The role of maritime administration in ensuring quality shipping services: a guide to Cape Verde Maritime Administration

Joao Lopes do. Rosario

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WORLD MARITIME UNIVERSITY
Malmö, Sweden

THE ROLE OF THE MARITIME ADMINISTRATION IN ENSURING QUALITY SHIPPING SERVICES

A guide to Cape Verde Maritime Administration

By

JOÃO LOPES DO ROSÁRIO
Cape Verde

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

MASTER OF SCIENCE

In

MARITIME ADMINISTRATION AND ENVIRONMENT PROTECTION

2000

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DECLARATION

I certify that all the material in this dissertation that is not my own work has been identified, for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personnel views, and are not necessarily endorsed by the University or the Cape Verde Maritime Administration.

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ABSTRACT

Title of Dissertation: The Role of the Maritime Administration in Ensuring Quality Shipping Services: A Guide to Cape Verde Maritime Administration

Degree: MSc

This dissertation examines the state of Cape Verde Maritime Administration and looks at the management tool ‘quality’ as a means to develop its management and operations in order to ensure quality shipping services.

Cape Verde is an archipelago, and its strategic geographical location has made the country an important transit point for decades as it is situated upon one of the main transit routes. The danger posed by ships either passing or using the Cape Verdean ports, the urgent need for improved quality driven by customers’ demands, and the recent focus on it by most globalised organisations are obvious reasons to improve and ensure quality for the country’s well being.

Quality Maritime Management and the issues that need to be included in order to achieve a high management level within the Administration. These include economic issues relating to free and fair competition in sea transport, likewise, safety and environmental protection issues that need to be adopted so as to achieve safety of life at sea, pollution prevention and protection of the marine environment.
Regulatory issues as they relate to legislation at the national level, and rules and guidelines as stipulated by IMO for addressing economic, social and technical aspects are addressed. Finally, service issues relating to economic, safety and environment prevention and response are analysed.

The reshaping of the old Maritime Administration is also looked at with a view of developing an Administration that will keep pace with modern maritime thinking. Proposed mandate, mission, objectives and short and long term strategies are developed and are offered as a guide for the development of the new Cape Verde Maritime Administration.

The need for an integrated relationship is also evaluated, as it is realised that, in order for quality to be maintained within the maritime administration, the support of all parties involved is required in the maritime business such as shipowners, charterers, insurers, port authorities, classification societies as well as the International Maritime Organisation.

In conclusion, both short and long term strategies, as they relate to administrative management, safety and environment protection and public maritime services are recommended with the aim of improving and ensuring quality within the overall maritime management of Cape Verde.

**Key words: Quality, Management, Legislation, Implementation, Enforcement, Improvement.**
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LISTS OF ABBREVIATIONS

BCH Code The Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk
CLC Civil Liability Convention
CMI Committee Maritime International
COLREG Collision Regulation
DGMP General Directorate of Marine Affairs and Ports
DGPS Differential Global Positioning System
DOC Document of Compliance
EC European Commission
<table>
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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>EEZ</td>
<td>Economic Exclusive Zone</td>
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<tr>
<td>EIU</td>
<td>Economist Intelligence Unit Limited</td>
</tr>
<tr>
<td>FAL</td>
<td>Facilitation Convention</td>
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<td>FSI</td>
<td>Flag State Implementation</td>
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<td>FSQC</td>
<td>Flag State Quality Control</td>
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<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>IACS</td>
<td>International Association of Classification Societies</td>
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<td>IAMSAR</td>
<td>International Aviation &amp; Maritime Search and Rescue</td>
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<td>IG</td>
<td>International Group</td>
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<td>ILO</td>
<td>International Labour Organisation</td>
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<td>IMO</td>
<td>International Maritime Organisation</td>
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<td>ISM Code</td>
<td>International Safety Management Code</td>
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<td>ISO</td>
<td>International Organisation for Standardisation</td>
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<tr>
<td>ITF</td>
<td>International Workers Federation</td>
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<tr>
<td>LDC</td>
<td>London Dumping Convention</td>
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<td>LL</td>
<td>Load Lines</td>
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<td>MARAD</td>
<td>Maritime Administration</td>
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<tr>
<td>MFN</td>
<td>Most Favoured Nations</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
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<td>MTTS</td>
<td>Ministry of Transport, Tourism and the Sea</td>
</tr>
<tr>
<td>NOx</td>
<td>Nitrogen Oxide</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
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</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>OPA</td>
<td>Oil Pollution Act</td>
</tr>
<tr>
<td>OPRC</td>
<td>Oil pollution Response, Preparedness and Co-operation</td>
</tr>
<tr>
<td>P&amp;I</td>
<td>Protection &amp; Indemnity Club</td>
</tr>
<tr>
<td>SAR</td>
<td>Search and Rescue</td>
</tr>
<tr>
<td>SMS</td>
<td>Safety Management System</td>
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<tr>
<td>SOLAS</td>
<td>Safety of Life at Sea</td>
</tr>
<tr>
<td>SOx</td>
<td>Sulphur Oxide</td>
</tr>
<tr>
<td>STCW</td>
<td>Standards of Training, Certification and Watchkeeping for Seafarers</td>
</tr>
<tr>
<td>SWOT</td>
<td>Strengths, Weakness, Opportunities and Threats</td>
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<tr>
<td>UNCLOS</td>
<td>United Conventions on the Law of the Sea</td>
</tr>
<tr>
<td>UNCTAD</td>
<td>United Nations Conventions on Trade and Development</td>
</tr>
<tr>
<td>VTS</td>
<td>Vessel Traffic System</td>
</tr>
<tr>
<td>WCAR</td>
<td>West and Central African Regions</td>
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<td>WTO</td>
<td>World Trade Organisation</td>
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CHAPTER 1

INTRODUCTION

Quality is a long-term goal, which is as a result of a series of well thought out initiatives by all parties involved. The maritime industry is no exception. Thus quality-shipping services require quality thinking by quality managers within a maritime administration and by all interested parties in the maritime sector.

Maritime Administrations by themselves cannot ensure quality, thus they require support from governments in seeing to the speedy ratification and implementation of conventions. The slower countries are in implementing these conventions the less control they have over the maritime affairs within their countries and those that are internationally driven. Cape Verde over the years has paid very little attention and has been slow in the implementation of conventions, which are the main tools for ensuring quality shipping service within the country on a unilateral basis.

Governments perceive the shipping industry to be simpler than it really is. Governments, rather than implementing IMO conventions, instead enforce their local legislation, forgetting that their ships are trading in international waters and the country is involved in international trade. It is all well and good for countries to have their national legislation but by themselves they are not in support of what organisations like IMO wants to achieve internationally.
The United States for example implemented OPA 90 which requires ships using their ports to comply with different standards from what is achieved globally, thus making trading internationally more difficult.

The normal economic interests of the United States dominated its interactions rather than what is practical for all. Frankel (1995) stated, “It appears that the OPA 90 and the related regulations are economically bad deals, as they are introduced to counter public concern and are essentially political measures to calm waters without tackling the basic problem of safety of navigation and the so-called freedom of the seas”. Instead there should be a universal consensus where private players and governments operate within the same legal framework. The Hague, Hague-Visby and Hamburg rules are rules, within the carriage of goods by sea, which aid in bringing about equity and enforcing quality standards within the shipping industry.

Over the years due to individualistic behaviour and non-implementation of conventions, protocols, rules etc. by countries worldwide, the output of quality shipping has been unsatisfactory. Safety performance as it relates to humans, ship operations and environmental protection are of major concern to IMO and other regulatory bodies. It was realised that most of the safety inputs are driven by accidents and are not so much as a result of the flaws of the system. Governments are urged to control the output by managing the inputs, enforcing harmonised rules and securing a sound economic development within the shipping industry through full enforcement of these conventions. IMO and ILO are busy introducing new safety inputs into the system through more rules and enforcement.

Besides safety, governments are also concerned with economic inputs, e.g. fiscal and subsidy schemes, open registration and cargo reservation. These are often of a conflicting nature. Many fiscal and subsidy schemes have been introduced to counter
the economic effects of flagging-out.

Governments of the traditional maritime countries are known for implementing such strategies which oftentimes lead to uncoordinated economic and safety measures within the system. Similarly, open registration also gives rise to uncoordinated inputs, with emphasis on those economic inputs that create the conditions for sub-standard shipping. Governments are also sometimes guilty of failing to co-ordinate safety and economic inputs that will provide the right mix of both national and global efforts.

Conflicting and uncoordinated inputs often lead to unexpected and unwanted results. In the sphere of shipping, all players have their own private economic interest in the safety output, i.e. the safety performance standards of shipping. Port States for example, are more concerned with survival. There is however a legal framework, which addresses conflicts and disputes. The legal framework is meant however, to handle claims and not prevention. Moreover, due to limitation of liability and compensation, the framework may even hamper prevention. The current legal framework might well be an obstacle to self-regulation.

One should, however, not be surprised to see that the safety and economic outputs of the shipping system are often quite different from that intended by governments. Governmental safety as well as economic goals are not being met. Many governments and international organisations are reacting by doing more of the same, i.e. creating more input. However, the problem is that the extra input has not worked so far. Adding more safety input into the system, without having an effective global enforcement in place, leads only to enlarging the economic benefits of non-compliance. More rules will just enlarge the differences between the ‘good’ owners and the ‘bad’ ones and provide more economic benefits in favour of open registries. This then will, of course, result in even more economic inputs of traditional maritime
countries.

1.1 Scope of the Study

This dissertation should be of interest to anyone who is involved in maritime administration. However, the focus is on Cape Verde Maritime Administration. Its main aims are:

- To identify and analyse shipping activities as they relate to the day to day functions of the Cape Verde Maritime Administration;
- To formulate policies and identify strategies to be employed in addressing both short and long-term problems;
- To propose, suggest and recommend the strategies for the development of a new Cape Verde Maritime Administration.

Chapter Two provides an overview of Cape Verde which looks at the geographical location, the national economy and the legislative system, with a brief reference to the procedures for maritime legislation and the status of the country’s involvement in international fora. Shipping activities are identified, such as the national fleet, training, repair facilities, etc. and analysed. Last but by no means least, the Maritime Administration’s current situation is presented and analysed, as well as its strengths, weaknesses, opportunities and threats.

Chapter Three focuses on quality maritime management. It also looks at the Maritime Administration’s policy, regulations and service issues as well as how the shipping sector in Cape Verde meets its economic, safety and environmental challenges.
Chapter Four proposes vision and mission statements and objectives as well as both long-term and short-term strategies (economic, safety, environmental and administrative) for the development of a new Cape Verde Maritime Administration.

Maritime policy formulation, conditions for ship registration, the need to follow-up on the ratification of conventions and the country’s relations in a global sense are identified as key areas for attention.

Chapter Five looks at the Maritime Administration and its relationship with various external parties (shipowners, charterers, port authorities, insurers, classification societies, etc.) in ensuring quality shipping service. The Port, Flag and Coastal State authorities serve as controlling bodies within the Maritime Administration.

Chapter Six concludes and provides recommendations to the Maritime Administration as to the policies and strategies that it should adopt so as to ensure quality-shipping services.
CHAPTER 2

AN OVERVIEW OF CAPE VERDE

2.1 Overview

The Republic of Cape Verde (See Appendix 1) is an archipelago that measures 4,033 square km in land area, which originally emerged following volcanic activity. The islands that make up the archipelago are located about 450 Km west of Dakar, the capital of Senegal off the West Coast of Africa ranging from longitude 22 to 26 degrees West and from 14.5 to 17.5 degrees North. The country consists of 10 islands and eight islets. The islands were discovered in 1456 by the Portuguese and were subsequently colonised by them. Cape Verde became independent in July 1975.

The archipelago is divided into two groups: The Windward group (Barlavento), which comprises of the islands of Santo Antão, Sao Vicente, Santa Luzia, Boavista, Sal and São Nicolau, and the Leeward group (Sotavento), which is composed of the islands of Santiago, Maio, Fogo, and Brava. Generally, the country is lacking in greenery as the entire land area is characterised by dry weather and volcanic soil.

The coastline of the country is approximately one thousand kilometres in length. There are many beautiful beaches on some of the islands mentioned above, a stimulus to tourism.
With the entry into force of the United Nations Convention on the Law of the Sea (UNCLOS-82) in November 1994 the Economic Exclusive Zone (E.E.Z) is about 734,265 square kilometres. Notwithstanding the mentioned above information, the country has ambitions in the maritime field, although it remains a somewhat distant prospect.

### 2.2 Population

Nine of the ten islands are inhabited, with an estimated population of about 390,000 people, and with a growth rate 2% per annum. Since the 19th century Cape Verdeans began emigrating to seek employment, and many worked on US whaling ships and settled in New England, Boston, where there is still a large Cape Verdean community. When immigration to the USA became more tightly regulated early this century, Cape Verdeans sought better fortune in South America (particularly Brazil) and in other Portuguese colonies in Africa. Since the Second World War most have gone to Europe in search of a better life. As a result there are today many more Cape Verdeans abroad than in the archipelago and the economy is heavily dependent on remittances from migrant workers. Some 600,000 Cape Verdeans are estimated to be living abroad (principally in the USA, Portugal, France, Latin America, Senegal, Guinea-Bissau, and others African and European countries). Recently, annual emigration has fallen below 2,000 people having been over 10,000 during the 1970s. (EIU-The economist Intelligence Unit Limited country profile 1993-1994 pp. 84 and 87).

