>I</td>
<td>Iron &amp; Sheet iron pipes</td>
</tr>
<tr>
<td>N</td>
<td>Sugar</td>
</tr>
<tr>
<td>G</td>
<td>Rough or Converted timber</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>L</td>
<td>Phosphates</td>
</tr>
<tr>
<td>O</td>
<td>Attapultage</td>
</tr>
<tr>
<td>A</td>
<td>Groundnuts cake</td>
</tr>
<tr>
<td>D</td>
<td>Fuel oil in bulk</td>
</tr>
<tr>
<td>I</td>
<td>Chemical fertiliser</td>
</tr>
<tr>
<td>N</td>
<td>Phosphoric acid</td>
</tr>
<tr>
<td>G</td>
<td>Fishing products</td>
</tr>
<tr>
<td>Cotton</td>
<td>60,000</td>
</tr>
<tr>
<td>Salt</td>
<td>66,000</td>
</tr>
<tr>
<td>Other</td>
<td>769,000</td>
</tr>
</tbody>
</table>

It is approximately a total import and export of 6,168,000 tons of merchandises that are conveyed via the PAD. Since the Senegalese fleet is mainly composed of fishing vessels only, the country seaborne trade is ensured by ships flying various foreign flags.

Apart from the supply of the domestic Senegalese demand, also many other vessels, loading the neighbouring countries cargo, call the PAD. This phenomenon is to be attributed to the strategic location of the port and the facilities it offers.

6.3 Geographical position of the PAD

The PAD is situated on the Eastern coast of the Atlantic Ocean at the latitude 14°40 and the longitude 17°26 West. It is an ideal position at the cross-road of the major maritime routes to the Western Africa

Figure 4: Location of the Port Autonome de Dakar
At the junction of the major sea lanes linking Europe and South America, North America and South Africa the port is the first deep sea water port called by vessels from the North. As an international forwarding port, Dakar is a gateway of the Republic of Mali with the possibility of serving Niger and Burkina Faso, all three locked countries without access to the sea.

6.3.1 The PAD infrastructures

The Port of Dakar is designed in a manner that it can accommodate various type of ships of different sizes. It has an inner water surface area of 177 ha, which is dredged at 10 to 11 meters along 10 kilometres of quays, 40 berths, and 53,000 square meters of sheds. Moreover, it offers the largest vessels enough space to move and allows certain operations to be carried out without tug assistance.

Figure 5: Configuration of the Port Autonome de Dakar
The Port of Dakar is divided into two main areas, North and South, which are separated by the fishing port and a workshop for naval repairs.

**The Southern area**
This area is essentially allocated for the general cargo, for the container traffic (25 to 30 percent) goods in transit to Mali and the passenger traffic as well. Three berths are assigned to RoRo carriers, twelve to multipurpose vessels and two for tugs and launches.

**The Northern area**
It is dotted with specific facilities for liquid in bulk (refined hydrocarbons, oils, and wine) and solid in bulk (phosphates, wheat). It has also container terminal handling, more than 70 percent of the container traffic.

**The naval repairs**
The PAD provides many possibility for various kinds of ship repair: hull, engine, electrical and electronic installations, and other ship fittings.
The repairs are undertaken by several firms. The most famous are Dakar Marine and the Manutention Africaine with the following equipment.
- A floating dock of 235 m capable of lifting vessel up to 60,000 tons
- A dry dock fitted to accommodate ship of 195 m length, 23 m of width, and 9.5 m of draught
- A ship lifter with 63 m long and 15 m wide platform for vessels up to 1,200 tons
- A slip-way
- Two floating cranes of 60 and 120 tons of capacity respectively.

Thanks to the all above mentioned facilities, the PAD is one of the most frequent ports in the West and central African region.
6.3.2 The vessels traffic in the PAD

The majority of the vessels calling the PAD are liner ships with a fixed schedule. Coming from Europe, Asia, and the United States of America, they sail along the West coast of Africa, and for many of them Dakar is the first port of call when entering the region.

