Necessity for a better established maritime administration in Benin

Wenceslas Charles Afouda
World Maritime University

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THE NECESSITY FOR A BETTER ESTABLISHED 
MARITIME ADMINISTRATION 
IN BENIN 

by 

Charles Wenceslas Afouda (BENIN) 

A Paper submitted to the World Maritime University 
in partial fulfilment of the requirements for the 
award of an MSc Degree in the Course of General 
Maritime Administration. 

April 1985 

Supervised by: 

Gunnar Stubberud 
Professor 
The World Maritime University
- Population: Approx 4,200,000
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THIS PAPER REPRESENTS PART OF THE AUTHOR'S STUDY PROGRAMME WHILE AT THE WORLD MARITIME UNIVERSITY.

THE VIEWS STATED THEREIN ARE THOSE OF THE AUTHOR AND NOT THE UNIVERSITY OR ANY OF ITS RESIDENT PROFESSORS OR THE INTERNATIONAL MARITIME ORGANIZATION (I.M.O.).

THE AUTHOR ACCEPTS FULL RESPONSIBILITY FOR THIS WORK.
I am grateful to the Government of BENIN and The International Maritime Organization (IMO) which have made it possible for me to study at the World Maritime University, MALMÖ, Sweden.

My sincere gratitude also goes to Professor Gunnar Stubberud (Resident Professor of the Course in General Maritime Administration), and all the other Professors at the World Maritime University, MALMÖ, whose valuable instruction and guidance I was fortunate to receive.

I wish to thank all others, who in various ways helped me with the compilation and writing of this Paper.
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INTRODUCTION

The Maritime Transportation has been and still remains one of the important factors of the economic growth of Maritime Nations. Some of the best industrialized countries in the world today have reached such stage of development enhanced by the development of their maritime sector. Besides, it is noticed that the aforementioned countries have established a proper Maritime Administration contributing effectively to their maritime development. In most of the cases those industrialized countries always called developed countries have established a well organised maritime machinery in order to ensure and control their seaborne trade in their respective maritime routes. Today these developed maritime countries have the biggest and sophisticated ships in the world, the best skilled sea personnel and all this network is supported by a powerful and appropriate Maritime Administration.

In this share of the seaborne trade the so-called maritime developing countries are the big losers for many reasons that will be dealt with in due course. But the result is that the aforesaid are still facing many problems in the maritime sector:

- Their fleet are still young and non competitive and accordingly,
- Most of their trade is carried on board foreign ships and thus,
- They pay a lot of money in foreign currencies for the freight costs entailing a heavy burden on their balance of payments.
Our main concern is to know the real causes of such difficulties faced by the Developing Countries in their maritime activities.

Some impute these difficulties mainly to the lack of:

- capital to be invested in those countries, and
- technical equipments.

But, it would be doubtful that the financial and the technical deficiencies are the main sources since some of the so called maritime developing countries have already reached an important stage in their maritime development, competing with developed countries. Examples are India, Singapore, South Korea and it is also noticed that the aforesaid have established an appropriate Maritime Administration which provides each of them with the necessary machinery to regulate the maritime activities.

From the experience of the above three maritime countries, it may be concluded that the basic cause of most of the developing countries' maritime difficulties is not the deficiency as regards financial and technical matters, but especially the non-establishment of an appropriate Maritime Administration which must undertake efficiently its functions embodied within the Merchant Shipping Act. Indeed the non-establishment of a proper Maritime Administration may result from:

- An outdated Merchant Shipping Legislation
- The ignorance of the need and the object of the Maritime Administration, or
- The non-existence of an efficient Maritime Administration Infrastructure manned by duly competent officials.

The main problem is that maritime developing countries suffer from the effective establishment of a proper Maritime Administration contributing to their maritime development. But all this depends upon the nature and the stage of maritime development of each country.

Benin is one of the aforesaid and she is situated in West Africa. Beninese's coasts are 120 kilometres long and the country is connected to the sea in the South where there is the port: Cotonou.¹ Benin was previously a French colony and the Maritime Administration was established in 1968 just after the order of the decree establishing the Merchant Shipping Act which is designed on the French system.

The geographical position of Benin gives to the country many advantages leading to an effective maritime development. As an example the port of Cotonou serves as port of transit to some neighbouring land-locked countries such as Niger, Burkina-Faso² and Mali. Thus, it is of great importance to develop and to regulate efficiently the maritime activities, especially the shipping since the various duties must be well undertaken from the port in order to avoid some bad implications in the maritime activities of the afore-mentioned land-locked countries. Besides, the setting up of the oil industry some years ago requires an appropriate Institution capable of
regulating the offshore activities.

On the whole, the areas affected within the ambit of Maritime Administration are of great importance so that they require the efficiency of this Maritime Administration which, unfortunately, faces a lot of problems to undertake its functions.

The problems of the Beninese Maritime Administration are not totally different from those faced by the other maritime developing countries and we will deal with this later. But the only difference in Benin, as compared with some developing countries, is that the Maritime Administration was established since 1968 and therefore has acquired some experience, and now needs some changes and help in order to perform efficiently its duties.

By dealing with this subject on the efficiency of the Maritime Administration in Benin, the purpose is to contribute through some suggestions, proposals and recommendations to the establishment of proper Maritime Administration leading to a maritime development in the country. This important subject will be discussed in five chapters as follows:

- Chapter I: Roles and Functions of the Maritime Administration in general
- Chapter II: The Maritime Administration in Benin
- Chapter III: The Weaknesses of the Beninese Maritime Administration (Maritime Directorate)
- Chapter IV: The Maritime Administration, its impact on the economic growth of
Nations: cases of India and Norway.

- Chapter V: Suggestions, Proposals and Recommendations for a better established Maritime Administration in Benin.
FOOTNOTES

1 Cotonou is the city in which the port is located. It is the main commercial city of the country.

2 Ex Upper Volta.
CHAPTER I

ROLES AND FUNCTIONS OF THE MARITIME ADMINISTRATION IN GENERAL

I. ROLES

The role of a Maritime Administration within the framework of a country’s overall maritime activities is to provide the Government with the machinery which would enable it to satisfactorily and efficiently undertake those functions which are embodied within the country’s Merchant Shipping Legislation.

This role of the Maritime Administration requires a well designed and clear definition of its functions. Mainly, those functions include the implementation of the international maritime conventions, national rules and regulations framed under the authority of the Merchant Shipping Act.

II. FUNCTIONS OF THE MARITIME ADMINISTRATION

A Maritime Administration is for the Government that has it, a centralized Institution which provides this Government with the necessary machinery as stated above and advises the appropriate Authorities on any subjects connected with the maritime activities such as:

- Adoption and Implementation of the national legislation and other regulations required for developing and operating the maritime programme of the country

- Adoption and Implementation of the international maritime conventions
- Design of a proper maritime policy: participation in the process of formulating this policy as regards maritime development and deciding upon the activities to be undertaken in connection with such development.

Apart from its advice to the Government the Maritime Administration is also responsible, under the Ministry in charge of the sea, for providing and organizing the appropriate facilities within the context of safety of life at sea and safety of navigation for:

- The inspection, survey and certification of ships
- The registration of ships and seagoing personnel
- The training, certification and examination of ships' masters, engineers and other maritime personnel
- Marine pollution prevention and control
- Port control systems and sea lane traffic control
- Search and Rescue Services
- Holding of investigations into Shipping Casualties
- Establishment and maintenance of navigational aids
- Maritime Radio Telecommunications
- Harbour Dredging, etc.

As a whole, the functions of a Maritime Administration are administrative, legal and technical and the areas affected by its activities are:

- The ownership
- The registration, management, operations upkeep and maintenance of national shipping fleets
- Shipbuilding, shiprepairing, dry-docking
- Port operations
- The maritime training

As regards what it is afore-mentioned, the Maritime Administration has very important responsibilities and functions in the overall maritime activities of a country mainly in connection with the maritime programme included within the Merchant Shipping Act. This entails the particular care of the Government to establish a proper maritime administration to undertake its functions. Governments of maritime developing countries are mainly concerned in the establishment of an efficient maritime administration because of the structure and the fragility of their economy.

One of the features of their economy is the importance of their external trade mainly carried by the sea. The external trade being an important factor in any economic development is very often narrowed down into two main activities: import and export, activities which determine a country's balance of payments. Now, maritime developing countries are always known with their very important burdens on their balance of payments mainly due to the maritime freight costs in foreign exchange related to the lack of good management of their own fleet or the carriage of their external trade by foreign fleet as stated earlier. An efficient maritime administration must necessarily be established to control the overall maritime activities and therefore to help the economic growth of the country.

An author\(^1\) has identified the basic problems of Developing Countries as regards matters pertaining to the
maritime administration. These main problems have been identified through assessments of the maritime situation in many developing countries as follows:

- Inadequate awareness of the basic problems themselves

- Non-involvement in the evolution of international standards and the consequential problem of having to deal with them in isolation

- Outdated Maritime Legislation (both primary and subsidiary)

- Inadequate infrastructure, as regards organisation and personnel, for ensuring a. proper standards of maritime safety on board ships and prevention of pollution from ships, which cover not only the ships themselves but also the personnel manning them b. maritime development in general c. attention to allied maritime matters

- Shortage of marine officers with the required qualifications and experience

- Lack of training facilities for marine officers and seamen

These afore-mentioned problems slow down dangerously the development of the maritime activities of many developing countries and become a serious handicap to their economic growth.

As stated earlier, Benin is one of these countries whose Maritime Administration will be dealt with in the next chapter.
1 Captain P.S. Vanchiswar: Resident Professor at the World Maritime University (WMU) Malmö. Ph.D (Maritime Administration), Author of the Manual entitled: Establishment/Administration of Maritime Affairs in Developing Countries.
CHAPTER II

THE MARITIME ADMINISTRATION IN BENIN

In Benin, the National Maritime Administration is under the responsibility of the Maritime Directorate which is established by a Decree on the 18th of June 1968.

This Decree states that the Maritime Directorate is a specific and unique Maritime Institution responsible for co-ordinating the overall maritime activities in the country. The Maritime Directorate is also responsible under the general direction of the Ministry of Transport for implementing the national maritime laws.

No doubt, as in most of the new maritime developing countries, the Maritime Directorate has faced, since its establishment in 1968, so many problems but the various assignments carried out by many IMO's Experts\textsuperscript{1} in Benin and the interest granted by the National Maritime Authorities to the maritime affairs may help the Maritime Directorate to overcome those difficulties in order to be more efficient.

Before discussing the main difficulties the Maritime Directorate faces, it is proposed now to deal with the Directorate itself. Three main points will be examined:

1. The Maritime Laws
2. The organisation and the working of the Maritime Directorate
   a. Legal Frame - Texts
   b. Different Departments
3. Relationship with the other maritime users
such as: Shipping Company, Port Authority, Fishing company, Oil company, Cargo Handling Company, etc.

I. THE MARITIME LAWS

1. The Merchant Shipping Act

It is the first legal instrument regulating the national maritime activities. It has been established on the 18th of June 1968 by the Ordinance No. 68-38/PR/MTPTPT which was followed by the Decree establishing the Maritime Directorate.

This legal instrument, designed from the French system, is composed of 299 Articles divided into 8 Titles which are themselves sub-divided into chapters.

The Titles

- Title 1: "The Administrative Organisation of the Mercantile Marine and the Maritime Fishing". This title is composed of 3 chapters
- Title 2: "The Maritime Navigation". It is composed of 6 chapters
- Title 3: "The Ship Status". This title is composed of 14 chapters
- Title 4: "The Seamen Status". It is divided into 7 chapters
- Title 5: "The Maritime Public Area and the Territorial Waters". It is divided into 2 chapters
- Title 6: "The Maritime Activities". This title is composed of 2 chapters
- Title 7: "The Disciplinary and Penal Regime of the Mercantile Marine". This title is composed of 4 chapters
- Title 8: "The Other Arrangements".

As seen, the Beninese Merchant Shipping Act deals not only with the administrative and technical aspects of the merchant service but also with its commercial and economic aspects. Indeed, the Shipping Act deals with ships' purchase and sale, mortgages, search and rescue. As a whole the areas it is affected are administrative, technical, economical and penal of the merchant service. Now, the object of the Maritime Directorate is to undertake these functions under the general direction of the Ministry in charge of the sea.

2. The Sea Trade Code

The Sea Trade Code is a code dealing mainly with the commercial aspects of the mercantile marine. It was established on the 14th of March 1974 by the ordinance No. 74-24. The sea trade code is composed of 418 articles divided into 9 titles which are themselves sub-divided into chapters.

- Title 1: "Ship and other floating appliances". Divided into 10 chapters, this title deals with subjects pertaining to ship ownership and registration, transfer of ownership, privileges and mortgages, ships' seizure and liability of shipowners
- Title 2: "Ship's Running". Divided into 7 chapters, this title deals with the different
types of chartering

- **Title 3**: "Maritime Transportation and Sales".
  Composed of 6 chapters, this title deals with the carriers' liability in any case of transportation: passengers, cargo, carriage of goods under the bill of lading, carriage of goods under charter-party

- **Title 4**: "Marine Personnel". Divided into 3 chapters, this title deals with crew matters, supercargo, ship's master

- **Title 5**: "The Shipowner's Representative ashore":
  Permanent Representative and Agents. This title is composed of 2 chapters

- **Title 6**: "The Auxiliaries in the Ship's Operations":
  Cargo Agent, Cargo Handling, Towing, Pilotage. This title is divided into 4 chapters

- **Title 7**: "Sea's Hazards". It is composed of 7 chapters

- **Title 8**: "Marine Insurance":
  Collisions, Damages of Cargo etc. This title is divided into 9 chapters

- **Title 9**: "The other Arrangements".
  The main features of this sea trade code are the following:
  - All its arrangements are complete and modern
  - The code (with its arrangements) completes the Merchant Shipping Act
  - The ordinance establishing the code has some French sources.
To conclude this first paragraph on the maritime laws, it is necessary to stress on their importance as appropriate legal instruments and the various tasks the Maritime Directorate has to perform as far as the implementation of the aforesaid is concerned. Indeed through the effective implementation of these laws, the Maritime Directorate provides the Government with the machinery necessary to develop the maritime activities in the country.

