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MARITIME (SAFETY) ADMINISTRATION IN SOMALIA

by

A h m e d S h i n e K o s m i n


A Paper submitted to the the Faculty of The World Maritime University in partial satisfaction of the requirements for the award of a,

MASTER OF SCIENCE DEGREE

in

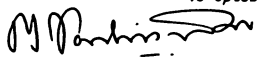
MARITIME SAFETY ADMINISTRATION (NAUTICAL)

The contents of this Paper reflect my personal views and are not necessarily endorsed by the University.

Signature: 

Date : 13 October 1987

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A c k n o w l e d g e m e n t .

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Especially I wish to record my gratitude to my course
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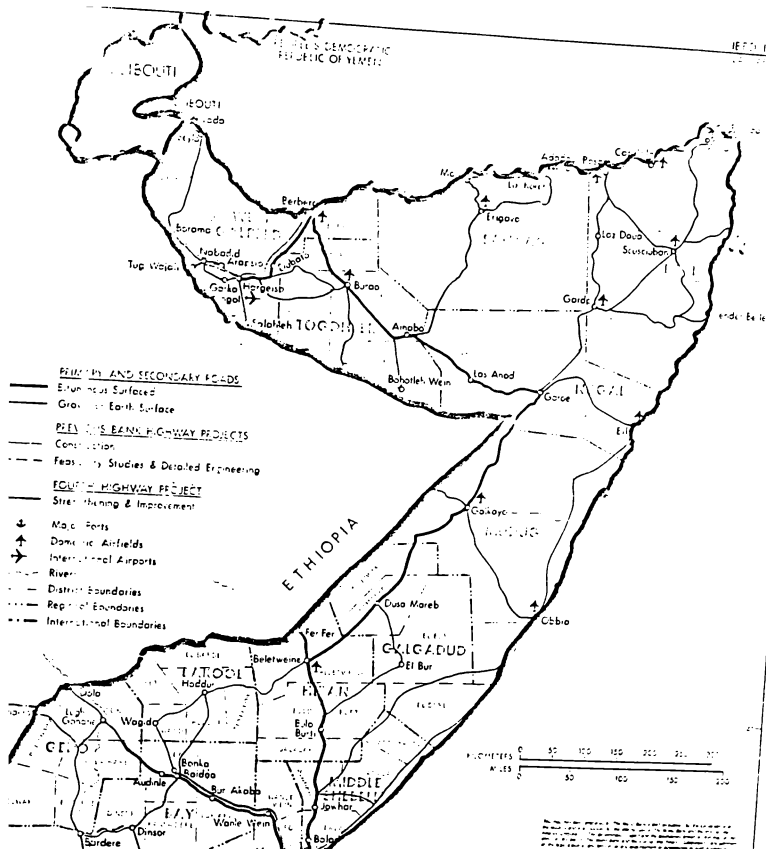
Finally,Ishould like to thank all my colleagues of course
for their help and assistance.

Abstract of.

Maritime Safety Administration in Somalia.

The purpose of this paper is:

- a) To review the present system of maritime safety administration in Somalia, its various related functions and how these functions are being carried out in the light of current local and international development.
- b) To point out the factors affecting the efficiency and effectiveness of this administration, and.
- c) To recommend actions to bring about changes which would strengthen and improve the functioning of the Maritime Safety Administration in Somalia.



CHAPTER I

INTRODUCTION.

The Somali democratic Republic is located on the outermost tip of the " Horn of Africa " and is bordered by the Gulf of Aden to the North, the Indian Ocean on the east and Kenya, Ethiopia and D'jibouti on the west. It is a geographical region along the central eastern coast of Africa and stretches eastwards from Babel-Mandep, or the southern gate of the Red Sea, along the Gulf of Aden to Cape Guardafui and southwards along the Indian Ocean to Ras Kiamboni. With a total area of 637,657 km. the Republic has a coastline of 3,330km.

The total population of Somalia is estimated at 5,158,000. The coastal population can therefore be estimated at about one million. The major coastal cities and harbours are Mogadishu, Berbera, Kismayo, Merca, Bosaso and Bravo. Laskoreh, Qandala, Hobio, El-Ahmed, Alula, Zeila' and Eil. There are other harbours which, though small, have their own importance due to the on going projects and industries based on them. A few particulars of each of the five major coastal cities are given below.

Mogadishu, the capital city of Somalia, is situated on the shore of the Indian Ocean and is the countrys' chief seaport. It has an estimated population of 500,000.

Berbera is the seaport for the north-western part of Somalia, serving particularly the inland capital cities of two regions i.e. Hargeisa and Burao. It has an estimated population of 50,000. It is 1,300 km. by air and 2,200 km. by sea from Mogadishu, and there are daily

flights to and from the two towns.

Most export of livestock from Somalia is through this port.

Kismayo is located on the east coast towards the south

and it is about 400 km. from Mogadishu to which it is also connected by air. It has a population of 20,000 approximately. It has a deep water harbour and possesses features which can make it ideal for development as major fishing port.