Table 8: The main regular lines calling Dakar

<table>
<thead>
<tr>
<th>Owners</th>
<th>Frequency per month</th>
<th>Types of vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. COBELLFRET</td>
<td>5</td>
<td>RoRo</td>
</tr>
<tr>
<td>WA</td>
<td>3</td>
<td>Container ship</td>
</tr>
<tr>
<td>DSR Line</td>
<td>1</td>
<td>Container</td>
</tr>
<tr>
<td>CAMSHIP</td>
<td>4</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>CMBT</td>
<td>6</td>
<td>Container</td>
</tr>
<tr>
<td>MAERSK LINE</td>
<td>8</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>DELMAS</td>
<td>8</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>OTAL</td>
<td>4</td>
<td>Container, RoRo</td>
</tr>
<tr>
<td>MESSIMA</td>
<td>4</td>
<td>RoRo</td>
</tr>
<tr>
<td>TRANSMAR</td>
<td>1</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>TANKAF</td>
<td>1</td>
<td>Tanker</td>
</tr>
<tr>
<td>M.S.C</td>
<td>8</td>
<td>Container</td>
</tr>
<tr>
<td>EURO AFRICA</td>
<td>0,5</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>ESTONIAN</td>
<td>0,25</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>K LINE</td>
<td>0,5</td>
<td>Container</td>
</tr>
<tr>
<td>TORM LINE</td>
<td>3</td>
<td>Container</td>
</tr>
<tr>
<td>US AFRICA NAV</td>
<td>1</td>
<td>Container</td>
</tr>
<tr>
<td>GRANDH'I TRAGH</td>
<td>2</td>
<td>Container, RoRo</td>
</tr>
<tr>
<td>IWAL LINE</td>
<td>2</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>SIVOMAR</td>
<td>2</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>NIVERS LINE</td>
<td>1</td>
<td>Container, Multipurpose</td>
</tr>
<tr>
<td>M. OSK LINE</td>
<td>0,25</td>
<td>Car carrier</td>
</tr>
<tr>
<td>WILHELMSEN LINE</td>
<td>1</td>
<td>Container, Multipurpose</td>
</tr>
</tbody>
</table>

Source: Port Autonome de Dakar Annual Report, 1997, page 17

These liner vessels ensure the maritime liaisons between the West African Coast and Europe, or USA, or South America, or Canada, or Far East or Asia.

Taking also into account the tramp shipping activity, and the timid evolution of the visits of passenger cruise ships, the PAD receives about 2,500 calls per year.
Viewing the passage via Dakar of many of the foreign vessels calling the West African ports and the capacity of the PAD to accommodate detained ships without high risk of port congestion, while bearing in mind the availability of facilities for ship deficiencies rectification, Senegal as port state has to play one of the major role in the WCAMOU.

6.4 Implementation of PSC in Senegal

Indeed there have always been inspection of ships calling Senegalese ports, although it was not named PSC. The inspection was carried out by the port authorities on board ships suspected of violating internationally accepted standards, and action was taken to rectify on the spot any condition clearly hazardous either for safety or health. For instance, concerning the health service, a strict control has been performed in order to protect against any contamination, that could spread within the close area of the port. In this respect the port authorities may take various sanitary measures such as quarantine or veterinary control. Those measures are necessary to safeguard not only nationals but also the crew on foreign vessels laying in the vicinity. The port authorities intended to intervene only if the condition of the ship or crew threatened safety and health outside the vessel. They rarely concerned themselves with what went on inside the ship.

As defined in IMO Res.787, the scope of PSC is much broader and detailed in terms of ship control, and the right and authority of the port state on board foreign vessels are stronger than ever. Better yet, for the signatories of the WCAMOU, it is their duty to inspect at least 15% of the visiting vessels within a period of three years.
This responsibility in Senegal lies with the Ministry of Fishery and Maritime Transport and with its specialised agency, the Senegalese Merchant Marine Directorate.