But in reality, these laws do not play entirely the role they have been expected because of their ineffective implementation by the main maritime users. The next paragraph we are going to deal with is devoted to the organisation and the working of the Maritime Directorate.

II. THE MARITIME DIRECTORATE: ORGANIZATION AND WORKING

1. Organisation of the Maritime Directorate

Four different Texts (legal frame) are under the various changes operated in the organization of the Maritime Directorate.

a. Legal Frame - Texts They are the following:

- Decree No.57/PR/MTPTPT\textsuperscript{2} issued in February 26, 1968 establishing a Centre of Survey and Marine Work

- Decree No.172/PR/MTPTPT issued in June 18, 1968 establishing a Maritime Directorate (Maritime Administration)

- Decree No.81-115 (Title II, Chapter 9, Article 28 and 29) issued in April 18, 1981
defining the roles, functions and organisation of the Ministry of Transport and Communications

- Decree No.009/81 issued in August 20, 1981

* Defining the roles, functions and organisation of the Maritime Directorate.

As stated already, the first legal instrument relating to the establishment of the Maritime Directorate is the Decree No.172. Most of its arrangements are included in the Decree No.81-115.

b. Roles and Functions of the Maritime Directorate

1. Roles

As stated by the Decree No.172, the Maritime Directorate is the unique Institution under the general direction of the Ministry of Transport, empowered "to elaborate, to suggest and otherwise to take necessary measures relating to the development of the maritime activities."

2. Functions

The Maritime Directorate must ensure the implementation of the Merchant Shipping Act and other national rules mainly in the field pertaining to:

- safety of navigation
- management of seafarers
- maritime traffic
- fishing in connection with the Fishing Directorate

The Maritime Directorate advises also the government on matters relating to:

- the implementation of the legislation
- marine insurance
- fiscal regime of the fleet
- freight rates

Considering the above functions, the Maritime Directorate is the only Institution under the Ministry of Transport, to ensure the implementation of the Merchant Shipping Act and the monitoring of the overall maritime activities. Before dealing with the working of the Maritime Directorate, we propose now to examine its organisational chart, in other words the different departments which compose this Institution.

c. The Departments of the Maritime Directorate

The organisational chart (on functional basis) of the Maritime Directorate has been elaborated in the Decree No.009/81. But earlier the Decree No.61-115 has defined the organisation chart of the Maritime Directorate by listing the number of its departments. According to this list, the Maritime Directorate is composed of 5 (five) departments of which 4 (four) central departments and 1 (one) external department.

i. The four central departments are the following:
- Legislation and Economic Affairs
- Studies, Research and Planning
- Maritime Training
- Financial and Administrative

In addition to the above there is a Secretariat.

ii. The external department is the Maritime Bureau.

It is of interest to stress on the situation of the Maritime Directorate before the issuance of the decrees No.
Indeed, while the Directorate was established in 1968, it was composed of three departments. They were:
- The centre of survey and inspection
- The Navigation office
- The Seamen Office

But the problems of the Maritime Directorate being increasing (those problems were related to financial and technical means and manning) the Director laid down and adopted a new organisational chart which was composed of:
- Department of work's control
- Centre of survey and inspection
- Registration of marine personnel and financial department
- Department of documentation
- Secretariat

This new structure did not enable the Maritime Directorate to overcome all the difficulties faced either.

The Governmental Authorities always granting a particular attention to the national maritime activities, this second organisational chart has been changed again. In order to make the Maritime Directorate more efficient the Maritime Authorities have issued the decrees No. 81-115 and No.009/81 with new arrangements.

Now, it is proposed to examine the functions of the Maritime Directorate's Departments as stated by the decree No.009/81.
d. The Departments' Functions

i. Department of Legislation and Economic Affairs

Certainly, it is the most important Department of the Directorate since it has about 17 (seventeen) functions to undertake. The main are:

- The design and the interpretation of the regulations in the field of fishing (marine) in connection with the Fishing Directorate
- The regulation, organisation and control of the maritime traffic
- The external maritime relations of Benin
- Cargo sharing

The Department is composed of four divisions.

ii. Department of Marine Studies, Research and Planning

Roughly describing, it is the department responsible for the studies and documentation in the Directorate. Its functions amount 7 (seven) and it is composed of 4 (four) divisions.

iii. Department of Maritime Training

It has the functions of seamen’s office responsible both for the training and employment of marine personnel. It has to undertake 6 (six) functions and it is composed of 2 (two) divisions.

iv. Administrative and Financial Department

Responsible for the management of the staff, administrative equipments and the budget, this department has to undertake 5 (five) functions which are shared between the 3 (three) divisions it is composed of.
v. **The Maritime Bureau**

It is composed of 3 (three) divisions and a Search and Rescue Centre responsible for the safety of navigation. The Maritime Bureau of the Directorate is responsible for the implementation of the legislation as regards navigation and fishing police. It is headed by a Chief of Department and 2 (two) control stations located on the littoral are under its responsibility. One station is located at Seme (on the east) and another one at Grand-Popo (on the west).

As a conclusion to the organisation of the Maritime Directorate, it must be kept in mind that the new arrangements laid down in the decree No.81-115 and 009/81 assign various and important tasks to the Maritime Directorate. That means that the legal and administrative frame is already established with clearly defined duties.

In the next sub-paragraph it will be pointed out, through the working of these departments, if the Maritime Directorate has satisfactorily and efficiently undertaken those functions as issued by the two afore-mentioned decrees and mainly embodied within the Merchant Shipping Act.

2. **The Working of the Maritime Directorate**

The Maritime Directorate's working can be examined through the working of its departments.

Although it would be so early to assess its activities during the last three years (the main Decree dated from 1981) the evaluation of these activities during the last 16 years will enable us to make some suggestions and recommendations for a better efficiency of this Institution.
The main functions of the Directorate represent the umbrella of the activities of its departments. The aforementioned can be gathered as follows:

- The implementation of the legislation
- Safety of life at sea and safety of navigation
- Management of seafarers
- Marine studies and documentation
- Maritime training
- Other administrative matters

a. The Implementation of the Legislation

The appropriate department undertaking this duty is the department of Legislation and economic affairs. Of course, this duty requires efficient and important tools such as qualified people, financial and technical means, support from the government.

Indeed the implementation of the legislation needs to be known by all the maritime operators and then, it requires appropriate documentation to be prepared and available to all concerned and also power to ensure the enforcement of this legislation. At all events the problem of enforcement of the rules and regulations which establish a legal regime is basic because if the machinery for the enforcement is weak, it is clear that the law would not be respected, let alone enforced.

Those are exactly the various problems the Maritime Directorate faced through its appropriate department. Because of the inadequate means available to undertake its important functions, the department devoted to the following:
- Interpretation of the laws relating to the maritime transportation and fishing for the use of all concerned
- Regulation of seamen status, ships, and safety of navigation
- Registration of ships: about 15 ships were registered
- Maritime Investigations: only 3 maritime investigations were carried out.

b. The Safety of Life at Sea and Safety of Navigation

This function is undertaken by the Maritime Bureau playing the role of a safety centre responsible for search and rescue in the Beninese waters.

Among the various surveys and inspections required, the Maritime Bureau carried out only annual and periodical surveys on board ships sailing under the national flag. It was impossible to survey foreign ships because the country was not party to the related international maritime conventions. Besides, the filling out and the control of the "crew book" of the ships sailing under the national flag are under the responsibility of the Maritime Bureau. The crew book enables the Bureau to be aware of the various movements of the crew members either sailing or ashore (disembarked).

c. The Management of Seafarers

This function is also undertaken by the Maritime Bureau. In 1983 the seafarers registered amounted 700 (since the establishment of the Directorate) of which:
- 52 officers (except engineers): deck officers, chief mates, skippers, radio officers
- 91 engineers: Chief engineers, second engineers, qualified engineers, electricians, etc.
- 557 other crew members: ratings and others

Some are employed either on board fishing vessels or ships for seaborne trade and supply vessels. As a whole, about 120 seamen officers and ratings included are active in Benin, in other words sailing on board national ships and foreign ships operating in Benin. The others are working abroad, some by their own, and some others on the basis of bilateral agreements.

By undertaking this function, the Maritime Bureau takes care of:
- Seamen registration: it is stated earlier that about 700 are registered
- Issuance of professional identity card and following up of seamen career
- Recruitment and employment of seamen
- Conciliation between traditional fishermen and captains: the dispute is always related to the damage caused to the fishermen nets by the ships' propeller during their operation in the Beninese waters (mainly territorial waters). The fishermen claim always for a reimbursement.
- Settlement of seamen social problems
  - increase of wages
  - welfare
  - promotion, etc.
The management of seafarers is such a very delicate matter as it has to be suitably carried out. Several factors call for the aforesaid importance. Everybody knows that seamen are exposed to special hazards and they can be either employed by the national fleet or the foreign flags. Their wages, their welfare in general need to be carefully examined. The Maritime Bureau being well aware of the importance of this task does not stop to perform it as it can in spite of the inadequate resources the Bureau is given to do the work. This remark is valid to all departments the Maritime Directorate is composed of.

d. The Maritime Studies and Documentation

These are among the functions of the Department of Maritime Studies, Research and Planning. The main studies carried out are based on the maritime traffic. Indeed, 90% (ninety percent) of the country's external trade are carried by the sea: import and export. From some data, statistical studies are done on:

- The volume of the total country's external trade compared to the total traffic in the port since the port serves as transit to some land-locked countries listed earlier
- The contribution of the national fleet to the trade
- The shipping's contribution to the balance of payments

Through these studies carried out, the department calculates the real shipping's impact to the balance of payments and forecast what it could be in the coming year. Afterwards
some advices are given to the Ministry of Transport for the improvement of the national fleet operation and other maritime activities.

Unfortunately all the studies carried out show a small participation of the national fleet in the carriage of the trade of the country which causes a relatively heavy burden on the balance of payments.

As far as the Documentation of the Maritime Directorate is concerned, we may say that it is not sufficient at all. It is mainly composed of the following:

- International Maritime organization's documentation sent to the Member States composed mainly of copies of conventions and related documents, and also meetings' reports of the specialised IMD's Committees
- Documentation brought from the various international seminars and meetings attended by the Maritime Directorate
- Assignments' reports of consultants and experts came to Cotonou in the frame of Technical Assistance Programme
- Texts relating to the national legislation and legal machinery from neighbouring countries

**e. The Maritime Training**

This duty is under the responsibility of the Maritime Training Department which plans and ensures the training of marine personnel mainly the officers.

Since the country does not have any Training Centre, the nationals are trained in some foreign countries on the
basis of bilateral agreements. Therefore, the Department is permanently linked with these foreign maritime training centres.

A study carried out in 1980 by a Maritime Directorate's official acting as the Head of the Training Department shows the country's plan in marine personnel, ratings included, from 1981 to 1985. According to the study's figures the personnel needed in that period amounts to 150, while the personnel available in 1980 (effectively active) amounted to 105. This study shows the need of more trained marine personnel but because of the uncertainty of the national fleet growth, the afore-mentioned figures are only indicative and therefore do not enable us to get an effective approach of the country's needs in marine personnel.

As far as the training of the Maritime Directorate's official is concerned, the Department has been given this delicate task recently. Thus, the Department is always linked with the appropriate Institutes and Schools and is also aware of the modules taught.

f. The Other Administrative Matters

The are related to:
- Some Decrees and ordinances drafts
- Some national and international meetings attendance
- Elaboration of texts pertaining to the implementation and enforcement of national rules and regulations
- Organisation of the Maritime Directorate itself:
equipments, navigational aids, budget, etc.

As a conclusion to this second sub-paragraph, it may be said that the Maritime Directorate’s working does not entirely comply with the functions the Institution is assigned to and which are embodied within the Merchant Shipping Act. These deficiencies are related to a number of problems the Maritime Directorate faced in its functioning. Indeed, if the Maritime Legislation and the related rules were well applied, some of those problems would be overcome. But in reality the Directorate was not empowered enough to ensure the effective implementation of the Maritime Legislation.

In the next paragraph the relationship between the Maritime Directorate and the other governmental Bodies Agencies involved in the maritime activities will be dealt with.

III. CO-OPERATION BETWEEN THE MARITIME DIRECTORATE AND THE OTHER BODIES AND AGENCIES INVOLVED IN THE MARITIME ACTIVITIES

In Benin, all the maritime activities are carried out by relevant bodies and agencies which are mostly governmental. Nevertheless, they are autonomous in their management especially the agencies (companies) and they are under the responsibility of appropriate Ministries according to the peculiarity of their activities.

- Under the responsibility of the Ministry of Transport and Communications⁶, Ministry in charge of the sea, we can list below:
  - The Shipping Company
- The Port Authority
- The Cargo Handling Company
- The Forwarding Company

- Under the Ministry of Agriculture there is the Fishing Company and accordingly the Fishing Directorate working as an Administration

- Under the Ministry of Industry and Mines there is the Oil Company

Thus, for the implementation and the enforcement of the national rules and international regulations as regards safety at sea, safety of navigation and prevention from pollution, etc., the Maritime Directorate has to deal with all the afore-mentioned companies. Therefore, the success of its functions depends upon the good, efficient and functional co-operation established between the afore-mentioned and the Maritime Directorate.

Infact, if the different related texts and relevant decrees were well applied any problem might not be raised concerning this co-operation. Before dealing with these problems further, what we may say now is that since 1981, in other words after the order of the Decree No.81-115 and 009/81, the Maritime Directorate has been given more power i.e. more support to undertake its functions and consequently, the following companies are given its technical assistance.