### 2.3 The Economy

During the early years after Cape Verde’s independence in 1975, the country’s economy grew at an average annual rate of 11%. After 1980, however, real GDP grew more slowly, largely due to the fall off in investments and foreign aid. There was a reduction in agricultural production, and in the income from port services and international airport traffic.
During the period 1981 to 1989, real GDP grew unevenly but at an average rate of 7%. It slowed to 2.4% in 1990, remaining a bit stronger than the growth rate of the country’s population.

In 1991, the government developed the following strategies for stimulating growth in the economy:

- Adopt market-oriented, outward-looking policies;
- Liberalise the economy and open it up to foreign and domestic private investment;
- Take steps to diversify the economy and reduce its dependence on services.

2.3.1 Main Economic Sectors

Cape Verde’s open economy allows for the free flow of goods and services to and from the country. Cape Verde’s strategic geographical location has made the country an important transit point for decades as it sits astride major shipping and air routes. Services for ships and aeroplanes remain a significant economic activity.

In the early 1990s the government targeted light manufacturing, fishing, and tourism as sectors promising the highest growth. Activities currently generating interest among investors include clothing and footwear production, fish processing, and hotel development. Cape Verde’s large exclusive economic zone, is still today, one of the last significantly under-used fisheries in the world.

The waters of Cape Verde hold a large number of valuable fish species. It is estimated that the annual yield of some of the more popular species is 7,300 tons for deep-water species; 11,000 tons for small pelagic species; 22,000 tons for tuna; and 1,800 tons for lobster. Several other species, such as shark and molluscs, are found in Cape Verde’s waters, but their yields have not yet been studied. Fishing around the archipelago remains largely in the hands of artisan fishermen, who catch only a small percentage of the total sustainable yield. The yield is estimated by scientists to be
45,000 tons/year.

Cape Verde presently offers foreign investors major advantages in a number of markets, especially in the growth areas of light manufacturing, tourism, fisheries, transportation, and communications, PROMEX’S Guide for investors p-12).

2.4 The Legislative System

2.4.1 The Constitution

The constitution defines Cape Verde as a sovereign, unitary and democratic republic. It guarantees respect for human dignity and recognises the inviolable and inalienable protection of human rights as a fundamental principle of humanity, peace and justice. It also recognises the equality of all citizens before the law, without distinction of social origin, social conditions, economic status, race, sex, religion, political convictions or ideologies, and promises transparency for all citizens in the practising of fundamental liberties.

Under the Constitution the Republic of Cape Verde commits to creating, progressively, the necessary conditions for the removal of all obstacles which impede the development of mankind or limit the equality of citizens and their effective participation in the political, economic, social and cultural organisations of the State and Cape Verdean society.

The Head of State is the President of the Republic, who is elected by universal adult suffrage and must obtain two-thirds of the votes cast to win the first round of the election. If no candidate secures the requisite majority, a new election is held within
21 days and is contested by the two candidates who received the highest number of votes in the first round. Voting is conducted by secret ballot.

Legislative power is vested in the National People’s Assembly, which is also elected by universal adult suffrage. The Prime Minister is nominated by the National People’s Assembly, to which he is responsible. The Prime Minister appoints the Council of Ministers, whose members must be elected deputies of the National People’s Assembly. There are 16 local government councils, which are elected for a period of five years.

There are, at present, a number of Ministries and some of them are involved with shipping matters in one way or another. The basic instructions given to the Maritime Administration are in principle determined by the division of work between the Ministry for Maritime Affairs and other Ministries. The following are some of the issues, which may be handled separately or shared by the various Ministries.

- Matters concerning budgets and legislation, international agreements and all matters, which are to put forward to the Government, or to Parliament.
- Appointments, and dismissals and the other personnel matters which, pursuant to the provisions in force, rest with the Ministry for Maritime affairs.
- Matters of priority and general public interest.

**2.4.2 Procedures for Generating Maritime Legislation in Cape Verde**

For the implementation of any IMO Convention, it is necessary for the Maritime Administration, shipowners, inspectors, ship officers and crew to be fully aware of its provisions and to bear in mind that a Convention is legally binding.

There are specific obligations, which are to be accepted by a State once it ratifies a Convention. For a speedy and smooth implementation of this Convention it is necessary for the participation of the following parties:
• Government of the State (the political body having power to conclude international agreements);
• Legal administration;
• Maritime Administration;
• Shipowners;
• Port Authorities

Each sector should know exactly what its responsibilities are as well as those of its staff and the requirements to be imposed on ships and ports. In Cape Verde the administrative measures related to maritime affairs are taken by the government through the General Directorate of Marine Affairs and Ports, which see to the implementation of Conventions.

Although some Conventions stipulate that maritime administrations should provide advice to the legal department, Government, the shipping industry and the port authorities, it does not work quite like that in Cape Verde. Instead the following procedures are utilised:
• First, the proposal is developed by the Administration and submitted to the Minister for Maritime Affairs, who in turn seeks approval from the Minister’s Council;
• If the Minister’s Council accept, the document is further submitted to the government for their approval;
• Once the government approves, a Bill is presented to the National Assembly where further discussion takes place;
• Once finalised, the National Assembly prepares a Decree-Law and this Decree-Law will contain details regarding principles and provisions.

2.4.3 The Involvement of Cape Verde in International Fora

Cape Verde has been a member of IMO since 1977. Although the country has only ratified one Convention (the STCW 78 Convention in 1998), it base its maritime
legislation on several other important conventions, including:

- FAL/65 Convention;
- SOLAS/74 Convention;
- COLREG/72 Convention;
- LL/66 Convention; and
- LDC/72 Convention. Source: (IMO, 1998)

2.5 Shipping Activity

Although Cape Verde only has a small national shipping fleet that meets the essential needs of the country, there continues to be a substantial amount of traffic that contributes to the country’s economic growth and touches every sphere of the society.

Over the last five years, the ports of Cape Verde have received a considerable amount of ship calls, reflecting an annual increase of 6%.

This increase is attributed to the progressive growth in transhipment activity, transit passage for supply of bunkers and tourist activities. The growth in the country’s import of goods has also contributed to the above-mentioned increase in ship calls.

The maritime transportation sector has been growing rapidly in Cape Verde reflecting an annual increase of 5% GDP in recent years. One of the sectors that have grown in tandem with this increase is the activity within the Ports. In 1970 the gross domestic product was US$312 million compared to approximately US$940 million today.

The total volume of cargo handled by Cape Verde’s ports in 1999 amounted to 820,535 tons. Of this total, international trade for both import and export cargoes was 573,446 tons, an increase of 6.94% when compared with the total in 1996 (See graph 1). Cargo transported annually depends mainly on the nation’s purchasing power, rainfall, and the progress of development projects being undertaken.

Coastal trade is reserved for national flag vessels. Transportation between the islands
is carried out entirely by vessels registered for this purpose and all are registered in the country’s conventional registry. In 1995 inter-island trade totalled 267,174 tons of cargo, while in 1999, 345,404 tons of cargo were handled, an increase of 29.3 % when compared to the period in 1995. Source: (ENAPOR, 2000)

Due to the number of islands within the country, the demand for ports to serve the island’s population is relatively high.

Each island unavoidably needs at least one port. Cape Verde has two international ports located on the major populated islands (Santiago and Sao Vincent islands), and a considerable number of national ports in the smaller islands.

**Figure 2.1 Cargo Movement within Cape Verde Ports**
2.5.1 Ship Repair Facilities

Ship repair facilities in the Republic of Cape Verde are concentrated in Mindelo (Sao Vicente Island), which holds the country’s foremost harbour facilities where many ocean-going and domestic ships call. CABNAVE shipyard is capable of undertaking full-scale repairs on large deep-sea ships, while LUSONAVE shipyard repairs mostly fishing boats.

CABNAVE dockyard was established in 1985 and is joint ventures between the government of Cape Verde; LISNAVE, a Portuguese Dockyard; DEVAL, a Dutch corporation; and private organisations within the republic of Cape Verde. Actual operations got under way in 1986 with the focus on repair work.

As a semi-governmental enterprise, CABNAVE is currently managed under a lease contract with CABMAR. The company is 87.5% owned by the State and 12.5% by individuals.

CABNAVE dockyard can undertake slipway lifting of ships up to 110 metres, 18 meters wide, and with hull weight of 2,800 tons. It is equipped with a slipway system and six dry ship-parking work areas where dry ships undergo repair work. To carry out rubber docking repairs or prepare for hoisting by the slipway (draft and trim adjusting, etc.), CABNAVE has a wharf measuring 130 metres long and 8 metres deep. Plants including an iron works, a mechanical workshop, a pipe works, and a paint works are available. In addition, there is a warehouse, a technical training centre, mobile cranes, gas, electricity and water facilities.

2.5.2 National Fleet

Cape Verde has one of the smallest fleets in the world in terms of tonnage and vessel numbers. The major national shipping company owned by the State (ARCA VERDE), is engaged in both international and national trade, but is in the process of liquidation.
The government decided to eliminate the vessels engaged in international trade in the first phase and the domestic fleet in the second phase, due to poor management and maintenance of the fleet coupled with the non-viability of the company. The government is imploring the private sector to explore the potential for maritime trade both nationally and internationally. However there are no incentives, (e.g. subsidies) available in the maritime sector to stimulate and support national ship owners. There are some joint-venture shipping companies that are operating their vessels under bareboat chartering arrangement and is using Cape Verde as a second registry. The government has approved the creation of an international ship registry, which it is now in the process of implementing to deal specifically with foreign owned vessels.

2.5.3 Training Institute
The Training Institution (ISECMAR) was established in 1984 with the aid of the Norwegian government, and to-date has trained many key-shipping personnel to handle maritime transportation activities within the country. In 1991 a five-year plan with the aim of expanding the centre was initiated and financed by the Norwegian government. Along with the training of all-shipping personnel and harbour-related technical personnel, the institution has recently set up a new research organisation, established another radio-electronics department and inaugurated a research consultancy course for ship owners.

2.5.4 Port Authority
The National Port Administration (ENAPOR), in Cape Verde is separate from the Maritime Administration. It is in charge of the planning and management of the ports, mainly for their commercial purposes and for vessels traffic services. It is however not responsible for the establishment and operation of lighthouses, pilotage and other maritime aids as is the tradition of many other ports. Among the many and varied duties of the Port Authority, its main functions are as follows:
• The management and control of port services;
• Organising the use of the ports and planning their development;
• The management and control of port services;
• Elaborating projects for the construction of necessary installations;
• Elaborating port regulations in co-ordination with the Maritime Administration (MARAD);
• Authorising port services to be realised by personnel not belonging to the Port Authority;
• Controlling within port areas and ensuring compliance with the regulations as stipulated by the dangerous goods code;
• Approving taxes for the different services provided by the ports;
• Promoting the training of port personnel and carrying out research and development projects related to port productivity.

2.6 Maritime Administration
For many years the Cape Verde Maritime Administration has been based on the old Portuguese legislation and it focus of responsibility has frequently changed from one Ministry to another. In 1995 the Ministry of the Sea was created as a government consultative organ to deal with all matters related to the use of the sea and its exploitation. Two years later a law on ports and the merchant marine was approved, which is now used as the guide in maritime affairs and ports. In 1999 the Ministry was renamed the Ministry of Transport, Tourism and the Sea (MTTS). This Ministry is charged with elaborating proposing and executing the development policies and strategies in all marine sectors of maritime transport and navigation, ports and fishing.

The Cape Verde Maritime Administration otherwise called the General Directorate of Maritime Affairs and Ports (DGMP) is under the direct administration of this Ministry.
The Maritime Administration (MARAD) is responsible for applying and executing the Ministry’s policy for the sectors of ports, marine transport and maritime navigation. In fulfilment of these responsibilities it has the following functions:

- To contribute to the definition of national shipping and port policies;
- To formulate general development policies for maritime transport, navigation and ports;
- To propose broad definitions for areas of port jurisdiction, considering the existing zones for future expansion;
- To ensure compliance with national regulations;
- To authorise the exercise of maritime activities and local traffic, commercial, recreation, etc.;
- To monitor the activities related to the international register of ships;
- To organise and maintain shipowners, ship managers, charterers, fleet and shipping agents registry;
- To promote seafarers training, specialisation, certification and all the seafarers’ management activities.