6.4.1 The Senegalese Merchant Marine Directorate

Although PSC is usually a concern of the maritime administration, the Senegalese port authorities express their desire of being in charge of the implementation. They argue that they are more close to the vessels coming to the ports under their jurisdiction. Indeed they administrate these ports and supervise the internal shipping activities. They also grant facilities like pilotage, berthing, cargo handling etc. Thus the port officers have information about the vessels type, their estimated time of arrival and of departure, and the nature of the loaded cargo, data which are indispensable when targeting a ship for inspection.

From this point of view, the Senegalese port authorities are appropriate for the task as they want to be. But the risen question against the port authorities argument is the problem of competence with regard to the independence, the objectivity, and the credibility, that are the basic requirements for the effectiveness of the operation. In fact, any port has a profit making character and a natural competition exists between ports of the same region. Such aspect of the ports is incompatible with the PSC objectives consisting of safety of ship and the protection of the environment. Furthermore, the performance of PSC by the Port Authorities may lead to a conflict of interest in the detriment of the PSC itself.

For these reasons the implementation of PSC in Senegal should be delegated to the Senegalese Merchant Marine Directorate which is a government agency. Any way, as far as known, there are very few places where the Port Authorities serve as PSC main actors, although their collaboration is indispensable to procuring vessels information.
Since the WCAMOU is not yet adopted, there is not for the time being the official term of reference designating the Senegal Merchant Marine to be in charge of the implementation of PSC in Senegal. By virtue of the actual logic, the Merchant Marine Directorate is the recognised body responsible for the enforcement of PSC in Senegal. It represents Senegal as member state to all preparatory meetings dealing with all questions related to the WCAMOU.

Prior to the control of the compliance of the foreign vessels with the international instruments, there should be set up a real maritime administration to enforce the conventions within the national territory.

The Senegalese Maritime Administration and its agency, the Senegalese Merchant Marine Directorate, was established in 1977. For several years, it belonged to the Ministry of Equipment and Transport and it was not given as much importance as many other departments that overloaded the same ministry at that time. In order to make the maritime administration efficient vis-à-vis the international requirements, it was created a Ministry of Fishery and Maritime Transport, of which the Senegalese Merchant Marine is the major branch.
The Senegalese Merchant Marine performs its missions as the follows:
- Implementation of the maritime and inland waterways transport policy of the state
- Ensuring the administration of the national fleet
- Ensuring the good operation of the secondary ports
- Ensuring the administration of the seafarers
- Settlement of maritime litigation
- Issuing of seafarers certificates and navigation licences
- Ensuring the navigation security police
- Controlling the vessels and their cargo

When talking about control of vessels and their cargo, it must be understood the control of vessels flying Senegalese flag as well as foreign vessels calling the Senegalese ports.

The Senegalese Merchant Marine is very active on the establishment of the regional MOU taking part in all meetings and in the decision making. But as emphasised by a Senegalese maritime chief officer in the first preparatory meeting of the WCAMOU in Accra in 1998, there is a need to count on a good infrastructure and both physical and human resources for the success of the WCAMOU.

6.4.2 The Senegalese Merchant Marine Directorate and its allocated PSC duty

When viewing the organisational chart of the Senegalese Merchant Marine Directorate, one can say that it is well structured to respond properly to the demand of PSC. But considering the maritime administration as an enterprise, one thing is the framework or skeleton, and another thing is the meat or substance, which is the active and the dynamic part. The latter is constituted of five elements that are named the organisational resources: things, people, money, process and time (Morttrram, 1998).

Unfortunately, the Senegalese Merchant Marine Directorate is not adequately endowed with the necessary organisational resources to fully achieve the inspection of ships visiting the Senegalese ports.