1. The National Shipping Company

The Maritime Directorate assistance to the shipping company is related to:
- The definition of an efficient shipping policy with the aim of maximizing benefits (and minimizing the sea transport costs) in order to increase the contribution of shipping earnings to the balance of payments
- The financial assistance in terms of governmental investment to the shipping industry
- The registration of ships and marine personnel
- The recruitment and training of marine personnel
- The certification of ships and officers
- The implementation of national rules and international safety standards
- Attendance to meetings relating to shipping development

2. The Port Authority

Here again, the Maritime Directorate assistance is related to:

- The definition of an efficient port policy in order to:
  - maximize the income
  - make the port suitable to vessels by developing the facilities, implementing the international safety standards and improving the services such as:
    - safety within the port
    - pilotage
    - lighthouses
    - buoyage and signalisation
The statistics on the port traffic and,
- Taking action to increase governmental subsidy to the port

3. The Cargo Handling Company
- Implementation of the international regulations related to the handling of goods especially dangerous goods
- Taking action to increase governmental investment in order to acquire modern cargo handling equipments
- Registration of the Stevedores and following up of their employment

The afore-mentioned are the tasks performed by the Maritime Directorate towards the Cargo Handling Company in terms of technical assistance.

4. The Forwarding Company

The Maritime Directorate takes necessary measures to ensure the compliance by this company with the international regulations relating to this particular activity.

5. The Fishing Company and the Fishing Directorate

It is chosen to be dealt in the same time with the company and its administration because of the particular nature of the problem.

In fact, according to the national legislation, the Fishing Company is under the Ministry of Agriculture and the Fishing Directorate is its related Administration. The Maritime Directorate is dealing with this Administration, but not with the Company directly as far as the following items are concerned:
- Registration of canoes (used for the traditional fishing) and fishing vessels
- Registration of fishermen and marine personnel on board fishing vessels
- Certification of fishing vessels and officers
- Surveys and Inspections of ships
- Recruitment, employment and welfare of marine personnel
- Compliance with national rules and international regulations relating to:
  - Safety at sea, safety of navigation, prevention from pollution, etc.
  - Technics of fishing

6. The Oil Company

As stated earlier, the oil company is not under the Ministry in charge of the sea. Nevertheless, the Maritime Directorate is involved in this field on the following items:
- Registration of the platform and the supply vessels
- Compliance with the international regulations relating to the offshore activities
- Recruitment of marine personnel (the nationals) employed on the platform and supply vessels
- Following up of the national seafarers' employment
- Prevention from pollution

To conclude this paragraph, it is noted that an effective co-operation between the Maritime Directorate and the other Bodies and Agencies involved in the maritime activities was quite inexistenent before 1981. From that year this relationship started improving but that was not
what it should have been between Agencies and Administration involved in the same activities.

The next chapter devoted to the difficulties of the Maritime Directorate will lighten us on that particular item.
FOOTNOTES

1 They are as follows:


Y. Nicolas: Expert in Maritime Safety Administration, Cotonou: 2-11 June 1982

X. Ghelber: Expert in Maritime Legislation
Cotonou: 1-12 November 1982

Y. Fournier: Consultant in Maritime Safety Administration, Cotonou: 3/11/83-29/1/84
Cotonou: 13/12/84-18/2/85

2 During our research we did not find any copy of this Decree. The other three Decrees' copies are attached to this project.

3 Since September 1984, Benin (the Parliament) has ratified 12 International Maritime Conventions. All necessary precisions will be given in the fifth chapter.

4 These countries are: Algeria, Germany, France, USSR.

5 One School for the time being: It is named CIDAM located in Bordeaux (France). The training at the WMU is not under the Department of Training responsibility

6 It has become Ministry of Transport and Equipment since August 1984

7 Ministry of Finance and Economy since August 1984
CHAPTER III

WEAKNESSES OF THE MARITIME DIRECTORATE

The determination and the will-power of the Government Authorities to adopt and to promote an efficient maritime policy did not seem to be missing. The issuance of the relevant related Decrees are the evidence of that. But, a Merchant Shipping Legislation supposes the existence of an Administration (backed with appropriate machinery) capable of designing and effectively implementing it.

The main difficulties the Maritime Directorate faced and still faces in a way (which weaken its duties and actions) are especially related to the implementation of the Merchant Shipping Legislation and the related maritime rules. In other words this Institution needs adequate means and appropriate infrastructure to undertake its functions. The aforesaid difficulties are connected with the following:

1. The organizational structure in the Ministry of Transport - Ministry in charge of the sea
2. Outdated arrangements in the national maritime laws
3. The shortage of qualified personnel and job equipment

I. THE ORGANIZATIONAL STRUCTURE IN THE MINISTRY OF TRANSPORT AND COMMUNICATIONS

This way the work was organized within that Ministry has caused some serious problems, mainly the non respect of the Maritime Directorate as the only appropriate Administration qualified to ensure the effective implementation of the legislation and related rules and regulations, and to
monitor the overall maritime activities as stated in the Merchant Shipping Act. Accordingly this deficiency entailed a conflict of competency between the Directorate and the Companies concerned, which has made co-operation between them very difficult.

Indeed the afore-mentioned conflict of competency got worse after the issuance of a so-called Decree and enforced within the Ministry enabling the General Managers of the Companies to deal directly with the Ministry as far as their respective activities are concerned. In fact, the management of the aforesaid Companies is not under the responsibility of the Directorate but under the supervision of the Ministry to which the General Managers must refer and report to. The problem is that the implementation and the enforcement of this Decree have changed the different role, functions and responsibilities so that the General Managers of Companies were considered as Technical Advisers to the Ministry and immediately the functions of the Maritime Directorate were ignored. Then, the Maritime Directorate's authority on the maritime activities was weakened and consequentially apart from the surveys carried out by the Directorate, the different Maritime Agencies, except the Port Authority, did not associate any more this Administration in any activity in the maritime sector although they are complementary.

From that time the co-operation between the afore-mentioned companies and the Directorate became more and more difficult and gradually the Directorate was put out from its real position in the maritime sector.
Considering the above, it is understandable that without any Institution empowered enough and capable of punishing in case of non compliance with the Legislation and related rules and regulations, the implementation of the Merchant Shipping Act and other rules will not be effective. That is why, despite its weaknesses the Maritime Directorate has never stopped reminding the Ministry of Transport and Communications, Ministry in charge of the sea, on the importance of this crisis and its harmful impact on the development of the overall maritime activities. Taking due note of the Maritime Directorate's observations and especially being effectively aware of the negligence of some maritime companies as regards the implementation of the national regulation and the international rules, the appropriate governmental Authorities through the Ministry of Transport and Communications decided to regulate more the maritime activities in the country. That is the origin of the Decrees No.81-115 and 009/81 giving more power to the Maritime Directorate enabling it to undertake its functions as stated in the Merchant Shipping Act.

Since 1981, the Maritime Directorate has effectively started performing its duties in spite of the inadequate means it has been given to do the job.

II. OUTDATED ARRANGEMENTS IN THE NATIONAL MARITIME LAWS

While maritime laws being adopted to control maritime activities, it would be very dangerous for the country if such a legislation is outdated. Since the maritime activities all over the world are increasing and developing, it is e
matter of urgency to rectify this deficiency.

Indeed the outdated parts of the Merchant Shipping Legislation become finally almost useless for the Maritime Directorate since some of those companies and Administration which are required to apply this code take advantage of its incomplete nature to ignore it and consequently to get out from the laws framed to control their activities.

The various Experts came to Benin and listed in the chapter II of the present project stressed on this deficiency and advised the governmental authorities to update urgently all the national maritime laws since they ensure the country's sovereignty.

Luckily now, the Maritime Directorate assisted by a French Consultant sent by IMO is working on the updating of the Merchant Shipping Legislation and the Sea Trade Code.

III. THE SHORTAGE OF QUALIFIED PERSONNEL AND JOB EQUIPMENTS

A Maritime Administration in order to assume consequently its responsibilities and to exercise efficiently its functions, needs qualified people and work equipments considering the various tasks it is required to perform and the important role it is expected to play in the maritime areas. But the Maritime Directorate suffers from a shortage of qualified personnel and work equipments and this entails sometimes some problems to monitor effectively the maritime activities. That was the reason why the Maritime Directorate through its Maritime Bureau was incapable of carrying out all the required surveys
on board the ships, which was dangerous for an Institution like the Maritime Directorate called for ensuring safety at sea and safety of navigation, etc... But in addition to the Directorate's observations, the IMO's Experts drew the governmental authorities attention on this deficiency and its harmful impact on the maritime activities on the whole. This advice was profitable for the Maritime Directorate which since four years has not stopped training, qualified people in the foreign maritime centres and schools.

CONCLUSION

Considering all the difficulties the Maritime Directorate was facing during many years, it is understandable that this Institution could not undertake any of its functions and also be incapable of assisting the companies and administration involved in the maritime sector.

In spite of its inadequate means it was surprising that the Maritime Directorate has worked so much in order to perform the duties it was assigned to. Naturally what has been done was not so perfect, but it tried to regulate in a way the maritime sector.

The weaknesses of the Maritime Directorate as stated earlier were chronic only before 1981, period after which the Directorate got a new "breathing" enabling it to improve its activities. Now, with more qualified people and an appropriate infrastructure the Maritime Directorate will effectively and correctly undertake its functions. On the whole what is required to overcome all those
problems listed above is an efficient Maritime Administration Infrastructure.

The next chapter will deal with some Developed and Developing countries very experienced in the maritime administration activities.

The case of India has been chosen for the Developing countries and Norway for Developed Countries, and the purpose is to show how a Maritime Administration, efficiently established, can be beneficial for the economy of the country which has it.
1 Yves Fournier: See footnotes relating to Chapter II

2 The work was finished on the 18th of February 1985.
CHAPTER IV

THE MARITIME ADMINISTRATION: ITS IMPACT
ON THE ECONOMIC GROWTH OF NATIONS

I. THE INDIAN EXPERIENCE

The information on the Indian Maritime Administra-
tion were obtained from Captain Gur Saran Singh\(^1\) who came
to lecture at the World Maritime University (Malmö) in
May 1984.

No doubt the information given in this present
section about the Indian Maritime Administration will not
be complete. The purpose is only to show, from that
experience (the Norwegian one as well) how a Maritime
Administration, in a Developing country or in a previous
poor maritime country, can be organized such as the impact
of its activities be beneficial on the shipping and conse-
quently on the economy in general.

1. Short Survey on the Process of Indian Shipping

Indian has a glorious maritime past. History has
recorded how she had once a flourishing shipping and ship-
building industry and how Indian ships sailed the high
seas carrying her trade and commerce too far off lands and
kept contact with great civilisations. Historical evidence
shows that 2,000 years ago, shipbuilding in India had
reached a high stage of development.

In the centuries that followed, considerable advance
was made in the shipping industry in India.

With the attainment of independence in 1947, Indian
shipping had reached a total of approximately 350,000 tons
GRT, and today this figure amounts over 6,000,000 tons GRT.
The gradual increase in the number of ships, their diversity in type and size and technological advances in shipping have brought in their whole numerous responsibilities and obligations on the Government i.e. the Maritime Administration, the shipowners and the seafarers.

2. Organisation of the Indian Maritime Administration

The Indian Central Maritime Administration called the Directorate General of Shipping is the only Institution taking care of the implementation of the Merchant Shipping Act in all its aspects, technical and administrative as well.

The Directorate General of Shipping located in Bombay is headed by a Director General appointed under the Ministry of Shipping. The Merchant Shipping Act has delegated most of the functions to the Director General. Those functions are mainly technical and administrative and accordingly the Directorate General of Shipping is composed of two main Departments dealing respectively with technical and administrative matters and employing qualified staff. The Maritime Administration is also represented in all the maritime areas of the country. Therefore the whole India is divided into several local Administrations called Districts. This enables the Administration to undertake its functions anywhere necessary.

3. Functions of the Directorate General of Shipping

As mentioned above, these functions are technical and administrative,

- The Technical functions are related to the maritime safety administration:
- Survey of ships
- Training of officers and crew
- Examination and certification of officers
- Prevention of accidents
- Safety of navigation
- Registration of ships
- Employment of seamen, etc.

- The administrative functions are related to:
  - Implementation of the Merchant Shipping Act
  - Subsidy granted to the Shipping Companies in terms of loans
  - Welfare of seamen
  - Registration of ships
  - Administration of Ports (Harbours)
  - Safety of cargo: labour force, cargo handling equipments, etc.

The Directorate General of Shipping is a centralized Institution and the Director General has to supervise and co-ordinate all the Departments' activities and report to the Ministry in case of problems.

4. The Districts

As said earlier, the whole India is divided into several districts and the major ones are Bombay, Calcutta and Madras. Each district has its own jurisdiction and also the area it covers i.e. sub-district.

The Districts as local Administrations deal mainly with technical matters. Therefore, each district is headed by a technical officer who is a Principal Officer. He is
the chief of the District. He has his own staff taking
care of surveys of ships, certification of ships and seamen,
etc..., and has to report always to the Directorate General
of Shipping.

5. The Seamen
   a. Recruitment and Employment

   Among the significant achievement of the Indian
Government immediately after the independence of the country
in 1947, was the organisation of maritime labour on sound
and efficient lines.

   The setting up of Seamen's Employment office at
Bombay in 1954 and at Calcutta in 1955 is the landmark in
the maritime history of India. The objectives of the
Seamen's Employment Scheme are:

   i. Equitable Distribution of the available jobs
   among registered seamen, employment being
   offered to them on the principle of rotation
   (according to the dates of discharge)

   ii. Provision of reasonable choice to the shipowner
   in the selection of crews for his ships and
   freedom to the seamen in the choice of his
   employers, so that a seafarer has a direct
   access to the job and retains all his rightful
   dues while the shipowners get the right man.

   b. Registration of Seamen

   A seaman is not eligible for employment on a ship
unless he is registered at the Seamen's Employment Office.
At the time of registration at this office, full particulars
of every seaman are noted in the "Register of Seamen", 
thereby making it a complete and up-to-date record of the seamen. There are about 45,000 registered seamen in India.

c. National Maritime Board

This is a bipartite body of Shipowners and Seafarers which is recognised by the Government. The main function of this board is to undertake periodical bilateral negotiations in respect of the seaman's wages, and the wages agreed upon are the wages which are entered into the articles of agreement with the ship master. All the seamen except the officers are covered under the board wage agreements.

d. The Seamen Welfare

It is taken care by the National Welfare Board for Seafarers. This Board, under the chairmanship of the Minister of Shipping and Transport was constituted in 1959 under the Merchant Shipping Act to advise the Government periodically on the measures to be taken for promotion the welfare of Indian Seamen. The Board has several main functions.