The MARAD is comprised principally of four departments; (Inspection & Ship Registry, Merchant Marine Services, Legal, and the Administrative Service & Finance Department). There are also two Port Captaincies, which aid in maintaining and carrying out the functions of the administration. The following is an organisational chart, which illustrates the layout of the maritime administration.
2.6.1 Cape Verde Maritime Administration-Organisation Chart

Ministry of Transport, Tourism and Sea
(MTTS)

General Directorate of Marine Affairs and Ports
(DGMP)

Administrative and Finance Department

Legal Department

Inspection and Registry Department

Merchant Marine Service Department

Port Captaincies

Maritime Delegations

2.6.2 Departmental Functions
2.6.2.1 Inspection and Registry Department
The Inspection and Registry Department is the central body in charge of the inspection of ships and overseeing the registration of ships. It has the following functions:

- To oversee the process related to the manning of ships and issuance of ships’ passports as required;
- To organise the technical characteristics of the national fleet and the inspections to be carried out;
- To inspect, license and identify the ship radio stations, and approve the radio-communication and the navigational equipment in co-operation with the central communication system of the country;
- To maintain, administer and control the national registry of ships including the names and the characteristics of ships that fly the national flag;
- To promote inspection and ship safety;
- To organise the registry of ship-owners, ship managers, ship charterers as well as maritime agents;
- To establish the minimum manning safety standards for ships;
- To conduct inquiries into maritime incidents;
- To approve plans, projects and other technical documentation and inspect their direct application in order to ensure conformity with approved documents.

2.6.2.2 Merchant Marine Services Department
The Merchant Marine Services Department is the central body in charge of the initiatives and execution of the activities in the domain of ports, transport and maritime navigation. Its functions are:

- To co-ordinate the exercise of matters related to merchant shipping and recreational activities etc.;
- To contribute to the definition of maritime policy for the country;
- To ensure the application of all administrative and technical procedures in the ambit of competency of DGMP;
- To oversee the registration of seafarers and the issuance of certificates of professional competency to people employed on fishing and merchant ships;
- To participate in the process of acceptance, ratification and implementation of international maritime conventions;
- To promote and control maritime transport and navigation;
- To promote and control hydrographic and ocean cartography activities;
- To co-operate with different agencies in dealing with marine accident investigation;
- To plan, promote and follow the process of training and specialisation of seafarers in order to create basic conditions of efficiency, competition and development in the shipping industry;
- To promote and support techno-economic development of the maritime activity;
- To plan, co-ordinate and maintain the maritime navigation services of the country;
- To organise and maintain the registry of all port infrastructures and equipment existing in the country;
- To verify and control the services provided by other entities within the port jurisdiction area.

2.6.2.3 Legal Department
The Legal Department is responsible for providing legal advice to the Maritime Administration in all matters concerning disputes, accidents and any other areas that may require its support.

2.6.2.4 Administrative Service and Finance Department
The main functions of the Administrative Service and Finance Department are to support the General Director in the administration of the budget, recruitment of new
personnel, logistics support, material purchase and matters related to the salaries of personnel.

### 2.6.2.5 Port Captaincies

Due to the fact that the country has two main island groups (Barlavento and Sotavento), the Port Captaincies’ role is divided into two with the captains being located in the two main ports of the county. Representatives are however used in the smaller ports that report to the port captains.

The Port Captains are given the task of co-ordinating regionally the functions of the maritime administration by making sure that the laws and regulations are complied with in their respective areas of jurisdiction. They are also responsible for:

- Promoting the safety of navigation, the safety of life at sea, the protection of the marine environment and the welfare of those working on board ship including improvements in their working conditions;
- Promoting, in co-ordination and co-operation with other entities involved in shipping activities, the execution of measures to prevent and combat marine pollution, namely, the management of garbage, atomic and industrial residues, safeguarding seabed resources, and under-water cultural heritage;
- Implementing preventive measures against acts of damage to the national heritage both within sea water and on the seabed;
- Co-operating with other authorities in prosecuting acts by ships which violate the national law;
- Participating in the development of maritime and port information systems;
- Supervising the registration and certification of marine personnel;
- Overseen provisions of port pilotage services.
- Seeing to the prevention of crime, ensuring compliance with laws and maritime regulations and effecting the general policing of all areas of jurisdiction that come under the captains of the ports;
Alongside the Maritime Administration is a Contingency Plan Commission established to respond to emergencies as it relates to the search and rescue of human life and property at sea, preservation of the marine environment and the safety of navigation. There are several representatives from different maritime entities who participate in, and provide recommendations as to, the functioning of this commission. The General Director of the Maritime Administration is the head of this commission.

2.7 SWOT Analysis
A detailed audit of Cape Verde Maritime Administration and its environs is imperative at this point in order to ascertain the Administration’s distinctive competencies. These competencies are concerned with identifying those particular strengths and weaknesses, which are internal, and the opportunities and threats which are external to the Administration. The SWOT analysis is a technique, which is used for comparing both the internal or controllable environment and the external or uncontrollable environment so as to have a clearer picture of the Administration’s position as it relates to the market.

2.7.1 Internal Environment

2.7.1.1 Strengths
- Several members of the top management team have been with the organisation for over ten years, from its inception.
- There has been continuous training at the supervisory level, the latest being for Port State Control surveyors and Flag State implementation.
- Cape Verde is strategically located, and is situated upon one of the main transit route for many vessels.
- The Administration recently assisted national shipping companies and shipowners in understanding the reasons for adopting the ISM Code and advises them of the
benefits and pitfalls as they trade internationally.

- An agreement was forged with neighbouring countries recently to co-ordinate efforts and share resources, should there be a need for a search and rescue (SAR) operation.
- There is an adequate system of short-range aids, which includes lighthouses and floating aids.
- High quality Pilotage service is provided by the Administration.
- A comprehensive study is available for an integrated coastal zone management.

2.7.1.2 Weaknesses

- Lack of foresight as to the benefits that can be derived from Conventions, thus Cape Verde has been slow in the ratification and implementation of Conventions.
- The non-implementation of Conventions has made it difficult for the Administration to enforce rules as it affects charterers, shipowners and other interested parties.
- The country has no active participation in IMO meetings.
- Poor management techniques which manifest themselves in the following ways:
  a) No succession planning
  b) Being reactive rather than proactive
  c) Lack of motivation and reward
  d) High staff turnover
  e) Lack of transparency
- Lack of financial resources, which handicaps the development and maintenance of certain infrastructure.
- There is no formal system in place to gather and analyse customer reactions to the services offered.
- Lack of training at the clerical level which would aid in the understanding of certain maritime terms.
- Lack of formal safety assessment as a tool for managing shipping safety.
• Poor relationship among organisations in co-ordinating the search and rescue mission.
• There is a clear need for a more modern style of managing the Administration’s affairs, which should be customer driven.
• The span of control is too wide and a recommended span of 5-6 persons is advised.
• There is no effective national contingency plan to respond to and combat oil spills.

2.7.2 External Environment

2.7.2.1 Opportunities
• There is a potential for the expansion of the fleet due to the international registry, which is to come on stream soon.
• Joining the West Central African Region Memorandum of understanding (WCAR-MOU) provides the Cape Verdean Port State Control personnel with more power to act.
• Cape Verde has a well-established Maritime Institution, which will allow for easier supervision.
• A commercial service e.g. SAR could result in added resources e.g. preparedness fee.
• Emphasis on a national awareness and education program could bring about a better understanding in the maritime industry.
• Early impact assessment programs would help the Administration in recognising problems from the outset.

2.7.2.2 Threats
• There is a lack of shipping expertise, which has resulted in low competition and the difficulty in attracting investment funding.
• High fleet maintenance cost are being endured by shipping companies and shipowners which may result in a reduction of ships flying the national flag.
• The recent process of privatisation within the ports brings about some uneasiness
among port users.

- There have been a considerable number of sub-standard ships calling at the ports.
- There has been an increase in the number of accidents among fishing and recreational vessels.
- Cape Verde is likely to make the “Black List” due to the non-ratification of STCW/95.
- There is a serious concern about the toxicity of anti-fouling paints and the care and handling of dangerous goods.
- There is a loud public outcry about the impact of shipping activities on the environment; thus the need for marine protected areas.

It is clear from the SWOT analysis that there are areas that need to be improved which will contribute to the quality shipping services that the Administration and the Ministry of Transport, Tourism and Sea are trying to achieve. Tardiness in addressing these issues will only result in the Administration taking a much longer time to achieve this reality.
CHAPTER 3

QUALITY MARITIME MANAGEMENT - ISSUES, CHALLENGES

Quality is one of the most important short-term goals of the Cape Verde Maritime Administration. Customers’ demands and the recent focus of most globalised organisations have driven the urgent need. This is not only crucial to the administration’s management success but also for developing better relationships with customers. Thus the administration has no other alternative but to implement a Quality Management System.

The basis for a Quality Management System varies according to various popular theories. It is basically a system where formalised procedures are designed to achieve objectives, and where the effectiveness of the procedures and their applications is measured.

The International Organisation for Standardisation (ISO) has produced a set of standards for quality systems. These standards cover many kinds of organisation, and can be applied to management within any Maritime Administration.

The ISO Standards embody a rationalisation of the many and varied national approaches in the sphere of quality systems. In any administration providing services to the shipping sector, job specifications may not in themselves guarantee that the customer’s requirements will be consistently met.

There may be deficiencies in the specification or in the administration providing the
service, and there may be little or no feedback as to its effectiveness. Thus this has led to the development of quality management systems, standards and guidelines.

The development of quality systems is strongly influenced by the objectives of the organisation, and maritime administrations are no different. The policies and objectives should seek to cover areas of safety, pollution prevention, competition regulation, risk management, training programs, customer satisfaction, etc.

The functions of a maritime administration (MARAD) are those assigned to it, within the framework of the government’s overall maritime development policy and which is duly reflected in its maritime legislation. It is therefore important for the Cape Verde MARAD to look carefully at the country’s maritime legislation so as to identify any shortcomings, which may impede it in carrying out its daily functions. The present maritime development policy includes, among many other things, a definition of “shipping policy” and it encompasses principal elements as to the implementation of certain policy issues and customers to which the policy applies. A good maritime development policy should at least address the following issues:

**3.1 Economic Issues**

There are two main types of economic practice in the shipping business. These are liberalism and protectionism.

**3.1.1 Liberalism**

Liberalism addresses the principle of free and fair competition in sea transport irrespective of the flag the ship is flying. There are no official or universally accepted rules for shipping liberalisation except for the Code of Liberalisation documented by the Organisation of Economic Co-operation and Development (OECD), which has laid down certain principles for addressing it.
The Code stipulates that:

- No government should apply any pressure on shippers as to the choice of ship for carrying their cargoes; this choice should be a matter of normal commercial consideration;
- Governments should refrain from discrimination against importers/exporters, who wish to “ship foreign” by imposing export/import licences, refusing to grant them foreign exchange or forcing them to employ home-flag vessels;
- Even Government controlled organisations should conduct their business on the basis of normal commercial principles.

Today’s shipping liberalism has lost its active character and is mainly limited to objections to any sign of shipping protectionism. The principles of liberal policy in shipping still have meaning, and the countries which advocate these principles, even if they only constitute half of the world’s maritime nations, control a major part of the world’s shipping tonnage.

### 3.1.2 Protectionism

Protectionism is a policy aimed at protecting the national industries from external competition. The objectives of a protectionist policy in shipping are:

- To maintain the already established position of a country’s merchant marine; or
- To expand the merchant fleet to the size and structure desired, as determined by the needs of the national economy of that country.

There are numerous forms of protectionism but three basic forms are:

- Direct or indirect financial assistance/subsidies by the State to private ship owners;
- Other forms of active support for shipping in the form of administrative and legal measures which bring definite advantages to ship owners, but which do not take the form of financial assistance; and
- Government’s direct involvement in shipping
a) Financial Assistance to Shipping

There are many forms of financial subsidies. Some are aimed at the development of shipping activities, while others are used to maintain the established level of development of the merchant fleet. Among the many forms of subsidies, the ones most often used are based on direct and indirect financing. Directly financed subsidies may appear in the form of:

- Construction subsidies;
- Operating subsidies;
- Scrap and building subsidies;
- Credit facilities;
- Guarantees of profits, share of loss, etc.;
- Subsidies of special marine insurance;
- Lease of ships belonging to the State to private companies; and
- Sale of ships belonging to the State to private companies.

Indirectly financed subsidies may be in the form of:

- Subsidies to shipbuilding industries;
- Customs reductions;
- Tax and depreciation allowances;
- Subsidies to immigrant’s fares; and
- Reduction in port and other charges.

Other forms of governmental support in shipping are as listed:

- Preferential treatment of own shipping in domestic ports;
- Cargo reservation; and
- Control of foreign exchange.

Preferential treatment may appear in the form of higher duties, tariffs or other charges on foreign vessels, or discrimination against such vessels as far as availability of
berths is concerned. Cargo reservation is aimed at reserving for the domestic carriers the largest possible share of the country’s sea-borne trade. Cargo preference is used when a country adopts various forms of economic and non-economic measures, which create better conditions for its own ships to carry the country’s trade. These cargo preference measures do not eliminate foreign shipping, which can still compete for the cargoes.