Among its personnel, the Senegalese Maritime Directorate at the moment counts only two officers being graduated at the World Maritime University and
capable of dealing with ship technical matter. This situation emanated from the
government general policy as far employment is concern. For more than a decade,
there has been almost no recruitment of civil servants and simultaneously anticipated
labour retirement has been highly encouraged. The given reason is financial
difficulties in the country, but also the financial backers such as the World Bank, the
International Monetary Fond, and the European Union assorted conditions to the
country assistance for its development. As a result, the whole Senegalese
Administration suffers the tremendous deficit of personnel and skill for the normal
service.

Another handicap for the Senegalese Merchant Marine is the chronical
shortage of equipment and logistics resulting from its insignificant annual allocated
budget. For instance, the agency is not equipped with computer system for the report
and the registry of the inspection activities, the storage of requisite data, and the co-
ordination with other port states of the regional agreement. Also there should be
granted adequate means of transport for the inspectors having to move very often to
different ship mooring posts.
The combinative effect of the insufficiency of personnel and the lack of logistics in
the Senegalese Merchant Marine may cause serious disturbance in the time
management of the inspection procedure and for the ship sensitive schedule issue.

The present Maritime Administration is not yet in the point to face the
requirement for appropriate PSC. But looking by and large the state of other
maritime administrations in the region, the problems the Senegalese Merchant
Marine Directorate is confronting does not change indeed the important position of
the state of Senegal in the WCAMOU.

The Republic of Senegal stands already in an advanced stage in comparison
to most of the twenty two concerned countries. The state maritime administration is
definitely set up and has many years of experience in the implementation of
regulations of different aims. To adapt the maritime administration to the shipping development, changes are usually brought to its functioning as illustrated by its present organisational chart, coming from the presidential decree N° 95-406 of May 2nd, 1995, for modification and improvement.

Another aspect for the success of PSC is obviously the respect of the fundamental provisions. Senegal is one of the seven countries over twenty-two having ratified all six relevant conventions of the MOU.

6.4.3 WCAMOU relevant International Instruments in the Senegalese legislation

The ratification of most of the international conventions as provisions of the WCAMOU on PSC by the state of Senegal has to do with the governmental desire to safeguard the marine fauna and flora and to protect the shipping capital and labour, both in national and international dimension. Conscious of the utility of the legal frameworks as fixed in the regional agreed joined action on PSC, Senegal ratified simultaneously a package of five conventions, TONNAGE 69, MARPOL 73, SOLAS 74, STCW 95, and ILO Convention N° 14. This was in addition to its accession in to the LOAD LINE 66 and the CORLEG in August 1977 and in December 1978 respectively.

The ratification of all these conventions did follow the normal procedure international treaties are legally brought into the Senegalese domestic legislation, despite the rapidity certain instruments were introduced for the necessity of the MOU. The Article 79 of the Senegalese Constitution defines the acceptance of international conventions into the national legislation according to the dualistic method. So all the relevant instruments of the WCAMOU were individually interpreted and drafted by the Maritime Administration into understandable frameworks, that presumably suit the national shipping industry. The Assembly plenary discussed the constitutionality
and the acceptance of the respective conventions draft laws before their adoption by
the Assembly and their approval and promulgation by the President of the Republic.
The publication in the “SOLEIL” the Senegalese official news papers, fused the
binding of the laws from the prospective of the citizens.
CHAPTER 7

CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

Bearing in mind the disaster in term of casualties and damage to the environment and also to properties occurring in the maritime field, it can not be ignored the necessity to make every endeavor to eradicate the so called substandard ships. However, there is a need for balanced approach, taking into account the capabilities of the region, the need for economic development and the imperatives of safety and the protection of the environment.

UNCLOS Article 91 states that ship shall sail under the flag of one state only. This does not mean a ship sails within one country only. Contrary, she routes through all seas around the world according to the cargo market demand and destination. Therein, the safety at sea should be everybody's concern. As said Dr Alcide Ezio, 1998:

“the problem is so big and complex that you can not find a single solution. It takes action on several fronts at once. The final result will be to reduce the number of substandard ships, but it must be done properly “.