In connection with seamen's matters, there is a Shipping Masters' Office taking care of the settlement of disputes between shipowners and seamen.

Bombay and Calcutta have both Seamen office and Shipping Masters' Office.

e. Seamen’s Training

The first Institution was the Indian Mercantile Marine Training Ship "Dufferin". Dufferin was established at Bombay in 1927 for the training of officers. It has been replaced a decade ago by a new Training ship named "Rajendra". Apart from this ship, there are in India
Maritime Colleges and Institutions for the training and certification of skilled officers including Marine Engineers.

For the ratings, training Establishments were created in the Eastern and Western coasts of India. These establishments are capable of turning out, if so required, nearly 900 trainees altogether every year for employment in the deck and engine room departments.

6. The Shipping Companies

In India, Shipping Companies are of two types: the private and the public companies. Each of them has its own organisation and management. The Directorate General of Shipping is not involved in their management. It only takes care of the implementation of the Merchant Shipping Act and international rules by these companies. Any of them which does not comply with these different regulations and rules is strictly punished.

7. The Shipping Development Fund

It is a governmental body administered by the Directorate General of Shipping. The objective of the Fund is to assist Shipowners through loans to build or purchase ships. The shipowners interested by the Fund’s assistance must submit a complete appropriate documents to the Directorate General which, afterwards, has to study the technical and administrative aspects of their application.

8. The Trade

India is operating about 400 ships of various type and size totalizing well over 6,000,000 tons DWT. The ships are engaged in the international trade and carry about
30 per cent of the total Indian external trade. The aim of the Indian Government is to carry at least 50 per cent of this trade on board Indian ships. This figure will be reached soon because of the high technology and investments used.

Some ships are also engaged in the coastal trade between Indian ports.

CONCLUSION

Having dealt with the Indian experience in Maritime Administration, it may be noted that this Administration is well structured and empowered enough to play a greater role in the maritime sector of the country.

Indeed, all the infrastructure required for an effective establishment of this Maritime Administration is set up. This enables the afore-mentioned to have an effective control on the maritime activities in the country especially as far as the shipping industry is concerned.

The Indian Government has recognised that the vital role the Seafarers play in the economic life of a maritime country is a matter of great importance. Accordingly, the Governmental Authorities grant a particular attention and subsidy to the seamen's training, recruitment, employment, registration, welfare and wages. These skilled and qualified seamen are employed on board Indian ships which carry about 30 per cent of the total external trade of India. Consequently, some advantages mainly economical result from the afore-said infrastructure.

1. India is not dependent on foreign countries for the training of her seamen.
2. Indian fleet shares the carriage of the total external trade with foreign ships by carrying about 30 per cent of the total trade. Accordingly, India is not totally dependent on foreign vessels for the carriage of her trade. Nevertheless, the participation of her fleet to this trade reduces enormously the outflow of foreign currencies in the form of freight costs.

3. Indian ships are fully manned by nationals, which diminishes also the outflow of foreign currencies due to payment of wages to foreign seamen employed.

These three advantages listed above have necessarily a good impact, in terms of earnings, on the balance of payments of India. As we may know, it is the balance of payments which determine the economic prosperity of any country.

Today, India is classified among the big maritime countries in the world.

II. THE NORWEGIAN EXPERIENCE

It is not intended here to describe in detail the Norwegian Maritime Administration of which the establishment is totally different from the Indian system. It is only intended to show how a country poor in the last 150 years has been able to build a big shipping industry and established since 1903 a Maritime Administration which is very efficient today.
1. **Historical Development**

Norway has always been a seafaring Nation. Until the middle of the 19th century, Norway was a developing and poor country in Europe. After 400 years' union with Denmark, Norway which has reached in 1860 an important development in the industry, shipping, literature, music, art, politics, social rights, ... etc, issued her Maritime Act in 1893. On the 9th of June 1903 she laid down the Act relating to public control of the seaworthiness of ships called "the Seaworthiness Act". Afterwards, a shipping office was established within the Ministry of Trade and Shipping. But a Norwegian Maritime Directorate (NMD) was established on 27th April 1962 by Royal Decree.

2. **The Norwegian Maritime Directorate (NMD)**

a. **Organisation of the NMD**

The NMD is the Maritime Administration in Norway. It is a governmental body. This Institution is headed by the Director General of Shipping and Navigation, assisted by a Deputy Director General.

The NMD is composed of four main Departments namely:

1. **Legal and Administrative Department:**
   - Legal: matters relating to safety of ships and navigation, pollution, dangerous goods etc.
   - Administrative: matters relating to employees budgets, economical planning, fees and salaries, ship register, etc.

2. **Technical Department:** It takes care mainly of matters relating to hull, machinery and offshore, by making controls and issuing certificates
Department of ship operation and Equipment. It takes care of matters relating to crew accommodation, search and rescue operation, dangerous cargo arrangements, manning of ships and platforms, certification and education of ships and platform crew, etc.

- Department of ships control stations
  - survey of ships and platforms
  - co-ordination of domestic and overseas ship control operations.

The NMD has also under its responsibility:

- A Planning and Development Division taking care of the co-ordination of research, development and long term planning rationalization
- A Maritime Inspectorate.

b. Functions and Working

c. Functions

The primary function of the NMD is to ensure the public control by enabling ships and drilling platforms to sail and operate on a seaworthy basis, and also to sail and operate without polluting the seas. To ensure the public control of ships and mobile platforms means to control their construction, building, equipment, manning, maintenance and operation. The performance of this function requires legal tools such as issuance of regulations and making individual decisions on the basis of the:

- Seaworthiness Act of 1903
- Parts of the Maritime Act of 1893
- Various other laws
- Regulations issued pursuant to the above laws.
Other duties of the NMD can be mentioned as follows:
- Tonnage measurement of vessels
- Ships' register
- Rules for and control of regulations relating
to the manning and the working hours
- control of life saving appliances on production
  and offshore installations
- safety of pleasure boats

2. Working

As any Maritime Administration, the NMD ensures
the implementation and the enforcement of national rules
and international regulations relating to safety and to
protection of marine environment. To undertake its various
functions the NMD is manned with nautical, technical and
legal people, economists, data processing people and also
staff taking care of typing, telecommunications, account-
ing, forwarding. They are amounting to about 310 people
including the districts.

Because of the variety of its functions, the NMD
is under the supervision of many different Ministries:
- The Ministry of Justice for the implementation
  of the Maritime Code and related matters
- The Ministry of Commerce and Shipping for matters
  relating to safety of ships
- Ministry of Environment for marine pollution
  matters
- The Ministry of Education for Naval Colleges and
  Certification of Seamen matters
- The Ministry of Industry for electrical installations on ships
- The Ministry of Transport for radio installation on ships
- The Ministry of Labour for safety of offshore workers and mobile platforms
- The Ministry of Energy for oil drilling and exploitation
- The Ministry of Fishing for technical and operational safety and preparedness of fishing vessels.

Accordingly, any function to be undertaken by the NMD under the responsibility of any of the above is done in co-operation with the related governmental bodies and agencies. Now, it is the duty of the NMD to co-ordinate all these activities in order to succeed its performance.

**Safety Matters**

In order to control better the implementation and the enforcement of the safety rules by ships, the NMD has established 18 domestic ships' control stations and 6 abroad. These ships' control stations are manned by nautical and technical surveyors in charge of carrying out any control on board national and foreign vessels in accordance with the national regulations, international conventions and rules relating to Paris Memorandum of Understanding.

Besides, in connection with the safety standards' control and pollution prevention, Maritime Investigators are carrying out many activities in the Norwegian waters.
They are responsible for:

- Investigating maritime accidents such as collisions, groundings, etc.
- Detecting pollution traces: source, cause and vessels responsible
- Giving pollution evidence with:
  - analysis of samples
  - photos
  - oil record book
  - reports

In case of maritime accidents or pollution, the NMD sends the maritime investigators' reports to all governmental bodies and agencies concerned for all necessary actions to be taken for the settlement of the problem.

**Planning and Research Division**

It takes care also of the maintenance and improvement of safety standards. This division lays down only marine research projects to be carried out by all institutions and bodies concerned.

It is also of interest to point out that data processing is used by the Legal and Administrative Department of the NMD for the registration of all ships sailing under Norwegian flag, the keeping track of the accounts, the registration of NMD's personnel and other administrative matters.

**Fees**

The Maritime Directorate revenue from fees covers not only actual and administrative expenses in connection with surveys, but also such expenditure due to examination.
of drawings, measuring and issuing of certificates.

The services are covered by two types of fees, initial fee and annual fee.

- The initial fee is charged in connection with newbuildings and imported ships to cover actual and administrative expenses due to examination of drawings, surveys during construction, measuring and issuing of certificates. The amount of the fee is related to the type of ship, gross tonnage and if the ship is classified in a classification society. For the newbuildings, there is an addition of 25% if the ship is built abroad. There are similar initial fees for drilling platforms. The foreign platforms which have to be approved for the operations on the Norwegian continental shelf are also subject to an initial fee.

- The annual fee is charged on all Norwegian ships and vessels which require certificates, to cover the expenses in connection with surveys and other types of control relating to the renewal of certificates. The amount of the annual fee is related to the type of ship, gross tonnage, trade area and if the ship is classified in a classification society. There is a similar annual fee for drilling platforms, including foreign platforms operating on the Norwegian continental shelf.
It is of good interest to notice that the Maritime Directorate fee system has a social profile. Smaller ships and fishing vessels pay a smaller fee, while larger ships pay correspondingly higher fee.

c. Co-operation Between the NMD and the Other Governmental Bodies and the Classification Societies

It must be emphasised that the NMD is essentially a Maritime Safety Administration. Then to undertake its various functions, it has to co-operate with the other governmental bodies responsible for the administration of specialised facets of the maritime sector. These bodies are:

- The Directorate of Telecommunications
- The Electricity Supervision Authorities
- The Directorate for Seamen
- The National Inspectorate of Explosives and Flammables
- The Directorate of Public Health

With respect to drilling platforms the following Directorates are responsible:

- The Norwegian Petroleum Directorate
- The Civil Aviation Administration
- The National Inspectorate of Explosives and Flammables

The NMD works also with recognized classification societies, especially as far as surveys of ships are concerned. When they carry out surveys on behalf of the Maritime Directorate, there are two fee systems:
1. In cases where the classification societies are especially requested to carry out surveys, they are paid by the Maritime Directorate for each assignment. These expenses are covered by the initial and annual fees.

2. In cases where the classification societies carry out surveys according to a general authorization, the Ministry of Trade and Shipping may decide that the classification societies can collect the fees directly. The amount of the fee must be approved by the Ministry.

d. Assessment of the NMD Activities and Its Contribution in the Maritime Development in Norway

Through its various activities afore-mentioned, the NMD as essentially a Maritime Safety Administration has succeeded in undertaking its functions. The infrastructure set up by the Maritime Directorate to ensure and to control the seaworthiness of ships and platforms, the protection of marine environment and the implementation of the related national rules and international regulations, remains the fundamental basis of the development of the shipping activities in Norway. Also, the high technology (data processing) used in the administrative and technical matters and the social profile of the fee system are making the NMD very efficient and beneficial for the maritime sector.

The action of the Maritime Directorate on the Shipping activities in Norway can be assessed in terms of:
- Safety Standards for the seaworthiness of ships and platforms
- Measures for the pollution prevention
- Improvement of the quality of its services and the crew welfare
- Advice and Measures for the competitiveness in the international seaborne trade

Today, the shipping industry represents an important part of the Norwegian income. Some figures may be of interest:
- The Shipping Industry is a substantial export industry which represents approximately 20% of the total export income, including oil and gas
- The gross amount of the shipping transactions represents approximately 3.9 billion US dollars, of which approximately 3.7 billions in foreign exchange
- The number of employees in the shipping industry is 42,000. Considering also those employed in service functions to the shipping industry 70-80,000 persons have their income from the shipping industry.

Of course, the above figures are not resulted only from the NMD's actions in the maritime field, which is not involved at all in the management of shipping companies and oil companies, but especially from the great changes brought about during the last years in the Norwegian Shipping Industry as a whole. These changes may be summarized as follows:
- The number of ships under Norwegian flag is reduced
- The venture into new fields
- New ship types have been developed
- New ways of shipping operation:
  - Internationalization\textsuperscript{5} of the Norwegian Merchant fleet
  - Specialization of the shipping

The above-mentioned changes make Norway a very advanced maritime nation today.

**CONCLUSION**

From the Indian and the Norwegian experiences in Maritime Administration, it has been shown through this analysis that a Maritime Administration, wherever it is established, either in a Developing or a Developed country, has a greater role to play for the development of the shipping activities and accordingly, for the development of the country as a whole.

In most of the developing countries where all the maritime activities are under the responsibility of the Maritime Administration which is also under the supervision of the Ministry of Transport, Ministry generally in charge of maritime affairs, the establishment of the Maritime Administration requires a lot of investments and works from the Governmental Authorities. Investments for the setting up of a good maritime infrastructure, the ratification and the implementation of the international conventions, and also works to ensure effectively the seaworthiness of ships, and the protection of the marine environment.
From the Indian and the Norwegian experiences in maritime administration, and from the knowledge learnt during the various fieldtrips and especially from the weaknesses of the Beninese Maritime Administration as pointed out earlier, the next Chapter will be devoted to some suggestions, proposals and recommendations for a better established Maritime Administration in Benin.
FOOTNOTES

1 Captain G.S. Singh is a Maritime Adviser to the Government of India

2 The NMD’s Organisational chart is attached to the project

3 Type of authorization enabling to survey ships registered in the respective classification Society

4 Source: Lecture on the Norwegian Shipping Industry: (p.3): given by Professor G. Stubberud, November 1984

5 Source: Idem as (4): p.5

Internationalization means that Norwegian owned ships are operated under other flags, or Norwegian Shipping Companies are buying shares in foreign companies and thus get partnerships in foreign shipping.
CHAPTER V

SUGGESTION, PROPOSALS AND RECOMMENDATIONS FOR A BETTER ESTABLISHED MARITIME ADMINISTRATION IN BENIN

Before touching on the suggestions, proposals and recommendations on the many activities to be attended to in order to overcome the problems which will lead to an appropriate maritime administration, it may be of good interest to point out that when writing the first three chapters of this project, the Maritime Directorate was still under the Ministry of Transport and Communications.