Control of foreign exchange may appear in the form of the country’s monetary policy. Nearly all countries try to reduce the outflow of foreign exchange by introducing export or import licences that restrict the availability of foreign exchange. In this way the State can force its importers or exporters to use the country’s ships exclusively to move its cargoes.

b) Government’s Direct Involvement in Shipping

The principal reason for State involvement in shipping activities in developing countries is due to the fact that the private sectors in these countries are usually financially weak and are reluctant to become involved in an industry they believe will offer only a low rate of return on invested capital. Since shipping is capital intensive and profits are modest, it does not attract private operators who have more lucrative options. Therefore, governments, being aware of the role and importance of shipping in the national economy, are left with no other choice than to assist with sufficient funding to make the venture worthwhile. Whatever the reason and scope for governments’ involvement in shipping, it is most often directed at increasing economic activity.

3.2 Safety and Environment Protection Issues

The prevention of marine pollution from ships is inextricably linked with the prevention of accidents at sea. IMO’s major functions are to make shipping of all types of vessels safer, especially tankers and chemical carriers. The measures are
incorporated in numerous safety conventions and recommendations.
It is often said that the safer a ship, the less likely it is to be involved in an accident.
The measures involve such matters as construction; equipment; navigation
procedures; communications, and crew standards.
The international convention for the safety of life at sea (SOLAS) in successive forms
is generally regarded as the most important of all international treaties concerning the
safety of merchant ships, the first version of which was adopted in 1914. The main
objective of the SOLAS convention is to achieve the highest practicable standards for
the construction, equipping and operation of ships.

Also crucial to the prevention of marine pollution, in the event of an accident at sea,
are improvements in the safe routing of ships through areas of heavy traffic, and
avoidance of hazards to navigation in certain areas and associated threats to the
marine environment. IMO regularly promulgates directives for ships’ routing, traffic
separation schemes, deep-water routes and areas to be avoided. Avoiding certain
areas, which may, for example, be particularly environmentally sensitive, should
reduce the risk of pollution due to hazardous cargoes.

3.2.1 Quality and Safety in the Management of Ship Operations
Providing quality is a very important condition for doing business in the maritime
industry. Quality requires certain choices and it also has supplementary benefits
besides increasing safety and improving on overall operational performance. Indeed,
a demonstration of quality indicates those companies that are competent, and this
image gradually brings its own rewards.

Recently all participants in shipping activities were called upon to improve safety and
avoid pollution to the environment by implementing the ISM Code, which was made
mandatory for all.

a) The International Safety Management Code (ISM Code)
In response to the growing concern over declining vessel operating standards and major accidents, such as the “Herald of Free Enterprise” and the “Scandinavian Star”, and the need for the shipping industry to achieve and maintain a high standard of safety and environmental protection, the International Maritime Organisation (IMO) approved the incorporation of the International Safety Management Code (ISM Code), as a new chapter to the Safety of Life at Sea Convention (SOLAS 74/78).

The (ISM) Code is of major significance within the international shipping community and can be regarded as a major step in the right direction by IMO in raising safety standards within the shipping industry of the Member States.

The Code attempts to apply a structured approach to the whole business of maritime safety management, which in the past was as a result of lessons learned either directly or indirectly. It provides an international standard for the operation of ships and for pollution prevention. The ISM Code, as stated in Annex I/2 of SOLAS Convention will apply to:

- passenger ships, including passenger high-speed craft, ro-ro passenger vessels, oil tanker, chemical tankers, gas carriers and cargo high-speed craft of 500 gross tonnage and above, no later than 1 July 1998;
- Other cargo ships and mobile offshore drilling units of 500 gross tonnage and above, no later than 1 July 2002.

The Code aims “to ensure safety at sea, prevention of human injury or loss of life and avoidance of damage to the environment, in particular, to property” (ISM Code paragraph 1.2.1). In addition paragraph 1.2 requires shipping companies to establish safety objectives and develop, implement and maintain a Safety Management System (SMS), which must include functional requirements, as listed in paragraph 1.4 of the Code.
b) Safety Management System

A Safety Management System (SMS), as stipulated by the ISM Code is a control system, constructed as a part of an individual company’s overall management structure. The system should be an integral part of the Quality Management System of the company, and contain a sufficient safety organisation capable of handling all matters concerning safety, health and environmental protection.

The SMS addresses the company’s safety policy objectives (ISM 2.1). It defines relationships and the authorities and responsibilities of relevant persons within the company (ISM 3.2). It also includes procedures for internal auditing (ISM 12.1), management review (ISM 9.1), contingency planning (ISM 9), and preparation and response to emergency situations (ISM 8). Personnel ashore must be familiar with the company’s management policies, procedures and daily working instructions (ISM 2.2).

The appropriate management organisation, both ashore and on board, is needed to ensure adequate safety standards. A systematic approach to management by those responsible for the management of ships is therefore required. The objectives of the mandatory application of the ISM Code are to ensure the following:

“Compliance with mandatory rules and regulations related to the safe operation of ships and protection of the environment, and the effective implementation and enforcement therefore by the administrations.” (ISM, 1994, 2)

Effective enforcement by an Administration must include verification that the SMS complies with requirements as stipulated in the ISM Code, as well as verification of compliance with mandatory rules and regulations.
The mandatory application of the ISM Code should ensure that applicable codes, guidelines and standards recommended by IMO, Classification Societies and Maritime Industry Organisations are taken to account.

The Administration is responsible for verifying compliance with the requirements of the ISM Code and issuing Documents of Compliance (DOC) to companies and safety Management Certificates to ships. As paragraph 13.5 of the ISM Code states “The Administration should periodically verify the proper functioning of the ship’s SMS as approved”, (IMO 1995a).

3.2.2 Protecting the Marine Environment from Ship-based Sources of Pollution

Over the course of the last several decades the pollution of the world’s oceans has become a matter of increasing international concern. Most of it comes from land-based sources, which include by-products of industry, run-off from agricultural pesticides and herbicides and effluents discharged from urban areas. Nevertheless, a significant amount of pollution is caused by shipping and maritime activities. In tonnage terms, the most damaging pollutants resulting from shipping operations are crude oil and its by-products. Both operational discharge and accidental pollution will be discussed below in more detail. The need for reducing the consequences and the level of compensation will also be discussed.

3.2.2.1 Preventing Operational Discharges

- Oil

The most common cause of oil pollution is that which arises from oil tanker accidents. Although this may only contribute to a comparatively small percentage of the total oil entering the sea in a year, the consequences of an accident can be disastrous to the immediate area, particularly if the oil is persistent, the ship involved
is a large one and the accident occurs close to the coast.

A much greater quantity of oil enters the sea as a result of normal tanker operations, usually associated with the cleaning of cargo residues (clingage), which takes place when the ship is returning from the port of discharge to take on another type of oil. Lately the so-called “load on top” has mitigated this system whereby the washings are pumped into slop tanks for the separation of oil from the water. On completing this exercise, fresh crude oil can then be loaded. Other causes of oil pollution include tank cleaning in connection with dry-docking; and bilge and fuel oil from dry cargo ships as well as tankers. Today MARPOL 73/78 greatly limits the amount of oil that may be operationally discharged, and bans it completely in some areas.

- **Noxious Liquid Substances**

Although most public concern regarding marine pollution is focused on problems associated with oil, many of the chemicals carried by sea are far more dangerous to the environment, extremely hazardous to ships, and equipment, and more so to people. Fortunately, the amount of noxious substances carried at sea is only a small fraction of the amount of oil transported each year. Most of these substances are carried in bulk form in tankers specially designed for the purpose. Other chemical substances are carried in packaged form, such as in drums or portable tanks. Again, the environmental threat, which some of these substances represent bears no relation to the size of the unit in which they are carried. As an example, polychlorinated biphenyls are potentially so harmful that IMO has recommended that their carriage in bulk form by ship should be banned.

In 1972 IMO developed the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (the BCH Code). Originally the Code was not mandatory, but since 1986 all chemical tankers have had to be built according to the requirements of the International Bulk Chemical Code. Further requirements covering the carriage of noxious liquid substances are contained in Annex II of
MARPOL 73/78, which entered into force in April 1987.

Noxious liquid substances are evaluated for their potential hazards to the environment and are grouped into categories A, B, C and D with A being the most toxic.

- **Garbage**
  Garbage from ships has traditionally been dumped into the sea. Compared with the amount of wastes poured into the sea each year from land, the quantities in the past were not considered excessive. Today, however, the situation is very different. One reason is the growing, everyday usage of plastic products, which are non-biodegradable. Once thrown into the sea they remain there for many years because of the length of time needed for breakdown.
  December 31, 1998, a fifth Annex to MARPOL 73/78 entered into force, which covers the total prohibition of the disposal of plastics anywhere into the sea, and prohibits the discharge of other garbage from ships into coastal waters and “Special areas”.

- **Sewage**
  In a number of countries, large quantities of industrial and municipal waste (mainly sewage) generated on-shore is disposed of at sea. Most of these materials are such that the marine environment can assimilate them without much harm being done, although the sheer scale of dumping operations has caused concern in some areas. MARPOL 73/78, Annex IV states that ships are not permitted to discharge sewage within four miles of the nearest land, unless they have in operation an approved treatment plant.
  Between four and twelve miles from land sewage must be reduced to smaller particles and disinfected before discharged. This Annex is optional although not yet in force.
• **Air Pollution**
In 1988 IMO agreed that air pollution should be added to its work programme.
The use of halogenated hydrocarbons (halons) as a fire-fighting agent was
 discontinued because of the damage they cause to the ozone layer, which absorbs
 harmful ultra-violet radiation from the sun. A new Annex to the MARPOL
 Convention was adopted in 1997, which also introduced measures to reduce pollution
 by sulphur oxides (S0x) and nitrogen oxides (N0x) found in ships’ exhaust
 emissions.

• **Dumping**
The main instrument regulating the deliberate disposal at sea of dredged material and
 land-generated waste is the 1972 London Convention on the Prevention of Marine
 Pollution by Dumping of Wastes and other matters. It bans or regulates the dumping
 of wastes depending on their danger to the environment. According to MARPOL,
 Annex I additional to the above, crude oil and petroleum products, mercury,
 cadmium, radioactive wastes, plastics and others are prohibited from dumping.

Annex II of the MARPOL Convention states that a special permit is needed before
 materials such as arsenic, lead, copper, fluoride, zinc, pesticides, etc. can be dumped.
The dumping of all other wastes requires a prior general permit issued on the
 authority of a Contracting Party.

A protocol to the Dumping Convention, adopted in 1996, prohibits any dumping,
 except for certain exempted substances. It also adopts a precautionary approach,
 making it necessary for those wishing to carry out a dumping operation to prove that
 it is safe, rather than for those opposing to prove that is unsafe.
This Protocol will enter into force 3 days after ratification by 26 countries, 15 of
 which must be contracting Parties to the 1972 treaty.
Ballast Water

Increasing concern has arisen in recent years regarding the discharge of ballast water, as alien organisms are transferred in the process, putting at risk species in the natural environment. This has led to actions by certain governments and also by the IMO, which in 1991 adopted a resolution containing “guidelines” regarding ballast water management practices. Exchanging ballast water at sea can threaten the stability of a ship, especially in heavy weather, and is not always effective in removing contaminated sediment from ballast spaces.

It must be noted that no matter what substance is involved, marine pollution is an international problem. The risk of a major tanker accident is greater in some areas than in others, but pollution can happen almost anywhere and can affect coastlines, which are often many miles from the incident.

3.2.2.2 Preventing Accidental Pollution

The most important of all conventions adopted by IMO is SOLAS, which includes special requirements for tankers.

Fire safety provisions, for example, are much more stringent for tankers than for ordinary dry cargo ships, since the danger of fire on-board ships carrying oil and refined products is much greater.

Fire is not only dangerous to laden tankers but also to empty ones. In the case of a laden tanker, a single spark can cause a disaster, and tankers having no oil may be filled with flammable gas, which can explode unless proper procedures are followed. The normal method is to fill these tankers with inert (non-explosive) gas. This is usually done by using the gas from the ship’s boiler flue. The gas is cleaned and then pumped into the empty tanks, or into the spaces left above the oil in loaded tanks.
Inert gas is required to be provided on all new tankers and most existing tankers of 20,000 dwt and above.

Another safety convention which is of particular importance is the International Regulation for the Prevention of Collisions at Sea, 1972, which contains special provisions for ships such as tankers that, by virtue of their draught, have a reduced ability to manoeuvre. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, STCW 78/95, also stipulates several requirements that are designed specifically for those working on tankers.

3.2.2.3 Reducing the Consequences of Pollution
Other measures adopted by IMO are designed to limit the damage, which can be caused to the marine environment following an accident. MARPOL 73/78 stipulates that new tankers must meet certain requirements regarding subdivision and stability, which are intended to ensure that, in any loading condition, the ship can survive after being involved in a collision or stranding. The 78 MARPOL Protocol introduced a further element. This is the concept known as protective location of segregated ballast tanks. It means that the ballast tanks, which are empty on the cargo-carrying leg of the voyage, are positioned where the impact of a collision or grounding is most likely to be the greatest. In this way the amount of cargo spilled after such an accident will be greatly reduced. The 1993 MARPOL amendments also ban the carriage of oil in the forepeak tank, which is the ship’s most vulnerable point in the event of a collision.

The Intervention Convention of 1969 was designed to enable governments to take action when the threat occurs outside their territorial waters. Until the adoption of this Convention there were considerable legal difficulties involved in taking such action, since countries operated on the high seas.