Merca is an ancient city situated on the east coast,

about 100 km. south of Mogadishu. It has an estimated population of 15,000. About a quarter of the nation's banana exports come from Lower Shabelle which is very near to one of the two chief banana growing areas-Shalambood.

Bosaso is one of the largest towns on the north coast

after Berbera with a population of about 5,000. Bosaso is the capital of the eastern region and has customs-controlled port handling, particularly, for the export of livestock to the U.A.E. & Yemen. It has a fishing community which also dries and salts the fish to be sent to Mogadishu, which is some 1,450 km. by road. A weekly flight also operates between Mogadishu and Bosaso.

Oil Refining -----

There is an oil refinery called Iraq-Soma, which is situated 14 km. from Mogadishu and normally refines around 300,000 tonnes of crude per year. The crude used to be imported from Iraq but at present it comes from

Saudi Arabia. It is brought by tankers of between 20,000 dwt and 100,000 dwt.

The refined products are mostly for local consumption but some heavy fuel oil is also exported. There are no estimates of the amount of pollution of the sea by oil as a result of the on going exploration and effluent from the refinery. But tar balls are sometimes seen along the coast and the beaches. No oil leakage or other accident has been reported from exploration. Frequent spills of small quantities of oil are not uncommon in the harbour during operational transfer of oil from crude-oil tankers to storage reception facilities on land.

Importance of coastal navigation

With its very long coastline Somalia's coastal navigation has its own importance. Since remote times, Somali craftsmen have been building their traditional boats capable of sailing on long voyages along the coast and even to far-way coasts of other countries. These traditional boats were destroyed along with boatyards by a cyclone in 1971.

It is however anticipated that there will continue to be a place from some years to come for local craft such as the Houri, the Beden and the Jahas. Such boats are important because traditional skill are used to construct them and because they are still the most practical craft available for use in the most remote parts of the country. However, further study on possible improvement to these existing boats is already being undertaken by the Ministry of Marine Transport and Ports.

Maritime Administration in Somalia comprises of many different activities dealing with many disciplines. Some of the most vital of these activities, which fall within the ambit of the maritime safety administration are also being carried out among other things by the maritime safety department. It is proposed to cover in this paper as wide a spectrum as possible of the maritime safety administration as practiced in Somalia, by analysing different functions of this administration and highlighting the various problems and suggesting possible solutions.

The subject matter has been divided into nine chapters. The main body covers specific topics related to maritime safety administration work and ends with conclusions, recommendations, and suggestions for consideration, so as to make the maritime safety administration capable of coping with international standards and national requirements in an effective manner.

Status of present Maritime Legislation in Somalia.

Maritime Legislation is usually a body of legal instruments adopted by country to control and regulate its maritime activities. This also depends on many factors, for example the degree of maritime activities of a country or the consciousness of a country as regards maritime activities.

The enactment of maritime legislation also depends upon the legal structure of an individual country. Although there are certain areas which will be the major items to be considered.

As we know the maritime legislation of Somalia, or most developing countries, is outdated; thus this deficiency needs to be rectified as a matter of urgency.

The approaches toward the up-dating of national merchant shipping legislation can be to have :

1. Primary legislation (Merchant Shipping Act)
2. With subsidiary legislation (Regulation/Rules)

The primary objectives of merchant shipping Act need to be:

- a) Developmental
- b) Regulatory
- c) In conformity with relevant international law/conventions.

In order to provide guidelines to those who may be involved in the preparation of the national merchant shipping code it is proposed that the following matters may be included in the primary legislation

Preliminary

1. Short title and commencement

- 2.Objects and construction
- 3.Application of Act
- 4.Defenition

Administration

- 1.Director/Director general
- 2.Marine Department/Principal officers
- 3.Surveyors
- 4.Radio inspector
- 5.Shipping offices and shipping Masters
- 6.Seamen employment office/s

Registration of ship-

- 1.Procedure for registration
- 2.Certification of registry
- 3.Transfers and Transmissions
- 4.Mortgages
- 5.Name of ship
- 6.National character and flag.

Miscellaneous

- 1.Liabilities of ships not recognised as
 - 2.Notice of trust not received
 - 3.Proceedings forfeiture of ships
 - 4.Liability of owners
 - 5.Evidence of register book
 - 6.Government ships
 - 7.Power of government to make rules
- Masters,Officers,Seamen and Apprentices
-

- 1.Manning with certificated officers
- 2.Grades of certificates of competency
- 3.Examination
- 4.Form of certificates
- 5.Record of orders
- 6.Loss of certificates
- 7.Power to cancel or suspend certificates

8. Recognition of certificates granted by other government
 9. Production of certificates
 10. Power to make regulations for examinations
- Seamen and apprentices
-