But recently, since August 1984, there were some changes in the Government and the Maritime Directorate is now under the supervision of the Ministry of Transport and Equipments.¹

Then, as soon as the new Minister started working, he became aware of the basic problems of the Maritime Directorate and proceeded with positive actions started by the previous Minister since 1981. The work done by the new Authorities are very appreciable since after 7 (seven) months work the new Ministry improved a lot as far as the organisational structure is concerned. Particularly the Maritime Directorate is given more power and some infrastructure to undertake its functions. This means that the Maritime Directorate has overcome some of its problems mentioned earlier due to the good organisation and methods adopted by the new Ministry. Some of the basic problems solved are as follows:

The Maritime Laws

The Maritime Authorities and especially the new
Ministry are effectively aware of the outdated parts of the national maritime laws. This deficiency has been pointed out by the various IMO’s Experts assigned on technical assistance to the Maritime Directorate. Their suggestions and proposals and especially the proposals of the Maritime Directorate itself on the matter have been taken into account by the Ministry of Transport and Equipments. Then, since December 1984, in the frame of Technical Assistance Programme one of the Experts listed earlier came again to Benin and is assigned to various duties related to the development of the Maritime Administration of which the renewal and up-dating of the national maritime laws is a part. He is doing this work in collaboration with the Maritime Directorate officials.

The Work Organisation Within the Ex-Ministry Of Transport and Communications (Became now Ministry of Transports and Equipments)

This problem existing before and identified earlier is quite overcome now. The new Ministry does not allow any Director of Companies and governmental bodies under its responsibility to get out from the Texts which regulate any actions to be taken for the development of the activities within the department.

In applying this measure, the Ministry does not allow any more the General Directors of the Agencies and governmental Bodies under its jurisdiction to deal directly with him. With regards to the companies and agencies involved in the maritime activities, they are to respect the Maritime Directorate authority and refer to him in case
of technical matters. This means that the Maritime Directorate is more empowered to undertake its functions.

The Working of the Maritime Directorate

Even since the Maritime Directorate’s functions became effectively recognized, its activities have started developing more and more.

Then, all the appropriate surveys are carried out and the Directorate strengthened its authority in the maritime sector.

Taking due note of the IMO’s Experts advice and proposals, and especially being impossible to survey foreign ships without being party to the international conventions concerned, the Maritime Directorate has introduced to the Parliament (in September 1984) through the Ministry of Transports and Equipments, a draft of ratification of 12 (twelve) international maritime conventions. The aforesaid conventions are:

1. International Convention for the safety of life at sea, 1974 as amended in 1978 (SOLAS 74)


3. International convention for safe containers, 1972, as amended


5. International convention on the Establishment of an International Fund for Compensation for Oil
Pollution Damage, 1971 (Fund 71) and its 1976 Protocol

6. International convention on Limitation of Liability for Maritime Claims, 1976 (LLMC 76)


10. Terremolinos International convention for the safety of Fishing Vessels, 1977


12. International convention on Standards of Training, Certification and Watchkeeping 1978, (STCW 78)

These 12 (twelve) conventions were ratified by the Parliament on 14th September 1984 and a Presidential Decree No.84-361 was passed to back the aforesaid Acts on 26th September 1984. Now the diplomatic procedure is still running for the notification to the International Maritime Organisation's Secretariat.

But though some of the basic problems of the Maritime Directorate (see chapter III) are solved now, some are still existing. Through the subsequent sections
and paragraphs, it is proposed now the necessary proposals, suggestions and recommendations on the many activities to be attended to in order to overcome finally the problems and to lead to appropriate Maritime Administration, and consequentially maritime development.

I. MEMBERSHIP OF IMO AND PARTICIPATION IN THE EVOLUTION OF IMO'S STANDARDS

It is of great importance that the Representatives of the country, Benin, do participate in the evolution of IMO's standards by attending actively at least most of the various sessions of the committees and conferences of the organisation, in spite of the inadequate financial capability of the country to cover such expenditure on delegations.

Indeed, such active participation would ensure the following:

- The effective capability of the country of dealing efficiently with various maritime matters
- The needs of the country as regards technical assistance
- Additional knowledge and experience gained by the designated officials through discussions and consultations during the various sessions
- Establishment of personal contacts with colleagues from other countries, leading to better understanding and co-operation

II. IMPLEMENTATION OF INTERNATIONAL CONVENTIONS

While the diplomatic procedure of ratification of 12 conventions is running in Benin, it is of good interest to provide in this section some indications and guidelines
for the implementation of these conventions.

The implementation of international conventions should consist of two stages described as follows:

1. **Preparatory Stage**

   Before implementing an international convention, all the parties involved in the maritime activities under the chairmanship of the Maritime Directorate have to access and evaluate the impact of the aforesaid convention on the economic and political development of the country.

   Thus, this preliminary step is predominantly the affair of the Maritime Directorate with the collaboration of different interested parties such as Shipowners, Shipping company, Port Authority, Oil company, Fishing company, etc.

2. **Second Stage**

   Having got the mandate from the Parliament, the Maritime Directorate must ensure that the accepted and ratified convention becomes part of the national maritime laws after having been discussed again by all the parties concerned. The Maritime Directorate shall take afterwards all necessary measures in order to ensure the effective implementation of the new Law.

   As a reference, it is proposed to choose the tabular form on the process for implementation of any International Maritime Convention which was indicated by Professor P.S. Vanchiswar in the Volume I of his Manual entitled Establishment/Administration of Maritime Affairs In Developing Countries.
### Process for Implementation of Any International Maritime Convention

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Ratification/Accession</td>
<td>Implementation of National Legislation through the exercising of appropriate functions by the officials of the Maritime Administration</td>
<td>Certification of ships/seafarers and Issue of clearances to ships to proceed to sea</td>
</tr>
<tr>
<td>b. Prepare National Legislation (Primary &amp; subsidiary)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Documentation Convention ...........→</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Prepare the Executive orders/Instructions to officials concerned</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Develop appropriate and adequate Maritime Administration Infrastructure</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This model of process for implementation of conventions would be very helpful for the Maritime Directorate since the implementation of the twelve afore mentioned ratified conventions will be effective in the coming months.

III. DEVELOPMENT OF THE MARITIME ADMINISTRATION INFRASTRUCTURE

One of the prerequisites for the effective implementation of any international maritime convention is the Maritime Administration Infrastructure. In identifying the basic problems of the Maritime Directorate (see Chapter III) it has been pointed out a shortage of resources (financial and technical) and qualified personnel to carry out the various activities this Institution calls for. Accordingly these deficiencies need to be rectified as a matter of urgency since the functions of the Maritime Administration contribute to the development of the country’s economy.

In fact, with respect to the duties the Maritime Directorate is required to perform in connection with maritime affairs this Institution would have to be a proper Maritime Safety Administration (instead of a generalist Maritime Administration) expected to be the Specialised Executive arm of the Government as regards all its maritime matters.

Indeed, the primary functions of the Maritime Directorate as any Maritime Administration in a Developing Country (as stated by an Author) would have to be developmental and regulatory since those functions are embodied
within the Merchant Shipping Legislation which is a body of laws framed to control the overall maritime activities in the country.

The developmental functions are essentially contributory to the overall economic policy decisions to be taken by the Government through appropriate Ministries. Such functions can take the form of participation in the process of formulating the policy of the Government as regards maritime development and deciding upon the activities to be undertaken in connection with such development. Those functions may include:

a. the appropriate analysis of the most suitable types and numbers of ships required to meet the scale of development planned

b. development of the man-power needs of the shipping industry

c. development of the man-power needs of the port

d. development of employment opportunities for national seafarers

The regulatory functions contributing also to maritime development and economic advantages should ensure, in the main:

a. safety of lives, ships and property, and

b. protection of the marine environment

Such functions in turn are expected to ensure in the context of development and economy:

a. maximum efficiency in the operation of ships, with consequential economic advantage
b. creation, development, protection and preservation of national maritime skills,
c. conservation of national property
d. reduction in the maintenance costs of ships
e. conservation of foreign exchange
f. avoidance of disasters and consequential loss of (or damage to) lives, property, marine resources and heavy expenditure
g. maintenance of marine insurance premia at an advantageous level, and
h. projection of the image of the country in very favourable light in the maritime world

The aforesaid have been stated to stress the need of a proper Maritime Administration in Benin, and to point out that such maritime development shall be truly dependent on and proportionate to the efficiency and effectiveness of that Maritime Administration fully manned by qualified personnel duly appointed and appropriately empowered under the Merchant Shipping Act. Therefore it is of great importance that the Governmental Maritime Authorities increase subsidies and assistance to the Maritime Directorate in order to acquire more infrastructure including qualified personnel for its effective establishment.

Indeed, the current stage of maritime development in Benin and its plans for future maritime development entail the setting up of the overall infrastructure of the Administration (Maritime Directorate). Accordingly, to increase the extent of the duties and the responsibilities
involved, it is proposed that a new organisational chart (structure) of the Maritime Directorate in Benin be evolved.

A. DESCRIPTION OF THE CHART

From this new chart as we may see on page 73, the Maritime Directorate regarded as a Maritime Safety Administration is headed by a Director General and is composed of five main Departments headed also by Directors. These Departments are listed below:

a. Department of Safety and Protection of Marine Environment

It is composed of four internal divisions and two external divisions. These are expanded below:

1. Division of Surveys and Certification of ships and Platforms

2. Division of Technical Regulations and Maritime Investigations

3. Division of Search and Rescue

4. Division of other Safety and Prevention of Pollution Matters (Port, Ships, Fishing vessels, etc).

5. Two Domestic Small Fishing Vessels Control Stations located on the littoral. One at Seme (on the East), the second one at Grand-Popo (on the West)

b. Department of Seafarers

It is composed of three divisions. These are:

1. Division of Registration of Seamen, Employment and Work/Employment Regulation

2. Division of Training, Examination and Certification
NEW STRUCTURE OF THE MARITIME DIRECTORATE (BENIN)

MINISTRY OF TRANSPORT AND EQUIPMENT

DIRECTOR GENERAL

SECRETARIAT

DEPARTMENT OF SAFETY AND PROTECTION OF MARINE ENVIRONMENT
DIRECTOR

DEPARTMENT OF SEAFARERS
DIRECTOR

DEPARTMENT OF LEGISLATION AND ECONOMIC AFFAIRS
DIRECTOR

ADMINISTRATIVE AND FINANCIAL DEPARTMENT
DIRECTOR

DEPARTMENT OF PLANNING AND DOCUMENTATION
DIRECTOR

SURVEYS AND CERTIFICATION OF SHIPS AND PLATFORMS

TECHNICAL REGULATIONS AND MARITIME INVESTIGATIONS

SEARCH AND RESCUE

OTHER SAFETY AND PREVENTION OF POLLUTION MATTERS (PORTS, SHIPS, etc)

DOMESTIC SMALL FISHING VESSELS CONTROL STATIONS
GRAND POPO (WEST) SEME (EAST)
of seamen
3. Division of other crew matters
c. Department of Legislation and Economic Affairs
It is composed of three divisions:
1. Division of Legislation: implementation and enforcement of Legislation and related rules
2. Division of Registration of Ships (included platforms and fishing vessels) and Economic Affairs (subsidies to governmental owned companies, etc).
3. Division of External and International Relations: planning of meetings to which the Maritime Directorate will be represented, following up of the relations between the Maritime Administration and other similar foreign Institutions, international conventions, etc.
d. Administrative and Financial Department
It is composed of two divisions:
1. Division of Administrative Affairs: all matters relating to the general staff of the Maritime Directorate (social conditions, promotions, etc.), administrative matters pertaining to the functioning of the Maritime Directorate, etc.
e. Department of Planning and Documentation
It is composed of two divisions:
1. Division of Planning and Statistics: carrying out of studies and statistics on shipping
activities and forecast (planning) of future
development of these activities and consequen-
tial advice to the Government for eventual
subsidies.

2. Division of Maritime Research and Documentation:
research for improvement and development of
maritime activities, documentation on any maritime
reviews, periodicals and publications.

B. QUALIFICATIONS AND EXPERIENCE REQUIRED FOR
THE PROFESSIONAL STAFF

1. Director General

As in any Administration, he is a principal official
to assume the responsibility and to exercise the functions
of general superintendence and co-ordination of the work
of the Maritime Directorate as a whole. He would also
have to be a statutory official duly appointed and appro-
priately empowered under the Merchant Shipping Act. He
should possess the following qualifications/experience:

- high degree in General Maritime Administration
  (MSc Degree from WMU\textsuperscript{6} or equivalent Degree or
  Certificate), experience in preparation and
  administration of rules and regulations relating
  to Government Maritime Policies, or

- well experienced officer (captain or chief officer)
  on board merchant ships engaged in international
  trade, a wide knowledge of international maritime
  conventions and maritime safety standards

2. Director of the Department of Safety and
Protection of Marine Environment

In assuming this responsibility and exercising this
function the aforesaid Director would have to be a statutory official duly appointed and appropriately empowered under the Merchant Shipping Act so as to play the role of Deputy Director General. He should possess the following qualifications and experience:

- High degree in Maritime Safety Administration (MSc Degree from WMU or equivalent degree or certificate) and wide knowledge of international maritime conventions and maritime safety standards or

- Well experienced officer (chief officer) and experience in Government procedures, services as surveyor of ships with a Maritime Safety Administration and experience in accident investigation for a number of years

**Heads of Divisions under the Department**

They would also have to be duly appointed and should possess, as far as their respective functions are concerned, the following qualifications and experience.