It was widely recognised by Governments, however, that it was essential for them to act as soon as possible in the event of a major accident threatening pollution and the
Convention was designed to enable them to do so.

In 1992, MARPOL was amended to make it mandatory for new tankers to be fitted with double hulls, or an alternative design approved by IMO. This applies to all tankers ordered after 6 July 1993 and is being phased in for existing ships from 1995 onwards. But the adoption of internationally agreed standards is only part of the battle. Legislation alone cannot prevent accidents occurring. For this reason IMO has initiated various procedures, which are designed to help nations fight pollution if and when it takes place.

A treaty designed to help Governments combat major oil pollution incidents became international law on 13 of May 1995. The treaty is the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) which was adopted in November 1990 by a conference convened by IMO.

The Convention is designed to facilitate international co-operation and mutual assistance in preparing for, and responding to, a major oil pollution incident and to encourage States to deal with oil pollution emergencies. It requires governments to establish a national system for responding promptly and effectively to oil pollution incidents. This includes, as a minimum, the creation of a national contingency plan, designated national authorities and operational focal points responsible for oil pollution preparedness and response, reporting and handling requests for assistance.

Co-operation is encouraged so as to promote regular international symposia on technological advances in oil pollution response techniques, and exchange of the results of research and development programmes in oil pollution preparedness and response.

3.2.2.4 Compensation for Pollution

Although the prevention of marine pollution is IMO’s primary concern, the
organisation has also taken steps to ensure that adequate compensation is paid to those who suffer when pollution does occur.

The introduction of the 1969 Civil Liability Convention (CLC) was adopted and its main purpose was to put the onus of paying compensation on the ship owner.

The 1971 Fund Convention also extended additional liability to oil importers, who paid into a central fund an amount, which, depends upon the amount of oil they import.

The joint system works in such a way that, under the Civil Liability Convention, those affected by oil pollution are able to claim damages from the shipowner whose ship is judged to be responsible for the pollution. When the damage exceeds the limit of the shipowner, the Fund Protocol provides an additional source of compensation. The basic coverage including the liability under the CLC Protocol will be limited to a maximum amount, when certain additional conditions are met. The shipowner, however, is able to limit his liability. This is so that he can obtain insurance cover. If there were no limits on the amount of compensation payable, the shipowner would not be able to insure himself, and a major claim could prove financially disastrous. In practice, such a system is financially impracticable.

The original ceiling as provided by the Civil Liability Convention proved to be inadequate in cases of major pollution incidents due to the increases in inflation and other factors. In 1992 the liability limits in the two conventions were increased for ships of 140,000 grt and above. Nowadays victims of oil pollution can claim additional compensation, payable under the Civil Liability Convention.

3.2.2.5 Risks and Near-miss Analyses
The evaluation of risks and near-misses is necessary for ascertaining the frequency
and severity of various occurrences and the probability and severity of actual or theoretical losses. The use of probability data is beneficial for verifying the effect of certain control measures.

The cost of control can be compared with the cost of not controlling, i.e. the cost of loss found statistically by inputting the maximum extent of loss and the probability of its occurrence. Therefore, for risk assessment to be valuable, it is necessary to have a substantial database of losses, probabilities, etc. A systematic management standard to ISO 9002 will ensure that losses and “near-misses” are accurately reported, as corrective action for non-conformance. The idea behind this is to report any non-conforming occurrences with the aim of preventing further repetition. The reporting needs proper investigation and accurate description, as well as a statement of steps taken, to ensure no repetition of non-conformance.

### 3.2.3 Emergency Preparedness against Accidents and Pollution

A Flag State is responsible for enacting and enforcing all design and equipment standards, all safety standards, crew certification and training, and for issuing certificates provided for by international conventions. It also sets minimum staffing levels and standards relating to the prevention of collisions and pollution, and exercises jurisdiction and control over the ship while it is on the high seas. A country should clearly do its utmost to put all these preventative measures in place, but there are no guarantees that accidents and pollution will not still occur. Governments must therefore also put in place emergency systems to deal with eventual occurrences.

In MARPOL 73/78, Article 12, the flag State is obliged to discover the facts relating to any casualty in which one of its ships has been involved, if that casualty has produced a major deleterious effect upon the marine environment, so that a decision can be made as to whether there is need for any changes in the regulatory regime.
In addition, most States with sizeable fleets have made provision for holding a marine inquiry when there is a serious loss of life. Under regulation I/21 of SOLAS 1974, a flag State should also assist in determining what changes in the SOLAS regulations might be desirable.

Apart from the 1978 SOLAS Protocol, the International Convention on Load Lines 1966 (LL/66) and the MARPOL 73/78, no other international convention currently in force make extensive provisions for holding marine inquiries.

The Oil Pollution Response and Co-operation, OPRC 1990, Article 6 and 7 respectively stipulates that:

- A national system should be established for responding promptly and effectively to an oil pollution incident which, as a minimum should include a national contingency plan which designates national authorities and operational focal points responsible for reporting and handling requests for assistance;
- Within its capabilities, either individually or through bilateral or multilateral co-operation with the oil and shipping industries and other relevant entities, establish a minimum level of pre-positioned oil spill response equipment, proportionate to the risk involved, and programmes for its use; and
- Commit to co-operate and render assistance to deal with oil pollution incidents, subject to the capability and availability of relevant resources.

Whether a Coastal State is a party to OPRC 1990 or not, in general the different roles of its various competent authorities will be defined in the constitution and in the marine pollution contingency plan. These plans vary from State to State, and the considerations, which should be taken into account in preparing them, should include those contained in this document. Elaboration of the process of drawing up such a plan is covered by other documents, such as Section II of the Manual on oil Pollution Contingency Planning.
Therefore, here the roles and functions of the various competent authorities of a Coastal State will be discussed as if there was only one national authority to deal with the marine pollution emergency and this will simply be referred to as the “Coastal State”.

3.3 Regulatory Issues

Maritime related regulations could be divided into three distinct categories: technical regulations, economic regulations and social regulations. Technical regulations concern primarily the problems of maritime safety i.e. the safety of life and property on board ships. They also cover matters related to the protection of the marine environment. Economic regulations are those aimed at regulating maritime transport according to some specific principles such as fair competition (anti-trust) or protection of the national fleet, while social regulations set out a framework for the working conditions of seafarers as it relates to social benefits and remuneration matters.

3.3.1 Technical Regulation

At the national level, the MARAD sets its own rules and norms in connection with the technical aspects of ships and navigation. This can be examined from two different angles. The first is ship registration, which is regulated by the Flag State and secondly, the regulation of ships as stipulated by IMO Conventions.

The Flag State has a responsibility to exercise jurisdiction and control in administrative, technical and social matters over ships flying its flag. This includes maintaining a register of ships, masters, officers and crews and taking the necessary steps to ensure safety at sea, including regular surveys. The Flag State should ensure compliance of its vessels with international rules and standards, through adoption of
the necessary implementing legislation and effective enforcement irrespective of
where a violation occurs. (UNCLOS 1982).

A Port State means the country’s ports at which vessels are calling, regardless of their
flags. Many international conventions (e.g. SOLAS) require inspections to be
exercised by officers authorised by Port State Control, in order to verify that the
necessary certificates and documentation are on board, complete and valid.

Whenever there is clear evidence to believe that such certificates and documentation
are incomplete, invalid, or the conditions of the ship or its equipment are not in
accordance with the certificates and documentation, the officers have the power to
prevent the ship from sailing until it can do so without endangering persons, property
or the environment.

IMO was established with the main purpose of providing machinery for co-ordination
between governments on technical matters affecting shipping and to encourage high
safety standards. Such a technical role of IMO is reflected in the conventions adopted
in the field of maritime safety and marine environment protection. Other IMO
conventions regulating technical issues are in respect of tonnage measurement
(Tonnage, load line (LL), preventing collision (COLREG) and standard of training
(STCW/95).

### 3.3.1.1 Registration of Ships

The procedure for registration involves the observance of the requirements and
formalities prescribed under the United Nations Convention on Law of the Sea
(UNCLOS), Articles 91, 92, 93 and 94 as well as the Convention on Conditions for
Registration of Ships 1986, although not yet in force. The primary logic for
registering ships under the above mentioned Conventions, are:

- To provide evidence of the right to fly the flag of the State as well as evidence of
ownership and title, which in turn leads to certain national obligations such as:

a) to ensure compliance with national law
b) to establish jurisdiction
c) to provide a genuine link between State and ship

- To establish identity
  a) to facilitate the issuance of all statutory certificates and documents
  b) to promote the legal basis for commercial purposes such as bills of lading, charter parties, etc. also service contracts, claims and litigation.

- To meet international obligations leading to conformity with international law and Conventions
- To facilitate mortgages and other transactions so as to ensure that the ship is secure for mortgage and other possible liens in use in maritime business

Therefore, the United Nations Convention on the Law of the Sea 1982 determines in Article 91, that such ships should have the nationality of the State whose flag they are entitled to fly. This requires every state to fix the condition for grant of nationality through registration so as to guarantee the right to fly the national flag of the State.

In Cape Verde, the General Regulation for registration, lists all the details and circumstances which must be accomplished by a ship and its owners or agents preceding acceptance into the country's registry. There is required to be a Register Book in which all details of the ships, as well as particulars of the owner, must be registered. Mortgages are however registered as part of the general public system.

The General Directorate of Marine Affairs and Ports (DGMP) is presently designated by regulation as the competent Authority responsible for ship's registration, and therefore must ensure that the relevant rules and regulations governing the registry of
ships are complied with.

### 3.3.2 Economic Regulation

These regulations are established to achieve economic objectives. The government may attach a specific importance to the shipping sector, which justifies the regulation of that sector.

At the national level, this often takes the form of protection of the national maritime interest, or safeguarding the health of the market (e.g. anti-trust). To achieve this protection the country’s regulations are focused on addressing cargo reservation or preference in favour of national ships. Such cargo can be, for instance, government controlled cargo or cabotage cargo (between national ports).

National authorities regulate the shipping market against monopoly, dumping or other illegal commercial practices. Obviously, the definition and interpretation of these terms are always a source of debate and disagreement; thus it is necessary to create a body charged with monitoring the activities of the shipping market.

The organisations which have been active in regulating maritime transport at the international level are the United Nations Conference on Trade and Development (UNCTAD) which came up with the principle of trade based on the 40/40/20 rule, the World Trade Organisation (WTO) and the Organisation for Economic Co-operation and Development (OECD).

### 3.3.3 Social Regulation

Socially, various flag or Port States first of all establish the regulations. Yet, as far as international social regulations are concerned, the most significant organisations are the ITF at the professional level and ILO at the governmental level. The ILO is the oldest United Nations Agency, which has produced more than 30 important conventions dealing with the working conditions of seafarers on board ships. The most influential conventions are:
• The officers’ Competency Certificates Convention, 1936. This convention requires all ship officers to hold a valid certificate of competency;
• A number of conventions establishing minimum standards, which are often referred to as the ‘International Seafarers’ Code.
• The Convention on Minimum Standards for Merchant Ships which came into force in 1981 and has been ratified by all the major maritime nations.

Regulations implemented within countries are for the benefit of the national good and Cape Verde is no exception. It however generates both a short and a long term cost. Regardless of how costly it may be, it is still formulated and enforced within countries. Regulation may not be welcomed by all but it is necessary to limit or prevent certain activities, which may be detrimental to the country.

3.4 Services Issues
Services relating to maritime safety, and prevention and control of marine pollution stem from the formulation of international conventions and similar multilateral agreements, codes of practices, recommendations to Governments and other guidelines or manuals. There are many conventions and similar instruments developed under the auspices of IMO, the majority of which relate to services directed at maritime safety and the prevention of marine pollution from ships.

3.4.1 Safety Prevention and Response
It is all well and good to have all the issues discussed above in place, but without proper service to support such issues, the system could not function effectively. Services are needed to ensure safety of life at sea, protection of the marine environment, efficient movement within shipping, and information for both business and national interests. Ships, for example, entering or leaving ports cannot do so without proper aids to navigation.
a) Aids to Navigation - Evaluation of the Need

The Administration providing aids to navigation or aids to navigational systems should have sound reasons for positioning certain aids. It needs to consider, for example, the types and numbers of vessels using the navigable waters, the regulations necessary to enhance traffic safety, the contribution of aids or systems to the economic status of the ports, and what can be achieved in relation to available finances.

For position fixing and navigation the following systems and services are available to the user:

- Astronomical Position Fixing;
- Radio Navigation Systems;
- Radar Aids to Navigation;
- Satellite Systems (DGPS);
- Visual aids to Navigation;
- Pilotage;
- VTS;
- Charts and others nautical documents.

Depending on the equipment on board, weather conditions and what has been provided by Coastal States the mariner will use one or more of the above mentioned systems so as to ensure safe navigation. Which system he uses depends on his circumstances. It is conceivable that the mariner will use visual and radar aids when he is close to the coast. If, however, the visibility reduces he will probably use radar aids as his preferred system with the possibility that he confirms his position with a radio navigation or satellite system.