PSC is set up according to this logic but the task is not easy. The phenomenon is caused by a combination of substandard ship structures, substandard shipowners, substandard crews, substandard charterers, substandard insurers, and substandard classification
societies with the complicity of substandard maritime administrations. They all must be eliminated together.

The West coast of Africa is amongst the last initiated MOUs of the world network of PSC regimes. It is still in the phase of establishment, although the idea of the regional agreement was risen several years ago in 1993. The task is so difficult for the African countries that the two meetings, held in Ghana in February 1998, and in Guinea in January 1999 under the support of IMO and MINCOMAR, were not sufficient for the adoption of the WCAMOU. A third meeting is planed in Nigeria in October 1999 with the hope that it will be the finalization of the talk and the starting point of PSC in the region.

The delay of the WCAMOU adoption emanates from the twenty-two members diversity in their global policy, their culture, their interpretation of things and conception of safety issues which is not specific to only the maritime sector.

In reality many African countries face crucial political instability with civil wars and conflicts between neighboring nations in addition to an undesirable economy. This situation provokes a permanent survival fear of the population, for whom ship safety and environment protection seems to be pushed into the background. Thence, most of the African countries participate moderately in promoting clean ocean and safe life at sea. This factor constitutes the main impediment to the development of the regime of PSC in the region, as is reflected by the low interest in the IMO conventions. The dissemination in the ratification by the supposed WCAMOU members of the international instruments generated discrepancy upon the provision, which should be the foundation of the aimed harmonized and unified system of PSC in the region. The final agreed conventions (LOAD LINE 66, SOLAS 74 and its protocol 78, MARPOL 73,
STCW 78, CORLEG 72, TONNAGE 69, ILO Convention N°147) as judicial basis of the WCAMOU constitute sufficient elements for the purpose of PSC.

The success of the regional agreement will come from the effort of all its members. The Senegalese Maritime Administration, particularly its specialized department the Senegalese Merchant Marine Directorate, is conscious of the magnitude of the task and is reorganizing its instances to fulfill the demand and the allocated responsibility. It is a challenge which is not impossible to take up for the Senegalese Merchant Marine Directorate, which needs a bit of improvement in human resources, supporting logistics, and more authority from the state general policy.

7.2 Recommendations

The recommendations consist of eventual solutions for different difficulties the WCAMOU is facing and will likely face in the future, with the risk of hampering the regime of PSC in the region.

7.2.1 Avoidance of the use of PSC in ports competition

There is a natural competitions between ports. This competition is taken seriously, since it can dramatically alter the situation of any port. Considering the ports of call as the scene of the inspection of foreign vessels under the legal basis of PSC, there is a need to worry about the threat port competition can have on the efficiency and effectiveness of the regional MOU on PSC. Accordingly, there should be joined hands between port and maritime authorities of the countries member of the WCAMOU to avoid distortion of competition between ports of the region whose geographical position is very close to each other. In any case PSC should not be used as a mean to encourage
shipowners to shift their vessels to ports where the PSCOs are careless in their responsibility to the detriment of the ports where the inspection is properly undertaken.

7.2.2 Financial solution for the WCAMOU

The financial needs of the WCAMOU has to do with the organization secretariat running, the information center, and the regular seminars for the upgrading of the PSCOs. Every state member should contribute, but the contribution must be fixed in proportion to every countries shipping activities and generated income. The biggest shipping nations have to pay more, with regard to those of less interest in shipping with the possibility to sanction the members who do not respect the discharging of their due. Otherwise the WCAMOU will face crucial financial problems as almost all the international African organizations presently do.

It can be moreover included in the West African ports dues a reasonable percentage that goes to the budget of the regional organization viewing the importance PSC has in the protection of ports in general. In fact substandard ships eventual wrecks or pollution can seriously compromise any port activities and cause significant economic losses. So ports should participate to the struggle bill against hazardous ships.