- **Nautical officer/surveyor:** service as chief officer on board merchant ships engaged in international trade for a number of years, experience as a surveyor of ships and experience in Maritime Safety Administration

- **Marine Engineer/Surveyor:** service as chief engineer of ships, experience as a surveyor of ships and experience in Maritime Safety Administration
- Nautical officers and Marine Engineers heading the other divisions: service as officer or engineer of ships, experience as surveyors of ships, experience of a number of years in maritime investigations or search and rescue operations or marine pollution combating.

3. **Director of Seafarers' Department**

In order to carry out efficiently his various activities (functions), he would also have to be duly appointed and empowered under the Merchant Shipping Act. He should possess the following qualifications and experience:

- A degree in Law and wide knowledge of I.L.O. (International Labour Organisation) Conventions and Recommendations on the field of maritime labour, or
- Service as officer or Engineer of ships and experience in dealing with crew matters either in a Government office or in a Shipping Company

**Heads of Divisions under the Department**

They would have to be duly appointed and should possess, as far as their respective functions are concerned, the following qualifications and experience:

- Service as officer or engineer of ships and experience in dealing with crew matters in a Shipping Company
- Experience in Maritime Safety Administration, service as officer or engineer of ships and experience as an examiner of seagoing personnel.
4. Director of Department of Legislation and Economic Affairs

Duly appointed and appropriately empowered under the Merchant Shipping Act, this Director should possess the following qualifications and experience:

- MSc Degree (CMA) from WMU or equivalent degree and very good background in Law or in Economic Sciences, experience in dealing with interpretation, implementation and enforcement of legislation and international maritime conventions, or

- Experience in preparation and administration of rules and regulations relating to maritime matters, experience in Government procedures and financial control.

Heads of Divisions under the Department

They would have to be duly appointed and should possess, as far as their respective functions are concerned, the following qualifications:

- Experience in dealing with the implementation and enforcement of Legislation and International Maritime Conventions

- Good knowledge in financial control and experience in registration of ships

- Experience in public relations and in attendance to international maritime conferences for a certain number of years.

5. Director of Administrative and Financial Department

As the other Directors of the Maritime Directorate
he would have to be duly appointed and empowered under the Merchant Shipping Act. He should possess the following qualifications and experience:

- A degree in Accountancy/Book-keeping and in General Administration, and experience in social affairs, or
- Experience of many years in administrative and financial affairs

**Heads of Divisions under the Department**

They would have to be duly appointed and should possess an experience either in administrative or financial affairs, or in both of these functions for a certain number of years.

6. **Director of Planning and Documentation Department**

In order to perform efficiently his functions, he would have to be duly appointed and empowered under the Merchant Shipping Act. He should possess the following qualifications and experience:

- High degree in statistics and very experienced official in planning
- A wide knowledge of the international market (bulk, oil, etc....) and acquaintance with the world maritime trade, and
- Experience in documentation and studies for shipping activities development.

**Heads of Divisions under the Department**

Duly appointed, they should possess either a degree in Economics and Statistics, or experience in
planning and statistics, or experience (or service) in maritime research and documentation.

7. The Secretariat

It is the organ which takes care of the private correspondence of the Director General, centralizes and ensures the following up of all correspondence between the Administration and outside. The Secretariat under the supervision of the Administrative and Financial Department, should be headed by a Head Of Secretariat experienced in administrative matters.

Having dealt with the new chart and the qualifications and experience required for the professional staff, it is of great importance to stress the need of more qualified personnel and the necessary close cooperation to be established between all the Institutions involved in the maritime matters and the Maritime Directorate so as to meet the above-mentioned requirements.

IV. NEED OF MORE QUALIFIED PERSONNEL

The performance of the various duties resulting from the aforesaid new structure of the Maritime Directorate requires a need of more qualified personnel (staff) of all categories. The Government policy in that issue since some years is appreciable in so far as some of the Maritime Directorate officials are trained or are still being trained in a number of foreign Maritime Institutions and International Maritime Schools. This policy should be proceeded so that in a short run a certain number of qualified personnel of all categories may be available
to effectively undertake the various functions of the Maritime Directorate, especially in the Maritime Safety field.

In connection with the training of marine personnel, the roles and functions of the Maritime Directorate in the development of Maritime Training Facilities are vital. So far, any training facilities (especially for ratings) are not established on the national basis. The establishment of the aforesaid involving a huge investment of capital, this might be effective on the regional or sub-regional basis. It is of great importance to keep in mind that the roles, responsibilities and functions of the Government (Maritime Administration) in any Developing country as regards their marine personnel (seafarers) need to cover the following:

a. crew matters (i.e., matters affecting marine personnel) in general
b. examination and certification of seafarers
c. manning of ships
d. maritime training

In assuming such role, the Maritime Directorate shall no doubt have to act in concert with the shipping Industry/Companies, the Representatives of national seafarers, the Navy and appropriate Maritime and other Educational Institutions. By dealing earlier with the weaknesses of the Maritime Directorate (Chapter III) it has been stated that one of the aforesaid weaknesses was the lack of effective co-operation with the main maritime Institutions involved in the maritime affairs. In the
following sections it is proposed to point out the reasons of such relationship and afterwards stress the need and the necessity of its improvement and development between the Maritime Directorate and three main Institutions involved in the maritime matters: Port Authority, National Shipping Company and Navy.

V. RELATIONSHIP BETWEEN THE PORT AUTHORITY AND THE MARITIME DIRECTORATE

A proper understanding of the need and nature of the aforesaid relationship would enable:

- the nationals in the Maritime Administration to assume appropriate roles and exercise the necessary functions vis-a-vis the port to maximum national advantage, and
- others concerned to appreciate better the advantages that can accrue to port as well from a proper Maritime Safety Administration.

Since:

a. port is for the use of ships
b. there are marine services to be rendered by the port
c. there are marine personnel involved in port and,
d. port safety and safety of ships in port are inter-linked, there is the necessity for close co-operation between the port and the Maritime Administration.

As stated earlier a certain co-operation existed and still exists between the Port Authority and the
Maritime Directorate. But with regard to the main functions of the Maritime Directorate as a Maritime Safety Administration this relationship shall be improved and developed so that the Maritime Directorate may perform its necessary and useful functions. These are developmental and regulatory and an Author\textsuperscript{8} has stated them as expanded below:

1. **Functions Contributing to Port Development**

These have been dealt with earlier in the Section III of the present Chapter as far as the primary functions of the Maritime Administration are concerned, and also in Chapter II, Section III paragraph 2.

It may be noted that in connection with these aforesaid functions and as an essential part of its role, the Maritime Administration is in the best position to harmonise and co-ordinate the approaches, planning, developments and allied operations of these relevant port matters within its competence and obligations.

2. **Regulatory and allied functions**

As far as the port of Benin is concerned:

a. Registration of port tugs

b. Surveys/inspections and certification of port tugs

c. Ensuring that port safety regulations are appropriate and adequate

d. Ensuring safe manning of ships in port

e. Statutory control over wrecks in port (or on the littoral)

f. Inquiries or investigations into shipping casualties in port
g. Ensuring the participation of the port in the maritime search and rescue system

h. Ensuring the participation of the port in the national Contingency Plan for combating marine pollution.

It may also be noted that the aforesaid regulatory and allied functions are essentially part of the overall functions of the Maritime Administration as already stated in Chapter I.

VI. ROLES AND FUNCTIONS OF THE MARITIME DIRECTORATE AS REGARDS DEVELOPMENT OF THE NATIONAL SHIPPING COMPANY

As stated in the Merchant Shipping Act and appropriate related Decrees, the Maritime Directorate among its responsibilities and functions towards the national fleet must ensure:

- safety of navigation and safety of life at sea
- protection of marine environment
- management of seafarers: registration, certification, employment regulation
- maritime traffic

and advise the Government on matters relating to:

- implementation of legislation
- shipping policy (including acquisition of ships)
- marine insurance
- fiscal regime of the fleet
- freight rates

The above may be efficiently and effectively performed only in close co-operation between the Maritime Administration and the Shipping Industry especially the Shipping
Company.

By dealing with that issue, an Author has advocated that the Maritime Safety Administration is expected to have roles and functions relating to three main following elements:

1. Government support/Incentives
2. Cost Aspects
3. Regulatory Aspects

so as to actively assist in the qualitative and quantitative development/expansion of shipping.

I. The Government Support/Incentives may include any number of the following:

- Cash grant
- Release of required foreign exchange
- Long term loans
- Low interest of loans
- Government guarantees for external loans
- Specific financial grants for improvement of safety
- Specific financial grants for development of marine technology
- Specific credits for ship repairs
- Nationalisation
- Favourable tax regulations
- Training of marine personnel at Government cost.

For that particular aforesaid government support, the Maritime Directorate has already started giving its assistance to the Shipping Company, even the Port (see Chapter II). Since the National Shipping Company is a
governmental owned, she is given some of the above under the technical advice of a specialized committee chaired by the Maritime Directorate. So far, the above are part of the functions of the Maritime Directorate. Nevertheless, the proper exercising of its roles and functions as regards the Government Support/Incentives depends mainly upon the efficiency and the effectiveness of the Maritime Administration Infrastructure.

II. Cost Aspects

These are related to the expected contributions of the Maritime Administration towards operational efficiency of the ships, crew competency, reduction in costs of maintenance and repair of ships, and advantageous marine insurance premia relating to the ships. All those contents are under Section III of the present Chapter.

III. Regulatory Aspects

In this connection, the regulatory functions of the Maritime Administration have been also explained under Section III of the present Chapter.

Note: Through these three aforesaid elements as regards the roles and functions of the Maritime Safety Administration, it may be noted that these are already part of the Maritime Directorate roles and functions, and the only need of more efficiency has been pointed out earlier.

VII. Relationships between the Navy and the Maritime Directorate

There is also the necessity for close co-operation between the Maritime Directorate and the Navy since their
roles and functions are complementary. The former as a Maritime Safety Administration, ensures safety of Life at Sea, safety of navigation, marine pollution combating, maritime search and rescue system, contingency plan for marine pollution combating, and the latter as a Military Body is specialized and well equipped for the protection of the country’s sovereignty and rights over its waters. Therefore, the Maritime Directorate must:

- ensure the participation of the Navy in the maritime search and rescue operations
- ensure the participation of the Navy in the marine pollution combating.

And the Navy in turn must assist the Maritime Directorate with its equipment (patrol boats, etc.) to control the territorial waters and the Exclusive Economic Zone and protect them against illegal fishing activities and any form of pollution.
FOOTNOTES

1 Public Works

2 Yves Fournier: see Footnotes Chapter II

3 Matters relating to safety of navigation, safety at sea, marine pollution prevention, safety at port, crew matters, etc...

4 Manual page 30

5 Professor P.S. Vanchiswar

6 World Maritime University

7 e.g. World Maritime University

8 Professor P.S. Vanchiswar: Relationship between ports and Maritime Safety Administration in Developing Countries: page 125 of the Manual quoted in (4)

9 Professor P.S. Vanchiswar: page 131 Manual quoted in (4)
GENERAL CONCLUSION

This project emphasises on the necessity for the maritime development of Benin and points out the need for a proper Maritime Administration in this country such as to enable her achieve and sustain the required levels of such maritime development. The project:

- identifies
  a. the basic maritime problems of Benin and
  b. the various maritime activities which are to be attended to
- evaluates some of the basic maritime problems which are overcome recently
- provides the necessary guidelines, proposals and suggestions such as to enable the country to:
  a. overcome her maritime problems
  b. attend approximately to the identified maritime activities
  c. administer her maritime affairs effectively and efficiently.

The following are the essential conclusions of this project.

- In order to avoid confusion and conflict of competency, a distinction must be drawn between all Institutions involved in maritime matters and the Maritime Administration. Besides, the roles, functions and the objectives of that Maritime Administration need to be fully understood by all concerned. (See Chapters III and V).
- With regard to the specificity of its roles and functions in the maritime field, the Maritime Directorate must be considered as a Maritime Safety Administration instead of a generalist Maritime Administration. (See Chapter V)

- In the interest of maritime development and in order to ensure the proper functioning of the Maritime Administration, the Merchant Shipping Legislation and related rules need to be well applied by all parties concerned, and also the implementation of the various International Maritime Conventions needs to be effective and properly done (See Chapter V)

- The need of close co-operation between all the Institutions involved in the maritime matters mainly Port Authority, Shipping Company and Navy, and the Maritime Directorate are necessary for the purposes of maritime and economic development (See Chapter V)

- It is of great importance that the country, Benin, does participate in the evolution of IMO’s standards (See Chapter V)

- It is also of great importance for the purposes of maritime development that the Government of Benin increases its subsidies to the Maritime Administration enabling this Institution to acquire more appropriate work equipments and ensure the training of more qualified people of all categories to undertake the various functions
this Administration is assigned to (See Chapter V)

- It is of vital importance for the purposes of maritime development to have a proper Maritime Administration Infrastructure in Benin, manned by duly appointed and competent officials of the appropriate categories (See Chapter V)

- The roles, responsibilities and functions of the Government (Maritime Administration) as regards their marine personnel (seafarers) are of vital importance (See Chapter V)

- Regional or sub-regional co-operation in maritime training can be beneficial for the country, Benin.

It is sincerely hoped that this project would assist the Government of Benin substantially for the establishment of a proper Maritime Administration and for ensuring that such Maritime Administration does acquire the required capabilities and necessary support so as to be able to administer the maritime affairs effectively and efficiently.
APPENDIX II

SECRET N° 172/PR/MTPTPT

portant création d'une Direction de la Marine Marchande Dahoméenne.

LE PRESIDENT DE LA REPUBLIQUE,

VU la proclamation du 17 décembre 1967 ;
VU l'ordonnance n° 30/PR/MTPTPT du 18 juin 1968, portant code de la Marine Marchande de la République du Dahomey ;
VU le décret n° 145/PR du 15 mai 1968, portant réorganisation du Gouvernement provisoire ;
VU le décret n° 441/PR/SGG du 22 décembre 1967, déterminant les services rattachés à la Présidence de la République et fixant les attributions des membres du Gouvernement ;
VU le décret n° 58/PR/MTPTPT du 26 février 1968, portant création d'une Direction des Transports du Dahomey ;
SUR la proposition du Ministre des Travaux Publics, Transports, Postes et Télécommunications ;
Le Conseil des Ministres entendu,

SECRET

ARTICLE 1er. - Il est créé au Ministère des Travaux Publics, Transports, Postes et Télécommunications une Direction de la Marine Marchande.