Thus, in assessing the suitability of aids to navigation systems the following should be taken into consideration:
• The system should be evaluated from the viewpoint of the user. The performance indices of the functions of the system should be assessed for each segment of a route.

• IMO has laid down recommendations in SOLAS, which detail navigational equipment that must be carried by vessels. These include updated charts, nautical documents, etc, which are used for assessing aids. These regulations, however, should not restrict authorities from establishing aid to navigation systems that meet specific requirements in certain areas.

b) Search and Rescue

In this vital area, depending upon national policy and circumstances prevailing in the country, the Maritime Safety Administration (MSA) may have either a co-ordinating role or a participating role when another national government agency has the co-ordinating role.

In either case, the MSA needs to ensure that there is in place a national contingency plan and that the organisation is able to respond to maritime distress situations in waters adjacent to the country. In order to co-operate and provide the basis under International Law, the following Conventions mentioned below should serve as the necessary guide.

• Regulations 10 and 15 of chapter V of International Convention on Safety of Life at Sea 1974;
• The International Convention on Maritime Search and Rescue, 1979 plus 1998 revised Annex;
• The merchant ship Search and Rescue Manual (IAMSAR) created by IMO;
• The IMO Search and Rescue Manual (IAMSAR).

3.4.2 Environment Protection and Response

Response to hazardous material incidents varies significantly from that of responding
to an oil spill. This is particularly so, as response personnel must be carefully protected, special equipment must be employed and a specialised method is needed to neutralise the effects of individual chemicals. However the process of planning for such emergencies, the training of the response personnel, the organisation structure and the logistical support needed to ensure success are very similar. For that reason, it is appropriate to consider a single planning process for environmental emergencies that includes oil as just one of the many chemicals for which first responders must be prepared.

However, in the discussions on environmental response, much more time needs to be directed at understanding the specific problems of successful response to oil spill incidents since these are the most frequently occurring types of accidents for which an effective contingency plan is needed. To go into detail for each hazardous material is rather lengthy as a lot of materials need to be taken into consideration.

Yet, in an individual contingency plan, it is important to plan the details of each type of contingency response that would in fact be effective for each particular type of substance. In any emergency response, the pattern of response follows a set order and hierarchy of objectives. The pattern is as follows:

- To identify and secure the source of oil spill or potential spill;
- To eliminate or reduce the potential for a continuing or subsequent spill;
- To monitor and track the spill;
- To contain the spill and protect resources at risk;
- To recover the oil spill; and
- To clean up contaminated and damaged areas.

Identifying and securing the source of pollution is the most important corrective step to be taken once a marine environmental emergency arises. This activity must take precedence over containing the spilled product and protecting resources at risk.
Given enough manpower, perhaps all of these activities can go simultaneously. However, in light of limited resources, identifying and securing the source of the oil spill means restricting damage to a particular area.

3.4.3 Economic Services

- **Port Services**
  In order for shipping operations to be efficient and attract new businesses, they need to be properly integrated with the services provided in the ports.

  This is particularly so for short sea trade as the costs of port operations represent a significant part of the cost within maritime transport. There is also a need to ensure efficiency in the system whether through the application of the ‘fundamental Community principle’ of freedom of entry, and creation of transparency, or ensuring a level playing field between major ports as it concerns the role of public bodies and the support they provide.

- **Ferry Services**
  The role of the government, in particular the Maritime Administration, is to ensure that the services related to ferries are in the public interest. They should be efficient, adequate, reliable and rates should be set at a reasonable price that will satisfy the needs of the people.

  In order for the Maritime Administration to ensure high quality shipping services in the maritime industry, quality maritime management should be the number one priority of the administration. This should be achieved through the policies developed for economic, safety and environmental issues and enforced by regulations in the various services.
CHAPTER 4

THE DEVELOPMENT OF A NEW CAPE VERDE “MARAD”

The Maritime Administration of any country is of course an integral part of the overall Public Administration. The expression ‘Maritime Administration’ means the administration of essential matters pertaining to the maritime sector in the country and calls for specialised knowledge and skills of a high order. In this regard we need to remind ourselves that a country cannot remain static but instead needs to strive to improve its public institutions and procedures.

In Cape Verde the structures and the roles of the Maritime Administration (MARAD) have been the result of circumstantial evolution and have not necessarily been systematically planned from the beginning. Therefore, it is not surprising that there are areas requiring improvement and/or strengthening.

On the other hand, Cape Verde, which is at an early stage in its development, can be said to have an advantage in that it is well positioned to create pre-planned structures and functional approaches, provided that all concerned have a proper understanding of the objectives, activities and target outcomes.

In light of these observations the point to be noted is that we need to understand as thoroughly as is possible the national maritime objectives, and the roles and functions to be assumed by the maritime administration.
4.1 Mandate
The new Maritime Administration of Cape Verde, needs to be formally established under law on behalf of the Government of Cape Verde, for the purpose of reshaping the old Maritime Administration, by adding all the instruments, conventions and procedures that will aid in its overall development. It must continue to be the primary body responsible for policies, strategies and programmes that will support the maritime sector in relation to economic, safety, technical, social and environmental issues. It must also ensure quality, and safety itself that all ships flying its flag comply with the requirements of the conventions implemented. At the same time it must promote a competitive environment, which will not only benefit the shipping sector but the country in general. This mandate will need to be included in national legislation in order to give it full effect.

4.2 Mission
The mission of the Cape Verde Maritime Administration is proposed as follows: -

‘To promote safety and environmental protection in the daily use of the sea while enhancing competition and employment opportunities in the maritime sector’

4.3 Objectives
The objective of a Maritime Administration within the framework of a country’s overall maritime activities is to provide the Government with the machinery that enables it to satisfactorily and efficiently undertake those functions which are embodied within the country’s merchant shipping and other maritime legislation (i.e., National Maritime Law). These functions include the implementation of the requirements of International Maritime Conventions, and national rules and regulations framed under the authority of the Merchant Shipping Act.
In pursuing its activities in the development of the maritime field, the appropriate
Government authorities need to have an efficient administrative body to advise them on the adoption and implementation of maritime legislation and other regulations required for developing and operating the maritime programme of the country and for discharging the obligations of the Government under applicable international Conventions.

This machinery can be provided through a well-organised maritime administration as mentioned before. Such an administration will also be responsible, under the general direction of the Ministry responsible for the maritime sector, for providing and organising the appropriate facilities for the survey and certification of ships, and the training, examination and certification of ship’s masters, engineers and other maritime personnel.

Generally, the areas affected within the ambit of MARAD activities are: management, ownership, and registration of ships and mortgages, the upkeep operations and maintenance of the national fleet.

Related to economic, safety and environment protection aspects, the functions are the following:

**Economic Aspects**
- National shipping policy, including port policy;
- Shipping between Cape Verde and other countries;
- Negotiations of bilateral agreements on shipping; and
- Promotion of the national shipping.

**Safety and Environment Protection Aspects**
- General superintendence and co-ordination;
- Registration of ships and related functions;
• Surveys, inspections and certification of ships;
• Inspection and detention of unseaworthy/unsafe ships;
• The conduct of examinations for, leading to the issuance of, appropriate certificates to various seafaring personnel;
• Manning of ships;
• Conduct of inquiries/investigations into shipping casualties;
• Dealing with matters pertaining to preventing/control/combat of marine pollution;
• Dealing with matters pertaining to Maritime Search and Rescue, Maritime Communication and Vessel Traffic System;
• Crew matters;
• Registration of seamen;
• Wrecks;
• Pilotage;
• Adoption and implementation of International Conventions; and
• Advice to the Government on maritime matters.

4.4 Strategies/Long-term Directions
An “open-door” policy together with the fast development of foreign trade in the shipping industry, demand carefully developed long-term maritime strategies. In this sense, the adoption of a Maritime Code and associated regulations is a very important step in the maritime development of the country. The related maritime policies, some of which have been practised for a long time and others, which are new philosophies, will surely dominate the Cape Verdean shipping sector in the long-term. Liberalisation will present a complicated picture in trying to develop maritime policies. Nevertheless, the recent changes in Cape Verde’s maritime policy demonstrate a trend where Cape Verde is being directed towards a more liberalised market.

4.4.1 Economic, Safety, Environment Protection and Administrative
Strategic Directions

The strategies as they relate to safety, economic and administrative issues are proposed as follows:

4.4.1.1 Economic Strategic Direction

The economic strategies to be employed should serve to:

- Extract maximum benefit from the nation’s location on major shipping routes;
- Ensure maximum economic and environmental benefit from maritime transportation, while ensuring environmental protection/security;
- Maintain a Cape Verde flag presence, at least in domestic movements of cargo;
- Maintain broad opportunities for employment and training of Cape Verdeans in shipping related matters;
- Improve port performance albeit in the face of strong competition from neighbouring states.

The government’s marine economic strategy should therefore reflect the following priorities:

- An “open market” approach to international shipping;
- Minimal measures to limit competition in international trade;
- Steps to encourage employment of national seafarers in national and foreign ships;
- A coastal trade (cabotage) reserved for national flag vessels;
- Examination of tax incentives to attract more users to register under the Cape Verdean flag;
- Conduct of a study to examine opportunities for increased commercialisation/privatisation for ports.

4.4.1.2 Safety Strategic Direction

The safety strategies should serve to:
• Maintain the highest standards of marine safety;
• Minimise the loss of life and property when an incident occurs;
• Minimise the number of safety incidents, especially in high risk sectors such as fishing vessels;
• Maximise value to be extracted from emerging technologies;
• Respond to increasing public demands for safety;
• Prevent and respond promptly to incidents.

The government’s marine safety strategy should therefore reflect the following priorities:
• Improvements in VTS services particularly in maritime communication;
• Modernisation of existing aids to navigation so as to achieve greater navigational assurance and long-term savings;
• Improvements in the safety of fishing vessels;
• Negotiation of full membership of West and Central Africa Region - MOU;
• Implementation of Port and Flag State Control Services once negotiation of the West and Central Africa Region - MOU (WCAR-MOU) is successfully completed;
• Continuous staff training to maintain standards as required;
• Improvement in Flag State compliance with international safety standards and conventions, especially implementation of the ISM Code;
• Progress in ratification and implementation of STCW/95;
• Improved training capacity of seafarers in support of STCW/95;
• Improved liaison with, and participation at, IMO;
• Progress in ratification and implementation of the Search and Rescue Convention.

4.4.1.3 Environment Protection Strategic Direction

The environment protection strategies should serve to ensure:
• Protection of the marine environment from pollution damage and degradation of
natural resources;

- Promotion of sustainable, socio-economic development of the marine environment;
- Reduction in the risk of propagation of non-indigenous marine species through ballast water;
- Response to increasing public concern regarding environmental damage caused by oil spills or similar accidents;

The government’s marine environmental strategy should therefore reflect the following:

- Provision of a comprehensive and effective national contingency plan;
- Provision of appropriate training and development to ensure availability of the necessary oil spill management skills;
- Provision of an effective regulatory framework to ensure pollution prevention is minimised;
- Negotiation of co-operation agreements with international partners in the provision of oil spill response measures;
- Active participation and support in the development and implementation of environmentally friendly anti-fouling paints;
- Examining the feasibility of establishing marine protected areas;
- Ensuring that response equipment provided is adequate and positioned to address incidents quickly;
- Implementing the IMO guidelines regarding ballast water management practices.

4.4.1.4 Administrative Strategic Direction

Regardless of the constraints, the Maritime Administration should:

- Seek out more commercial approaches in the light of strong private sector criticism of the inefficient cost of public management and control;
• Draw on emerging thinking regarding alternative service delivery approaches;
• Take advantage of opportunities for significant rationalisation of the government’s marine asset base;
• Achieve more transparency in financial and other management activities of the Administration;
• Strive to meet obligations in spite of severely limited available funding;
• Develop a more cohesive and comprehensive policy framework for the management of the government’s marine economic, safety and environment protection responsibilities;

• Ensure that MARAD employees are provided with a rewarding and stimulating work environment in which they can excel;
• Ensure that industry and other stakeholders are provided with suitable consultation mechanisms and procedures.

The strategy of the Maritime Administration should reflect the following priorities:
• Introduction of a new capital management system, reflecting a change to the MARAD in relation to the value of assets, and accrual accounting procedures;
• Adoption of alternative service delivery approaches with a view to increase commercialisation or privatisation, including such mechanisms as employee buyout;
• Examination of the potential for an increased use of volunteers in the provision of services (e.g. SAR);
• Development and implementation of a new, efficient, transparent, user-friendly financial management system;
• Improvement in the technical training of employees to meet a new technological demands;
• Introduction of an improved, performance based, quality management system;
• The revision of tariffs to ensure that charges are realistic and contribute
meaningfully to the cost of provision of services;

- Development of partnerships with the non-Governmental bodies and the industry.
- Introduction of a program of automation of lighthouses and maintenance;

4.4.2 Developing the Maritime Administration

To meet the objectives of maritime policy, different approaches to and types of, maritime administration organisational structures should be studied. In several countries matters such as safety at sea, licensing of marine officers, seaworthiness of ships etc. come under the Minister of Transport or similar bodies, while the economics of shipping, trade and legal matters come under the Departments of Trade and Justice. Other Ministries involved in the process include Education and Health. It is unusual to have one single Ministry responsible for all functions related to maritime affairs.