Certain international organizations like IMO, ECA, MINCOMAR, CEMAC should support the initiatives of the WCAMOU in order to facilitate the launching of the program.
7.2.3 Training of PSCOs

Proper training of PSCOs to the specified inspection of ships must be one of the priorities of the WCAMOU. The problem should be handled in a regional approach that helps to solve the shortage of inspectors and facilitate the harmonization in the PSC operation. This consists of the identification and the evaluation of the need of PSCOs in every state member of the MOU. So the supposed PSCOs can be joined together to attend the same training courses in one of IMO recognized maritime institutes of the region such as the Academic Regional des Sciences et Techniques de la Mer of Abidjan (Ivory Coast) or the Regional Maritime Academy of Accra (Ghana). IMO Model Course 3.09 on PSC can be helpful for the design of the training program that should include seminars as well as work shops for the required qualification and competence of the PSCOs. Also the realities of the region should be taken into consideration with emphasis on PSCOs integrity and professional judgement in sub-standard ships identification.

Viewing the present urgency of the MOU about PSCOs, there is a need to set up a plan of action for the medium and long-term. In a short-term, the solicitation of technical co-operation is necessary.

7.2.4 Temporary delegation of PSC work to classification societies

Classification societies and private consultants are amongst the organizations working for the safe and responsible operation of ships. They have been always co-operating with the maritime administrations of the region about the inspection and the classification of ships flying their flags. Although their mission is not compatible with the inspection of foreign ships as people say, it must be recognized their utility in many countries, where the maritime administrations are not yet capable to carry out PSC on their own. The delegation of PSC to the classification societies or private consultants
must be for a limited period, the time the maritime administrations get ready for the performance of the task. The duration of the delegation and the volume of inspection must depend on each maritime administration degree of competency on the matter and on the credibility of the classification societies or private consultants. However, whatever the figure is, the maritime administrations should monitor the PSC operation to ensure its rigorous execution.

7.2.4 Setting up of a shipping safety culture

The importance of PSC in the elimination of sub-standard shipping should be seen as a tool to help Maritime Administrations to comply with their own responsibilities as flag states. Efficient flag state administrations are needed first and then development of departments within state’s maritime administration, which will undertake the monitoring and control of the ships as well as the importance of employing officers and inspectors with the best possible qualifications. Accordingly, it must be put in place appropriate Maritime Administrations where they do not currently exist and to restructure and strengthen such Administration as needed, where they are already in place.

The second thing is the ratification and the effective implementation of the relevant IMO conventions necessary for the effective PSC activities. The role of PSC inspection is complementary to the flag state implementation. It is the responsibility of all the participating states collectively to set the system in motion, but the responsibility is of each individual state to implement it.

Regarding that, the use of IMO Res. A. 847 (20) the guideline to assist flag states in the implementation of IMO instruments, is of good help for the WCAMOU members. The guideline includes the key points to flag state experiencing difficulties in meeting their responsibilities for the effective implementation of flag state responsibilities, the control of the delegation of responsibilities, and the flag state investigation in the event of an accident.
Also the WCAMOU members can profit from the technical cooperation program for implementation of IMO sub-committee established in 1992. The major task of this new sub-committee is to address issues of importance to Port States when exercising their duties under international conventions aiming at ensuring that ships will not, if allowed to sail, pose a threat to the marine environment.

In Africa the tendency is generally to consider the sea as only a source of revenue (fishing, transport of goods) regardless to the decency of the used method. Unscrupulous shipping industries lobby concern is the daily profit and they are usually against all safety or marine environment protection measures that can compromise their activities. Therefore, it is for the respective government to set up a global national policy with a firm goodwill for its achievement. Entire authority and means should be given to the maritime authorities, who should plan a wide program of safety and environment protection involving all the shipping actors. The objectives have to be clearly defined and published with the possibility of monitoring the different stages of its evolution.
BIBLIOGRAPHY