ARTICLE 3°. - Le Directeur de la Marine Marchande a pour mission, sous l'autorité du Ministre chargé de la Marine Marchande, d'étudier, proposer et, le cas échéant, prendre toutes mesures tendant au développement des activités maritimes, d'assurer l'application des dispositions du code de la Marine Marchande, ainsi que des textes pris pour son application, et notamment dans les domaines ci-après :

a) Navigation maritime et sécurité :
- Statut juridique et administratif des bâtiments de mer ;
- Demobilisation des navires ;
- Immatriculation des navires ;
- Police de la navigation ;
- Délimitation du rivage de la mer ;
- Définition et classification des navigations maritimes ;
- Navigations réservées ;
- Titres de navigation des navires de commerce, de pêche et de plaisance ;
- Armement et désarmement des navires ;
- Papiers de bord ;
- Construction, achat et vente de navires ;
- Sécurité de la navigation, hygiène et habitation des locaux, alimentation des équipages ;
- Réglementation internationale, conventions ;
- Réglementation dahoméenne ;
- Inspection de la navigation ;
- Réglementation du travail maritime ;
- Commissions de visites de sécurité ;
- Réglementation pour le transport par mer des matières dangereuses ;
- Protection à bord contre les accidents dans le chargement et le déchargement des navires ;
- Pilotage, législation et réglementation ;
- Accidents et collisions en mer, enquêtes nautiques ;
- Assistance et sauvetage maritimes ;
- Législation des épaves maritimes ;

Administration des gens de mer :

- Statut des gens de mer ;
- Délivrance des titres professionnels ;
- Conventions collectives ;
- Régime du travail à bord ;
- Syndicats ;
- Engagements, salaires, heures supplémentaires, congés, licenciements ;
- Litiges entre marins et armateurs concernant le contrat d’engagement maritime ;
- Les équipages, armements et désarmements administratifs ;
- Renseignements sur les livres et des cartes professionnelles des marins ;
- Temps à jour des articles matriculaires des marins ;
- Constataction des droits des marins à l’égard du régime social ;
- Notes d’État-Civil à bord des navires. Suites à leur donner ;
- Procès-verbaux de disparition, constatation judiciaire de décès ;
- Organisation administrative et contrôle du service médical des marins ;
- Embauche et débarquement des marins à l’Étranger ;
- Effectifs ;
- Composition des États-Majors et des équipages ;
- Enseignement maritime, brevets et diplômes ;
- Apprentissage maritime ;
- Aptitude physique des marins, contrôle médical, service sanitaire des marins ;
- Œuvres sociales maritimes ;
- Distinctions honorifiques ;
- Récompenses ;
- Relations avec les chantiers de construction ;
- Relations avec les sociétés de classification ;

maritime :

- Notes se rapportant au régime économique et à l’organisation des transports par mer ;
- Documentation générale sur les transports maritimes ;
- Accord de réciprocité et de coopération en matière de Marine Marchande avec les États étrangers ;
- Accords et traités économiques internationaux ;
- Traité de commerce ;
- Études économiques et statistiques ;
- Accords avec les transports terrestres et aériens ;
- Coordination des transports ;
- Relations avec les différents départements ministériels et les divers organismes publics et privés en ce qui concerne les programmes de transports, les problèmes portuaires et tarifaires ;
- Transports d’intérêt national ;
- Organisation générale de la flotte de commerce ;
- Préparation et organisation des transports maritimes en temps de guerre en liaison avec la Défense Nationale et autres départements ;
- Autorisation et contrôle des affrétements ;
- Relations avec les Auxiliaires de l'armement ; courtiers maritimes, transitaires ;

**Pêches maritimes en liaison avec le Service des Pêches :**
- Pêches réservées ;
- Pêches industrielles ;
- Pêches artisanales ;
- Bâtiments garde-pêche ;
- Crédit maritime mutuel ;
- Assurances mutuelles contre les pertes et matériels de pêche.

**ARTICLE 4.** Le Directeur de la Marine Marchande est obligatoirement consulté par services du Ministère des Finances, des Affaires Économiques et du Plan, des Affaires Étrangères sur les questions suivantes :
- Législation des affrétements et des connaissances ;
- Assurances maritimes ;
- Régime fiscal de l'armement (commerce et pêche) ;
- Questions douanières intéressant la Marine Marchande et les pêches maritimes ;
- Taux des frets (passagers et marchandises).

Le Directeur de la Marine Marchande est membre de droit des commissions créées de l'étude de ces questions.

**MISE 5.** La Direction de la Marine Marchande comprend :
- Le Centre d'Inspection de la Navigation ;
- Un Bureau chargé de la Navigation ;
- Un Bureau chargé des gens de mer.

**MISE 6.** Sont abrogés le paragraphe C de l'article 2 et le paragraphe C de l'article 6 du décret n° 58/PR/MTPT du 26 février 1968, portant création d'une mission des Transports au Dahomey.

**MISE 7.** Le Ministre chargé de la Marine Marchande est chargé de l'exécution du présent décret, qui sera publié au Journal Officiel de la République du Dahomey.

**FAIT À OOTOUNOU, LE 18 JUIN 1968**

Président de la République,
Chef du Gouvernement Provisoire

Signé : Lt-Colonel A. ALLEY

Signé : Chef de Baililin Maurice KOUANDÉ

Le Ministre des Travaux Publics, Transports, Postes et Télécommunications

Ministre des Finances, des Affaires Économiques et du Plan

Signé : Lt. André ATCHADE

Signé : Pascal CHARI KAO

Sign : PR 4 - SGO 4 - CG 6 - MINISTERES 9 - MTPT & SERVICES 15 - MPAEP
CHANC. 4 - DJAL 4 - DITON STAT. 2 - DITON PLAN 2 - IAA 4 - CHAMB.COM.
DECRET N° 81-115 du 18 Avril 1981
portant attributions, organisation et fonctionnement du Ministère des Transports et des Communications

LE PRESIDENT DE LA REPUBLIQUE,
CHEF DE L'ETAT; PRESIDENT DU CONSEIL EXECUTIF NATIONAL,

VU l'ordonnance N° 77-32 du 9 septembre 1977 portant promulgation de la Loi Fondamentale de la République Populaire du Bénin ;

VU le décret N° 80-39 du 12 février 1980 portant composition du Conseil Exécutif National et de son Comité Permanent ;

VU l'ordonnance N° 75-21 du 24 Mars 1975 fixant la composition du Cabinet du Président de la République et la structure des Ministères ;

SUR rapport du Ministre des Transports et des Communications

SUR décision du Bureau Politique du Comité Central du Parti de la Révolution Populaire du Bénin ;

Le Conseil Exécutif National entendu en sa séance du 7 Mars 19

DECRETE :

TITRE I

MISSION ET ATTRIBUTIONS DU MINISTRE

Article 1er. — Le Ministre des Transports et des Communications est chargé de la mise en œuvre de la politique définie par le Parti et le Conseil Exécutif National en matière de Transports et de Communications. À ce titre, il planifie et dirige l'organisation de toute action pouvant permettre le développement de Transports et des Communications ainsi que la réglementation des différents modes de transports et de communications en République Populaire du Bénin.

Article 2. — Le Ministre est le premier responsable de l'exécution des décisions et instructions des instances politiques et du Conseil Exécutif National ou de son Comité Permanent.
Article 3. - Au Ministre sont directement rattachées toutes les directions techniques centrales ainsi que les directions générales des entreprises publiques, semi-publiques et autres organismes relevant de son autorité.

Article 4. - Les directeurs des services techniques et les directeurs généraux des entreprises publiques et semi-publiques sont d'office conseillers techniques du Ministre, chacun dans sa branche et dans son secteur.

Article 5. - Le Ministre est l'ordonnateur du Budget du Ministère.

**TITRE II**

**ORGANISATION ET FONCTIONNEMENT DU MINISTÈRE**

Article 6. - Pour accomplir la mission qui lui est assignée telle que définie ci-dessus, le Ministère des Transports et des Communications dispose :

- d'une Direction Générale du Ministère,
- d'une Direction des Études et de la Planification,
- d'une Direction des Affaires Financières et Administratives,
- d'un Attaché aux Relations Publiques,
- d'un Attaché de Presse,
- d'un Secrétariat Particulier,
- d'un Secrétariat Administratif,
- des Directions Techniques Centrales
- des Entreprises Publiques et Semi-Publics
et des Organismes sous tutelle.

**Chapitre 1**

**De la Direction Générale du Ministère**

Article 7. - La Direction Générale du Ministère des Transports et des Communications est chargée sous l'autorité du Ministre, de la Coordination des Affaires du Ministère en même temps qu'elle centralise toutes les activités des directions techniques centrales ainsi que celles des entreprises publiques, semi-publiques et des organismes placés sous la tutelle du Ministère.

Article 8. - A ce titre :

- elle centralise et ventile de courrier,
- elle rédige tous documents et met en forme les instructions du Ministre,
- elle expédie les affaires courantes \textit{en l'absence du Ministre, sur les instructions du Ministre chargé de l'intérim.}

**Article 2.** - Le Directeur Général du Ministère est un Cadre politiquement engagé dans le mouvement révolutionnaire actuel ouvert d'esprit, patriote, dynamique et compétent.

Il peut être assisté d'un Directeur Général Adjoint.

**Chapitre 2**

**De la Direction des Études et de la Planification**

**Article 40.** - La Direction des Études et de la Planification est chargée de l'étude et de la programmation de l'action concrète de toutes les directions techniques centrales, des entreprises publiques, semi-publiques et des organismes relevant du Ministère, sur la base des objectifs fixés par les instants politiques et le Conseil Exécutif National ou son Comité Permanent dans le cadre du Plan National défini.

**Article 41.** - La Direction des Études et de la Planification est le correspondant de l'organe national de planification à niveau du Ministère.

À ce titre, elle est chargée de :

- la fixation, en collaboration avec les directions techniques, les unités de production et les organismes relevant du Ministère, des objectifs quantitatifs et qualitatifs sectoriels ainsi que la détermination des moyens structurels, organisationnels, matériels, humains et financiers propres à la réalisation de ces objectifs ;

- l'inventaire et la centralisation des moyens matériels, humains et financiers et leur répartition judicieuse conformément aux objectifs fixés aux différents directions techniques centrales, unités de production, services et entreprises publiques.

- la coordination et du contrôle de l'exécution de projets inscrits au Plan d'État relevant du Ministère selon les méthodes du système "Programmation, Exécution Contrôlée" (P.E.C.) et doit informer régulièrement l'organe central de planification de l'évolution de ces projets ;

- la préparation des bilans d'exécution au Plan d'État et des tranches annuelles sectorielles selon une méthodologie unifiée définie par l'organe central de planification ;
- la collecte des statistiques de base et la réalisation d'enquêtes sectorielles sous le contrôle technique et avec le concours de l'organe chargé de la statistique dans le cadre d'un programme de travail établi chaque année par le Comité National de la Statistique;

- la gestion de la coopération technique au niveau sectoriel.

Le Directeur des Etudes et de la Planification représente le Ministère au sein du Conseil National de la Planification.

**Article 12.** - La Direction des Etudes et de la Planification comprend les services suivants :

- le Service des Etudes et Synthèse
- le Service de la Programmation et du Contrôle
- le Service de la Documentation et de la Statistique
- le Service de la Coopération Technique.

**Chapitre 3**

de la Direction des Affaires Financières et Administratives

**Article 13.** - La Direction des affaires financières et administratives est l'instrument d'exécution du Budget du Ministère.

A ce titre :

- elle est chargée de l'administration financière, de la gestion et de l'utilisation du Personnel de tous les services du Ministère.

- elle centralise les besoins matériels de tous les services ainsi que les achats et procède à leur répartition ; elle gère le stock du matériel et des fournitures.

- elle élabore le projet de budget du Ministère en collaboration avec le Directeur des Etudes et de la Planification et les Directeurs Techniques Centraux.

**Article 14.** - En ce qui concerne les achats de matériels et de fournitures, les décisions doivent être prises après avis d'un Comité ou de Groupe de travail constitué au niveau du Ministère et après approbation du Ministre.
Article 15. — La Direction des Affaires Financières et Administratives comprend :

- le Service des Affaires Financières
- le Service des Affaires Administratives
- le Service des Organismes sous tutelle.

Chapitre 4

de l'Attaché aux Relations Publiques

Article 16. — L'Attaché aux Relations Publiques du Ministre est chargé :

- de la rédaction de la correspondance privée du Ministre
- de l'organisation des audiences en relation avec le Secrétariat Particulier
- de l'organisation des missions et voyages du Ministre
- de l'organisation des réceptions officielles
- du protocole au niveau du Ministère
- de toutes missions à lui confiées par le Ministre.

Article 17. — L'Attaché aux Relations Publiques est nommé par arrêté du Ministre.

Article 18. — L'Attaché aux Relations Publiques ne doit, en aucun cas, intervenir dans le fonctionnement de services, d'prises publiques et semi-publiques et organismes relevant du Ministère.

Chapitre 5

De l'Attaché de Presse

Article 19. — L'Attaché de Presse du Ministre a pour mission :

- d'organiser les conférences de presse au niveau du Ministère,
- de rédiger les communiqués de presse,
- de préparer à l'attention du Ministre des fiches d'information quotidienne et des revues de presse régulières,
- d'élaborer des dossiers de presse sur l'actualité internationale,
d'assister aux audiences officielles du Ministre,
d'informier les organes de presse sur les activités du Ministère par le biais de la Direction de l'Information et de la Propagande.

**Article 20.** L'Attaché de Presse est nommé par arrêté du Ministre.

**Chapitre 6**

**du Secrétariat Particulier**

**Article 21.** Le Secrétariat Particulier est chargé de l'enro-gistrement, de la dactylographie et de l'expédition du courrier confidentiel et secret, de la frappe des discours et des communiqués ainsi que de toutes autres tâches qui pourraient lui être confiées par le Ministre.