As mentioned earlier, it is necessary to have a maritime organisation/administration in Cape Verde that can respond to changes and developments in the maritime industry. Such an organisation needs to play both a developmental and a regulatory role. The developmental functions can take the form of participation in the process of formulating the government’s maritime policy. Such functions can also contribute to overall economic policy through the Finance and Trade Ministries, and may include:

- Participation in the process of formulating the government’s policy with regard to maritime development within the overall national development plan;
- Providing, analysing and assessing the most suitable types and numbers of ships required in order to meet the scale of development planned, and the associated sources of financing;
- Estimating the manpower needs of the shipping industry;
- Developing the marine manpower needs of the ports;
- Developing ship repair capabilities;
- Developing marine ancillary industries;
• Assessing the suitability of national ports for the projected level of shipping activity and offering proposals for required developments and improvements.

4.4.3 The Need to Follow-up on the Ratification of International Conventions

As mentioned before, up to now the government of Cape Verde has not paid enough attention to ratified and in ratifying Conventions. Indeed the non-involvement in and the non-awareness of the evolution of international convention standards appear to have led to this anomaly.

The national legislation is inadequate and needs to be up-dated and enlarged to cover the requirements of those conventions that need to be ratified. As a developing maritime nation it is clearly highly desirable that the government ratifies as many international conventions as possible.

However, before taking any decisions as to ratification it is of great importance to know and consider whether the country has the technical manpower and adequate infrastructure to facilitate the implementation and enforcement of the requirements of the conventions as they become obligations upon the country.

In this context it should be noted that the normal procedure for ratification of any international maritime Conventions is broadly as follows:

• An appropriate body consisting of experienced officials from the maritime administration and experienced legal advisers with knowledge of such matters is nominated by the Ministry in charge of maritime matters to review all background material on the convention and submit a report to the Ministry who will in turn send the proposal to the legislature, stating and recommending why the government should ratify/accept that particular convention. Generally the recommendations need to make clear the advantages of ratifying that convention.

• If the Head of State approves the proposal then a legal committee headed by the...
Ministry of Justice, with the collaboration of officials from the maritime administration and with the assistance of nominated IMO experts (if required), is called upon to draft the instrument of ratification which will later be signed by the Head of State before it is deposited with the International Maritime Organisation (IMO) in London for circulation to all members States.

4.4.4 Up-dating the National Maritime Legislation
Shipping being an international business requires international maritime legislation as a means of control. It can be said that the maritime legislation of any country is derived from two sources:

- International Conventions;
- National Laws.

Merchant shipping legislation is an essential requirement to ensure satisfactory maritime development, and to provide effective enforcement of appropriate maritime safety standards particularly in developing countries.

In support of this statement, a model of an appropriate Merchant Shipping Code can be seen at appendix 3 in (Vanchiswar 1996, 25-41).

4.4.5 Maritime Policy Formulation
In line with the role of the government “MARAD” in all aspects of shipping and ports, the initiation of a legal and administrative framework, and supporting regulations and guidelines to be observed by national shipping and ports is achieved through what is known as a “Maritime Policy”. The role and procedures may well be at least partially embodied in maritime legislation.

Maritime policy divides broadly into two aspects:

- The operational aspect;
- The commercial aspect;
The former involves principally safety of life at sea and the protection of the environment, while the latter covers the commercial aspects of shipping. Although there are differences in commercial policies between States, since each must respond to their unique economic, political and strategic goals, it is difficult for a country to formulate its maritime policy disregarding broad international thinking since international maritime conventions are the basis of many aspects of maritime policy. In this context, the International Maritime Organisation influences all aspects of maritime policies of safety at sea and protection of the environment.

Other organisations have played their part, and are continuing to do so in a very significant manner. UNCTAD, for example, influences trade and other broad areas including promotion of shipping and ports in developing countries, protection of shippers’ interests and port efficiency, whereas the ILO is concerned with the social and economic conditions of seafarers. The World Bank too has influenced maritime policies because of its loan priorities and conditions, likewise UNCLOS III, the United Nations Trade Law, and GATT (WTO).

In addition to the above, various other international bodies may also exert influence, for instance, CMI, P&I Clubs, other insurance institutions, and classification societies.

Thus in formulating national policies two sets of factors should be taken into consideration. Firstly, those which need internal consultation and implementation and secondly those which impact, international shipping but have little effect on other countries.

In pursuit of a national maritime policy a country needs to:

- Define its maritime goals and objectives;
- Consider all available means to arrive at such goals;
- Consider key areas of development in order to achieve goals;
• Adopt a compatible body of laws, rules and organisational structures to achieve such goals;
• Co-ordinate all national resources and efforts (private and public) to arrive at such goals;
• Seek co-operation at the international level, which will serve as guidance for achieving such goals. (Vanchiswar, 1996, 1-25)

Maritime objectives are not merely the acquisition of ships, construction of ports, harbours, shipyards and other facilities in isolation from other economical and development policies of the country as a whole. An overall view must be considered taking into account the national economic needs, social development, employment, environmental protection, national security, education, training of seafarers and marine resources. All factors should be carefully analysed to establish how they best fit into the national development policy of the country.

4.4.6 Strict Conditions for Ship Registration
In an ideal world, flag States whose flags are flown by the world’s shipping, would lay down and enforce their own standards of design, maintenance and operation which would then ensure the necessary high standards of safety at sea. Coastal States, along whose coasts ships pass, and port States, at whose ports or anchorage’s ships call, would have no cause to concern themselves with the maintenance of such standards (Donaldson, 1994, page 57).

One of the problems concerning open registration is that the host countries are normally unable or unwilling to provide enforcement mechanisms for safety and social regulation. Open registries are one of the weakest organisations in the implementation and enforcement of international Conventions. To phase it out has been a hot topic for many years in the world shipping industry. It is however, doubtful whether such a wish will be achieved.
The open registry issue calls for international agreement on the need for economic links between a vessel and its Flag State because only the Flag State can effectively control administrative owners, managers and key shipboard personnel. Sad to say the question of attribution of nationality and genuine link is not clarified under UNCLOS 1982, which, nonetheless is accepted as being an accurate statement of current international law concerning the issue. It is however disappointing for UNCLOS to have missed this opportunity to provide precise details regarding the “genuine link”. Experience afterwards has shown that a clear legal definition of genuine link was urgently needed. Finally in 1986, the United Nations Convention on Conditions for Registration of ships clearly defined the elements of the genuine link that should exist between a ship and the state whose flag it flies. (Ademuni-Odeke), 1984, page 105).

4.4.7 Bilateral Maritime Agreements

A bilateral maritime agreement constitutes a type of maritime commitment between two countries at the government level. The purpose is to facilitate and promote the development of trade and shipping between the countries concluding such agreements. Many trade agreements are intended solely to regulate maritime relations between the two contracting parties.

The main elements of a maritime agreement would generally be expected to include some or all of the following:

- Access to the ports of the contracting parties;
- Participation in the transport of passengers and cargo between the ports of the contracting parties;
- Mutual exemption from taxation;
- The treatment of vessels, crew and cargo of the contracting parties in relation to port taxes and charges, mooring, anchorage, loading and discharging of cargo, and
customs;

- Assistance in case of maritime accidents.

As regards the right of the contracting parties to sail between each other’s ports, participation in the trade, treatment of vessels, crew and cargo in port, national treatment, most favoured nation treatment (MFN) and reciprocity are the main principles of maritime agreements.

Under the principle of national treatment, each contracting party undertakes to give the same treatment to the vessels of the other contracting party as is being accorded to its own national flag vessels. MFN means that each contracting party undertakes to extend to the vessel of the other contracting party at least the same rights as they accord to a third country. Consequently, if a maritime agreement between country A and country B contains a MFN clause, contracting party A cannot give vessels of contracting party B less favourable treatment than that given to vessels of any third country.

Reciprocity has been accepted as a fundamental policy since the founding of the new Cape Verde dealing with foreign relations. It has been considered as an important part to the maritime policy in the Cape Verde Maritime Administration. So far, Cape Verde has signed some bilateral agreements on maritime transport services with countries within the region. Although these agreements may have different provisions, they are based on the reciprocity principle. To a limited extent, bilateral agreements do exist especially among liner services. Their nature may be protectionist or defensive. It also often governs certain technical aspect of shipping for example consular matters or crewmembers travelling to or from their ships, which do not affect the market and are designed to promote the national fleet.
The development of a new Maritime Administration is very important for the administration’s future and for keeping pace with modern maritime thinking. The development should therefore be based on the proposed mandate, mission, objectives and strategies as stated above in order for the administration to be efficient and effective and so provide quality-shipping services to the maritime sector.
CHAPTER 5

A QUALITY MARITIME ADMINISTRATION AS IT RELATES TO INTERESTED PARTIES

Quality shipping services require quality thinking not only by the Maritime Administration, but by all parties involved in the maritime business such as, shipowners, charterers, insurers, classifications societies, ports, training institutes, IMO and its other related bodies. Collaboration between the administration and interested parties is vital for the success of the organisation in ensuring quality shipping both nationally and internationally.

The functions performed by port, flag and coastal States are essential to the Administration achieving and maintaining certain quality standards. Port States through Port State Control, contribute substantially to the elimination of sub-standard ships. They operate in unison with the Flag State since surveys are usually carried out during the short periods when ships are in port loading or discharging. As a result the surveys are not as thorough as those carried out by flag States. The majority of the deficiencies identified by port States relate to those items that are easily detected. It may be difficult to check the seaworthiness of ships, particularly the structural integrity, by visual external inspections. It is also not easy for port States to identify deficient operation by crewmembers. Port State Control is therefore, the second line of defence, the first line resting with flag States.
It has been reported to the IMO that in certain regions of the world, Port State inspectors were not duly authorised in accordance with the relevant IMO instruments. It is important to recognise that PSC inspections carried out by officers of States, which fail to fulfil their obligations to give effect to the conventions, would not be effective. Cape Verde along with these States has to make a primary effort to implement both flag and Port State control in accordance to the IMO guidelines.

A flag State, the country whose flag the ship flies, has under UNCLOS, the ultimate authority over a ship flying its flag. Unfortunately, there are some flag States that are tardy in performing their roles. In encouraging such States, the Flag State Implementation (FSI) sub-committee has taken on the responsibility of encouraging flag States to improve the quality services they provide to the shipping public. One measure for ascertaining each States performance is through the self-assessment form. But, the responses to this form have been limited. Furthermore, it has been criticised that, the present design of the self-assessment form does not provide a benchmark for the Flag State concerned to measure its performance. There is however the need for a better mechanism to provide the driving force to motivate the flag State to strive for better implementation and thus quality shipping. Flag States may implement the Flag State Quality Control (FSQC) which provides continuous quality management to ships, ship managers and authorised classification societies. An essential part of FSQC is the data received from Port State control.

Coastal States are on the other hand, are responsible for controlling the coastal zone and for seeing to pollution clean up, search and rescue and safe operation of ships within ports. Greater co-operation between the three will definitely ensure an effective contribution to quality shipping services.

5.1 Relationship with Ports
Without doubt there is a very strong correlation between ships and ports, as one
cannot exist without the other. The strength lies in the safety provided by both.

An unsafe port may be the reason for ships becoming involved in accidents, with far reaching consequences. On the other hand, unsafe ships may cause severe damage to port installations and/or the port environment. In other words, port safety and the safety of ships in port are inter-linked. Therefore, an important contribution could be made to port developments by the Maritime Administration with respect to its high level of technical maritime expertise.

If a limited number of technical experts in maritime matters are registered in a country, close co-operation between Port Authorities and the Maritime Administration will be needed for providing advice and assistance in the assessment of suitability of national ports for the intended ships from the point of view of navigation, pilotage, safety of ships, shiphandling, and in formulating proposals for required development.

With regard to regulatory and allied functions in ports, which are an essential part of its role, the Maritime Administration is in the best position to harmonise and coordinate the following matters: -

- Ensuring that port safety is adequate;
- Taking statutory control of wrecks in the port areas;
- Conducting inquires/Investigations in the port areas;
- Ensuring participation of the port in maritime search and rescue;
- Ensuring adequate provision of reception facilities in ports for receiving oil wastes and chemical wastes from ships;
- Ensuring the participation of ports in the national contingency plan for combating pollution;
5.2 Human Element and Competency

The human element plays a large part in quality shipping service. While it ensures the success of most endeavours, all too often it contributes to accidents with grave consequences for those involved.

The administration and shipping companies must ensure that seafarers are qualified and competent according to the provision of STCW Convention.

The 1978 Standards of Training, Certification and Watchkeeping Convention (STCW/78) was the first attempt to provide international standards for seafarers. Although a milestone in itself, it became apparent by the early 1990s that it required major revisions if the number of shipping accidents caused by human error were to be reduced. It was significantly revised in 1995 and one of the more important changes was to give the International Maritime Organisation authority for the first time to judge whether the training, qualification and certification given to seafarers by a country that is party to the Convention matched up to required standards. This innovative measure provides transparency to the administration, as well as the training and certification resources given by an administration and will ensure that standards of competency will not vary widely from country to country and that certificates issued by each country can be relied upon.