**Article 22.** Le Secrétariat Particulier du Ministère est rattaché directement au Ministre.

**Chapitre 7**

**du Secrétariat Administratif du Cabinet**

**Article 23.** Les attributions du Secrétariat Administratif du Cabinet seront définies par un arrêté du Ministre compte tenu de la spécificité du Ministère des Transports et des Communications.

**Article 24.** Le Secrétariat Administratif du Cabinet est placé sous l'autorité du Directeur Général du Ministère.

**Chapitre 8**

**de la Direction des Transports Terrestres**

**Article 25.** La Direction des Transports Terrestres est chargée de l'organisation, de la réglementation, de la surveillance et du contrôle des transports routiers, et ferroviaires à l'intérieur de la République Populaire du Bénin.

Elle représente la République Populaire du Bénin dans les relations intraafriques et internationales relatives aux transports routiers et ferroviaires.

Le Directeur des Transports Terrestres représente le Ministre des Transports et des Communications au sein du Comité National de Sécurité Routière.
Article 26. — La Direction des Transports Terrestres comprend :
- le Service Administratif et Comptable,
- le Service de la Réglementation et du Contrôle,
- le Service de la Planification et de la Coordination.

Article 27. — La Direction des Transports Terrestres comprend au niveau de chaque Province, et, dans le cadre d’une déconcentration des attributions de cette Direction, un Service Provincial des Transports Terrestres placé sous l’autorité d’un Chef de Service responsable devant le Directeur des Transports Terrestres, dont il relève.

Chapitre 9

de la Direction de la Marine Marchande

Article 28. — La Direction de la Marine Marchande est chargé d’étudier, de proposer et, le cas échéant, de prendre toutes mesures tendant au développement des activités maritimes et d’assurer l’application des dispositions du Code Maritime de la République Populaire du Bénin ainsi que de tous textes pour sa mise en œuvre.

Elle assure la réglementation et le contrôle de la navigation et de la Sécurité maritime, gère l’administration de gons de mer, le trafic maritime ainsi que la pêche maritaine en liaison avec la Direction des Pêches. Elle représente la République Populaire du Bénin dans les Organismes Africains et Internationaux relatifs aux transports maritimes.

Article 29. — La Direction de la Marine Marchande comprend quatre services généraux et un service extérieur qui sont :
- Un Service Administratif et Financier,
- Un Service de la Réglementation et des Affaires Economiques,
- Un Service des Études Maritimes,
- Un Service de l’Apprentissage et du Perfectionnement Maritimo,
- Un Service de la Circonscription Maritime du Littoral Béninois.

Chapitre 10

de la Direction de l’Aéronautique Civile

Article 30. — La Direction de l’Aéronautique Civile est chargée de l’étude, de l’organisation, de la réglementation, du contrôle du développement des activités aéronautiques à caractère commercial. Elle détermine le statut des aéronefs et veille à leurs conditions de navigabilité. La Direction de l’Aéronautique Civile, en liaison avec l’Agence pour la Sécurité de la Navigation Adrienne en Afrique et à Madagascar,
veille à la Sécurité de la Navigation aérienne et enquête sur les accidents de circulation. La Direction de l'Aéronautique Civile gère les Aérodromes non confiés à l'ASECNA et représente la République Populaire du Bénin dans les Organismes Africains et Internationaux relatifs aux Transports Aériens.

**Article 31.** - La Direction de l'Aéronautique Civile comprend :

- le Service de la Navigation Aérienne et du Transport Aérien
- le Service des Infrastructures et Bases Aériennes
- le Service Administratif et Financier.

**Chapitre 11**

**du Comité National de Sécurité Routière**

**Article 32.** - Le Comité National de Sécurité Routière est chargé de proposer au Gouvernement la définition d'une politique dans le domaine de la Sécurité Routière et de veiller à son application.

Il arrête les mesures générales destinées à améliorer la circulation routière, fait des suggestions sur les orientations des programmes d'amélioration de l'infrastructure routière et des propositions au Gouvernement dans le domaine de formation et d'information des divers usagers de la route ainsi que le cadre des négociations internationales en matière de Sécurité Routière.

**Article 33.** - Le Comité National de Sécurité Routière est doté d'un Secrétariat permanent dirigé par un Secrétaire Général nommé par Arrêté du Ministre des Transports et des Communication

**Article 34.** - Le Secrétariat permanent est structuré comme suit

- Une Section administrative
- Une Section financière.

**Chapitre 12**

**des Entreprises Publiques et Semi-Publiques**

et des Organismes sous tutelle

**Article 35.** - Les Entreprises Publiques, Semi-Publiques et les Organismes placés sous la tutelle du Ministère des

.../....
Transports et des Communications sont les suivants :

- l'Organisation Commune Bénin-Niger des Chemins de Fer et des Transports (OCBN)
- la Société Nationale des Transports Routiers du Bénin (TRANS-BENIN)
- le Port Autonome de Cotonou (PACP)
- la Compagnie Béninoise de Navigation Maritime (COBENA)
- l'Office Béninois des Manutentions Portuaires (OBEMAP)
- l'Agence pour la Sécurité de la Navigation Aérienne en Afrique et à Madagascar (ASECNA)
- la Société Nationale des Transports Aériens du Bénin (AIR-BENIN)
- l'Office des Postes et Télécommunications (OPT).

**Article 36.** - Leurs attributions et leur organisation sont celles prévues par leurs statuts réglementaires.

**TITRE III**

**Dispositions Diverses**

**Article 37.** - Chaque direction est placée sous l'autorité d'un Directeur nommé par décret pris en session du Conseil Exécut National ou de son Comité Permanent.

**Article 38.** - Chaque Service est placé sous l'autorité d'un Chef de Service qui est responsable devant le Directeur dont il relève.

Les Chefs de Service sont nommés par arrêté du Ministre, sur proposition du Directeur.

**Article 39.** - Les modalités d'application du présent décret seront fixées par arrêté du Ministre des Transports et Communications.
Article 40. — Le présent décret, qui abroge toutes dispositions antérieures contraires, sera publié au Journal Officiel.

Fait à Cotonou, le 18 Avril 1981

par le Président de la République,
Chef de l'État, Président du Conseil
Exécutif National,

Signé : Mathieu Kerekou

Le Ministre des Transports
et des Communications — Pour le Ministre des Finances
absent, le Ministre de l'Industrie, des Mines et de l'Energie
chargé de l'intérim,

Signé : François Dossou

Signé : Barthélemy Ohouens

Améliorations : PR 8 CS 6 CC du PRPB 4 SGG 4 MINES 20 MF 5
Autres Ministères 20 SPD 2 BN 2 UNB-FASJEP 4 DPE-DAJL-INSAE 6
IGE et ses sections 4 DCCT-ONEPI-Gde Chanc. 3 DB-DGF-Solde 6
Trésor 4 DI 4 BCP 1 JORPB 1.
ARRÊTÉ
n° 009/81
déterminant l'organisation et le fonctionnement des services de la Direction de la Marine Marchande

LE MINISTRE DES TRANSPORTS ET DES COMMUNICATIONS

VU 1° Ordinance n° 77-32 du 9 septembre 1977 portant promulgation de la Loi Fondamentale de la République Populaire du Bénin

VU le Décret n° 80-39 du 12 février 1980 portant composition du Conseil Exécutif National et de son Comité Permanent

VU le Décret n° 172/PF/MTPPT du 18 juin 1968 portant création d'une Direction de la Marine Marchande

VU le Décret n° 81-115 du 18 avril 1981 portant attributions, organisation et fonctionnement du Ministère des Transports et des Communications

ARRÊTÉ

Article 1 : - La Direction de la Marine Marchande comprend :
   - le Service de la Réglementation et des Affaires Économiques
   - le Service des Études, de la Recherche et de la planification
   - le Service de la Formation Maritime
   - le Service Administratif et Financier.

Article 2 : - Placé sous l'autorité d'un Chef de service assisté d'un Adjoint, le service de la réglementation et des Affaires Économiques est chargé :
   - de la conception et de l'interprétation de la réglementation en matière de transport maritime,
   - de la conception et de l'interprétation de la réglementation en matière de pêche maritime en liaison avec la Direction des pêches.
- de la caisse mutuelle des pêches maritimes
- de la réglementation du statut des navires et de la sécurité de la navigation
- de l'assurance des navires
- du visa des contrats d'achat, de vente et d'affrètement des navires
- de la béninisation des navires
- de l'immatriculation des navires et des barques
- de la réglementation, de l'organisation et du contrôle du trafic maritime
- de la réglementation du statut des marins
- de l'organisation du travail à bord des navires et des barques béninois
- de l'administration des épaves et de la conservation des hypothèques
- de la gestion du domaine public et du domaine privé maritime en ce qui concerne notamment l'extraction des amendements marins (sables, graviers etc)
- de la conservation de l'environnement marin et de la lutte contre la pollution marine
- des relations extérieures du Bénin dans le domaine maritime
- des relations avec toute organisation professionnelle maritime étrangère
- de la répartition des cargaisons dans le cadre de l’Arrêté Interministériel n° 906/mTC/DGM/SP-C du 9 Juillet 1980

Il comprend quatre divisions
- la Division des Relations Extérieures et du fret
- la Division des Activités Maritimes et portuaires
- la Division de l’Environnement marin et du Domaine Public Maritime
- la Division du Navire et des Gens de mer

Article 2. - Placé sous l’autorité d’un Chef de Service assisté d’un Adjoint, le Service des Études, de la Recherche et de la Planification est chargé :
- de rassembler la documentation nécessaire au suivi et au développement des activités maritimes
- d’établir les données statistiques nécessaires au développement rationnel des activités maritimes.
- d'effectuer toutes études tendant au développement harmonieux des activités maritimes.
- de l'information sur l'évolution des activités maritimes
- de l'organisation des événements maritimes
- de la recherche hydrographique
- de la recherche scientifique et technologique concernant les navires

Il comprend quatre divisions

- la Division de la Documentation et de l'Information
- la Division de la Statistique
- la Division des Etudes et de la Planification
- la Division hydrographique

**Article 4.**— Placé sous l'autorité d'un Chef de Service assisté d'un Adjoint le service de la formation maritime est chargé:

- de la planification de la formation des gens de mer
- de la réglementation et de l'organisation de la formation maritime
- de la délivrance des brevets, diplômes et certificats
- des dérogations
- de l'équivalence des brevets, diplômes et certificats étrangers
- du placement des marins formés

Il comprend deux divisions:

- la Division de la programmation
- la division des titres professionnels

**Article 5.**— Placé sous l'autorité d'un Chef de Service assisté d'un Adjoint le Service Administratif et Financier est chargé:

- du fonctionnement du Secrétariat Administratif
- de la gestion du personnel des Services Centraux et Extérieurs de la Direction de la Marine Marchande
- de l'élaboration et de l'exécution du budget de la Direction
- de la tenue des livres réglementaires
- de la gestion des matériels
Il comprend trois Divisions :
- le Secrétariat Administratif
- la Division de la Comptabilité et du Matériel
- la Division du Personnel

**Article 6.** - Les Services Extérieurs de la Direction de la Marine Marchande sont :

- la Circonscription Maritime du Littoral Béninois
- la Station Maritime de Grand-Popo
- la Station Maritime de Sémlé-Kpodji

**Article 7.** - Placée sous l'autorité d'un Chef de Circonscription ayant rang de Chef de Service et assisté d'un Adjoint, la Circonscription Maritime du Littoral Béninois est chargée de l'application de la réglementation en matière de navigation maritime et de police des pêches maritimes notamment en ce qui concerne :

- le Statut des navires
  - visites de sécurité
  - tenue du fichier des navires
- le Statut des marins
  - identification des marins
  - tenue du fichier des marins
  - inspection du travail maritime et règlement en conciliation des litiges entre marins et armateurs.
  - santé des gens de mer
- la police de la navigation
- la police des pêches maritimes
  - armement des vedettes garde pêches et garde côtes
  - règlement des conflits relatifs aux pertes de matériels de pêche artisanales
- la préparation des travaux de la Commission Centrale de Sécurité
- la tenue du Secrétariat de la Commission Centrale de Sécurité
- l'Exécution des décisions des Commissions de Sécurité
- l'Assistance technique à l'occasion des enquêtes nautiques
- le Sauvetage Maritime

.../...
Elle comprend
- le Centre de Sécurité de la Navigation et du Sauvetage Maritimes
- la Section Santé des Gens de Mer
- la Section Navigation
- la Section Gens de Mer

**Article 8.** Placée sous l'autorité d'un chef de Station ayant rang de Chef de division la Station Maritime de Grand Popo et celle de Sémé dépendent de la Circonscription Maritime du Littoral Béninois et sont chargées :

- de l'exécution de la réglementation en ce qui concerne les pirogues et les navires de moins de 10 tonnes de jauge brute
- de l'exécution de la réglementation en ce qui concerne les pêches maritimes (en liaison avec le responsable des pêches).
- de la tenue des fichiers relatifs aux pirogues, aux navires et aux gens de Mer.

**Article 9.** Le Secrétariat particulier est chargé

- des correspondances privées du Directeur de la Marine Marchande
- des correspondances confidentielles officielles,
- des correspondances avec la marine militaire et l'escadille nationale ou les Forces de Sécurité Publique
- des correspondances relatives

- aux litiges entre navires de commerce ou de pêche et navires de guerre
- aux autorisations de passage inoffensif des navires de guerre étrangers dans les eaux territoriales
- au service civique des marins de la marine marchande dans la marine militaire
- à l'harmonisation des activités des bâtiments de la marine militaire et des vedettes garde côte
- à toutes questions de défense nationale ou de sécurité publique

.../...6
Article 10. — Le Directeur de la Marine Marchande est chargé de l'application du Présent arrêté qui sera publié au Journal Officiel de la République Populaire du Bénin.

Fait à Cotonou le 20 AOÛT 1981

LE MINISTRE DES TRANSPORTS ET DES COMMUNICATIONS

Signé : François BOSSOU.
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