It is perceived that quality shipping through a breed of competent seafarers can be achieved through a practical, uniform, standardised training and certification system. Every State, in exercising its sovereign power, may exempt itself from any standardisation attempt but such action will defeat the purpose of STCW Convention and similar international understandings. A quality system requires specific responsibilities and traceability, which are currently being incorporated into the country’s legal system.
Constant liaison between the shipping industry and the Flag State plays a crucial role, as does the establishment of bilateral and multilateral shipping agreements between flag States and the labour supplying countries. The shipping community must not only initiate, but also support, countries that need resources.

Technology transfer, training equipment acquisition and similar training, requirements must be made available either through grants or donations to those seafarers nationalities that are most likely to stay as seafarer for a considerable part of their career. What is really needed is a training and certification system that has no nationality.

5.3 The International Maritime Organisation (IMO)
Liaison between IMO’s regulation and self-regulation should be positive rather than negative, supplementary rather than opposing. Any self-regulation attempt undertaken by industry associations is an effort either to set standards where IMO’s regulation regime is silent, or to set standards higher than IMO’s the best way forward regulation where this approach alone is

IMO regulations are the highest practicable standards, rather than the ‘lowest common denominator’ referred to by some critics. IMO’s objective is ‘safer ships and cleaner oceans, and there are many standards developed and set by others, including the shipping industry itself, that are also important in meeting that objective. A quality operator will not only be aware of the applicable international standards of the day, but will also be aware of any related or additional standards set and adopted by others. These self-imposed standards provide the lead for others to follow, if the benefits are clearly demonstrated. However, the vagaries of supply and demand in some sectors or trades will inevitably support operational standards in excess of the minimum.
The followers, those shipowners, operators and flag States with the poorest record, can be aided by the ‘carrot’ of technical assistance as well the ‘stick’ of regulation, and by greater promotion by the users of shipping services of the benefits of using quality shipping in the long term. But the effective implementation of standards is largely undertaken on board ship, so if effective progress is to be made, it might be appropriate to concentrate efforts on seafarers.

The causal chain of a looming accident can often be broken by the timely and effective intervention in a well trained and safety conscious seafarer. Thus focusing an increasing effort towards instilling a safety culture in the world’s seafarers might be to the route to the achievement of the best possible results.

5.4 Classification Societies through IACS

Administrations have authorised Classification Societies (CS), in the view of their expertise and the world-wide availability of highly qualified surveying staff, to implement the statutory regulations of the Conventions and related Codes and Resolutions, either wholly or in part, and issue statutory certificates on their behalf. It is important to note that the delegating is permissible under the IMO Convention System. However, it is also important to note that delegating administration still retains its their responsibilities and obligations under the conventions that it has ratified.

In view of its responsibilities and obligations, any decisions by the administration as to what statutory work to delegate and to which organisation is crucial. Therefore it is vital that the administration ensures full compliance with reg. XI/1(See Section 4) when authorising organisations to apply the regulations of IMO Conventions on their behalf. Additionally an Administration should take full cognisance of reg.-1/3-1 (See also Section 4).
Delegating Administrations must have some means of monitoring the organisation to which it has delegated responsibilities, to ensure that the work is being adequately and satisfactorily performed. It therefore follows that each delegated organisation should have a satisfactory quality system such that it may demonstrate, to all concerned, the quality of its service. In this respect, IACS has set up a Quality System Certification Scheme (QSCS) implemented by the IACS Quality Secretary.

5.5 Charterers
According to Kinnock, a member of the European Commission (EC), quality, compared to beauty, is often in the eyes of the beholder. Furthermore, quality has a price and, as with all others goods and services, this price is determined by demand and supply. Neither shipowners nor regulations alone can force or command this price if quality is not demanded by the users of the shipping service be they manufactures, traders, freight forwarders or final consumers.

It is often heard that, although shipowners are willing to, and as a matter of fact do, invest in quality ships and services, charterers are not prepared to pay for it. Instead, by paying a slightly higher premium, they have the possibility to insure their cargo onboard sub-standard ships for up to 115% of the value of the cargo thus insuring their profit too. As cargo owners are then covered against loses in any circumstance, they do not have an incentive to use quality ships and shipowners. As a consequence, any ship is good enough and the cheaper the freight rates the larger the profit. Maritime Administrations should then make sure that charterers within its jurisdiction become familiarised with the safety aspects of ships, which are crucial for their daily business. In this regard the Administration needs to have control and provide all information related to safety requirements.

5.6 Insurers (P&I)
Various measures have been taken by individual clubs and by the International Group
(IG) collectively to encourage safer operations. This is so as to prevent ships and their operators from having poor track records as they in fact will be singled out and subjected to financial discrimination. Thus the level of premium charged is a reflection of underwriter’s judgement of the risk, and is strongly influenced by insurance claims records. But if a sub-standard ship trades without claims then there will be nothing in the insurance record to raise suspicions about the risk. Conversely, a poor claim record may sometimes reflect not a sub-standard ship but simply a run of bad luck for a first class operator.

Other methods to aid identification of sub-standard ships include: surveying control records (also Equasis when on-line), reviewing the common rule wordings in relation to classification and statutory certification, loss prevention and education programmes, encouraging the observance of regulations, and developing a code of practice in line with the IACS commitment made in its Quality Shipping Charter. The Maritime Administration is at liberty to collect and update their records so as to know the ships and their operators that have poor records and for the administration to be extra observant in carrying out surveys.

5.7 Shipowners

The shipping industry is still grappling with problems which are unsolved because shipowners have not agreed upon, and are unwilling to name, offending parties. Secondly, they are unable to agree on what is meant by sub-standard, and thirdly, there is no public pressure brought to bear for them to take action. A proposed course of action is for shipowners to decide on which regulation must be included in an absolute musts list, for flag States to insist that ships flying their flags comply with this IMO’s ‘absolute’ must’ list, and for port States, as they inspect ships, to identify and act against those ships that fail to meet IMO’s standards.

As can be seen from above, no organisation can exist by themselves. The interaction
of all has not only resulted in a better quality system but also a more foolproof one. Without their input, the Maritime Administration would find its task ever more difficult as it tries to bridge the gap between ensuring a quality system not only for the present generation, while also looking after the interest of the generation to come and seeing to the notion of ‘safer shipping and clean oceans’.
6.1 Conclusion

In concluding it can be said that Cape Verde like many developing countries, depends totally on its international links and foreign trade. This is due to its continued economic dependence on shipping and the increased levels of seaborne trade since more than 90 per cent of its trade by tonnage goes by sea. In the economic sphere, choice of a market economy and private enterprise has now become irreversible and has led to encouraging results in the national economy, where the value of foreign trade is higher when compared with the size of Gross Domestic Product (GDP). (Prof. Ma Sho, Maritime Economics, 1998). In the author’s view it is not just a question of transport running properly, but it is also the income earned by port activities, for instance, which has had a considerable positive impact on the national balance.

On the other hand, keeping certain activities under the Cape Verdean flag is probably important from an employment perspective. Since the country has huge fisheries resources, increased demand for fish has led to a notable growth in the numbers, size and types of fishing vessels and a correspondingly greater level of exploitation of these resources.

However, the expansion of the fisheries, and a corresponding expansion in vessels and crew, without the required upgrading of safety standards, and in the absence of any enforcement of safety regulations argues strongly for an expanded and effective Maritime Administration.
Another worry is the intensive traffic of oil tankers off the region’s coastlines, transiting either loaded from the South Atlantic Ocean to Europe and North America or in ballast on the return legs, which poses a threat to the marine environment. This situation highlights the vulnerability of the country, and its exposure to the risk of marine pollution as an archipelago State. In this regard a strong, efficient Maritime Administration is vital for the country in order to implement and enforce relevant international standards which will aid in preventing, controlling, combating and mitigating marine pollution.

In the light of international and regional competition that is becoming increasingly intensive, it is very important for a country such as Cape Verde, even with its limited shipping activities, to promote an effective and efficient Maritime Administration which speaks to quality service and is able to ensure the smooth handling and reliability of sea transport, and to secure the increasingly important aspects of safety and environment protection within national jurisdiction.

6.2 Recommendations
In order to ensure quality-shipping service within the Maritime Administration of Cape Verde, the following recommendations as listed under the following headings should be adopted:

6.2.1 Administrative Management
In order to ensure quality-shipping services within the Maritime Administration of Cape Verde the following recommendations should be adopted.

It is recommended that:

- The major maritime conventions be implemented and ratified so as to have control over the maritime affairs as they may relate internally or externally to the country.
- A team be identified for analysing the importance of each convention and to
oversee their implementation and ratification.

- Cape Verde become more active internationally and participates in IMO meetings.
- Better management techniques be reviewed and enforced so as to address the issues of:
  a) Succession planning;
  b) Proactiveness;
  c) Transparency;
  d) Motivation and reward; and
  e) The retention of staff.
- Working conditions be improved, as the work atmosphere, the well being of staff, and the facilities and equipment at the workplace are important factors in achieving quality.
- Innovative ways be found for increasing the Maritime Administration’s financial
- A more modern style of managing the Administration’s affairs be implemented which should be customer driven.
- The maritime administration promote the development of a healthy maritime climate which will lead to:
  a) Modernisation, rationalisation and adjustment of maritime education and training in order to meet the needs of the merchant and fishing fleets and other shore-based maritime activities.
  b) Reorganisation and modernisation in order to cope with the development needs of the of the maritime sector with special goal of high level efficiency and effectiveness;
  c) Properly cover the important areas of safety of navigation, marine environment, seabed resources and the monitoring of the country’s jurisdictional waters;
- The present span of control within the Administration be addressed. It is too wide and a recommended span of 5-6 persons is advised for achieving effectiveness.
- A national awareness and education programme be emphasised that will bring
about a better understanding of the Maritime Industry.

- A regional link be maintained so as to give Port State Control personnel the power to act.
- Impact assessment programmes be designed that will aid the Administration in recognising problems at the outset.
- Every necessary action be taken to ensure that the country remains on the ‘White List’.
- Long-term strategies be developed so as to take advantage of the open door policies and the increase development in foreign trade.

6.2.2 Safety and Marine Environment Protection

It is recommended that:

- The Cape Verde government to recognise the importance of the marine environment, so as to protect, reduces, and controls marine pollution.
- Measures be implemented that will see to the reduction of accidents especially those caused by fishing and recreational vessels.
- The necessary laws and regulations be adopted that will eliminate substandard ships calling at the ports.
- Laws and regulations in accordance with the international Convention the law of the Sea, and such laws and regulations to be enforced.
- Co-operation be sought on a regional basis, in formulating international rules, standards and recommended practices and procedures, consistent with the Convention on the Law of the Sea, for the protection and preservation of the marine environment.
- Contingency plans be developed and promoted in collaboration with neighbouring countries for responding to pollution incidents in the marine environment.
- A formal safety assessment programme for managing shipping safety.
- A system for monitoring the Classification Societies be developed, as the work performed should be implemented by the Maritime Administration.
• STCW/95 be ratified
• Interrelationships among organisations that are co-ordinating the search and rescue mission be improved.
• An effective national contingency plan be implemented that will respond to and combat oil spills.
• Programs be implemented that will address public concern about the impact of shipping activities such as the toxicity of anti-fouling paints and the care and handling of dangerous goods.

6.2.3 Public Maritime Services
It is recommended that:
• A Customer centred-approach be implemented for improving the quality of public maritime services that must emphasise the customer’s right of choice to service providers.
• Public service providers such as the Maritime Administration strive to increase their customers’ range of choice, and opportunities to participate in planning and developing services.
• The quality of public maritime services be improved. One that will not create new centralised, bureaucratic structures but will serve to enhance high quality standards for the improvement and evaluation work of the public service, as it depends on the co-operation and commitment of the various parties involved in the maritime sector.
• A formal system be developed which will:
  a) Clearly identify customer’s needs;
  b) Gain customers’ participation;
  c) Gather and analyse customers reaction; and
  d) The opportunity to gain customer’s feedback on the services provided in order to develop the right services to be offered.
• Alternative services be provided in proportion to available resources.
• Identify both internal and external clients and the basic services needed.
• Implement services that are transparent and ensure that it is constantly evaluated and redesigned as needed.
• Constantly develop the skills, competence and work fitness of employees (especially clerical) whether through the implementation of training courses, as this is an essential part of quality effort.
• Ensure that Public services purchased from outsiders are subject to the same quality requirements, as the general public organisations are required to provide.
• Ensure that the various functions as provided by administrative units and service providers operate in harmony with the overall maritime administration objectives as it relates to quality.
• Encourage self-assessment on the basis of quality award criteria, as it is an important tool for developing operations.
• Adopt a system for evaluating supervision and inspection as they are complementary and can be used to obtain the information needed by political decision-makers.

The recommendations as stated above are in no way exhaustive. It is now left the Ministry of Transport, Tourism and Sea and the Maritime Administration to look at the recommendations carefully, add, adopt and implement those changes that will make significant progress towards an efficient and quality-oriented system the Maritime Administration has long deserved.
REFERENCES