1. Power to classify seamen
2. Duties of shipping Masters
3. Seamen's employment offices
4. Supply or engagement of seamen in contravention of Act prohibited
5. Agreement with crew
6. Form and contents of the crew's agreement
7. Renewal of running agreements
8. Change in crew to be reported
9. Medical examination
10. Repatriation of seamen

Passenger ships (general)

1. Power to make regulations for carriage of passengers
2. Offences re: passenger ships
3. Ticket for passage

Safety of Life at sea

1. General safety
2. Safety and Loadline conventions
3. Construction of ships
4. Inspection/Survey for safety
5. Issue of certificates
6. Safety regulations
7. Proceeding to sea
8. Precaution and responsibilities

Collisions

1. Giving helm orders
2. Power to make regulations for preventing collisions at sea.
3. Observance of collision regulations
4. Inspections for enforcing collision regulations

5.Assistance in case of collision

Dangerous goods

- 1.Meaning of "Dangerous goods"
- 2.Disposing of dangerous goods
- 3.Forfeiture of dangerous goods
- Power to make regulations
- 5.Application of provision

After reviewing the primary merchant shipping legislation it is necessary now to turn to the various regulations and rules that needs to be promulgated under the aforesaid foresaid primary legislation.In view of it's very nature shipping legislation if not complemented and integrated by subsidiary legislation(except for those provisions which are styled as self-executing) cannot amount in practice to more than simple guidelines.It is therefore absolutely essential that the necessary subsidiary legislation be issued and implemented to complement the primary legislation.The most important of these rules/regulations include.

Rules for registration

- 1.Short title,commencement and Application
- 3.Survey and measument
- 4.Name of ship
- 5.Official number
- 6.Carving and Marking note
- 7.Issue of certificate of registry
- 8.Temporary pass for unregistered ships
- 9.Change of name of ship
- 10.Registry a new at ship's port
- 11.Transfer of port of registry
- 12.Closing of registry
- 13.Mortgage of ship or share there in

14. Discharge of mortgage

15. Registration of government ships

Safety Convention Certificate Rules.

- 1) Application for certificates;
- 2) Survey/inspection by surveyor;
- 3) Form of certificate,
- 4) Certificate to be affixed in conspicuous part of ship;
- 5) Cancellation, suspension or withdrawal of certificate;
- 6) Alteration in ships subsequent to grant of certificates,
- 7) Delivery of certificate whose validity has expired or which has been cancelled, suspended or withdrawn.

Life Saving Appliances Regulations.

1. Classification of ships: For the purposes of these regulations the ships to which these regulations apply shall be arranged in following classes:-

- Class I. Passenger ship engaged on voyages (not being short international voyages) any of which are long international voyages.

Class II. Passenger ship engaged on voyages (not being long international voyages) any of which are short international voyages.

- Class III. Passenger ship engaged (other than ships of classes IV,V and VI) engaged on voyages of any kind other than international voyages.

Class IV. Passenger ships engaged only on voyages in the course of which they are at no time more than 70 miles by sea from their point of departure and not more than 20 miles from the coast of and which are not at sea in the fine weather.

- Class V. Passenger ships engaged only on voyages with not more than 250 passengers on board in fine weather, in the course of which of departure not more than 5 miles from land.

- Class VI. Passenger ships carrying not more than 50 passengers for a distances of not more than 6 miles on voyages and which do not proceed for a distance of more than 3 miles from land.

land.

- Class VII. Cargo ships (other than ships of class VII(T) engaged on voyages any of which are long international voyages.

- Class VII(T). Tankers , engaged on voyages any of which are long international voyages.

- Class VIII. Cargo ships (other than ships of class VIII(T)) engaged on voyages (not being long international voyages) any of which are short international voyages.

- Class VIII(T). Tanker engaged on voyages (not being long international voyages) any of which are short international voyages.

- Class IX. Cargo ships (other than ships of classes IX(T), X and XI) engaged only on voyages which are not international voyages.

- Class IX(T) Tanker engaged only on voyages which are not international voyages.

- Class X. Cargo ship engaged (other than ships of classes IX, IX(T) and XI) engaged on voyages on the coasting trade or with near neighbouring countries during the course of which they are not more than 20 miles from land.

- Class XI. Tugs, Tenders, Launches, Lighters,

Barges and Hoppers which go to sea.

- Class XII. Fishing vessels (other than those of classes XIII).
- Class XIII. Sailing vessels (other than those of class XIV).
- Class XIX. Pleasure crafts.

Fire Appliances Rules.

1. Classification of ships for the purposes of these rules the ships to which these rules apply shall be arranged in the same classes as for Life Saving Appliances Regulation.

Navigation Equipment Regulations.

- 1) Part I. Magnetic compass installation;
- 2) Part II. Gyro compass installation;
- 3) Part III. Radar;
- 4) Part IV. Echo sounder installation;
- 5) Part V. Speed and distance measuring installation;
- 6) Part VI. Direction finder installation;
- 7) Part VII. Installation for homing on the radio-telephone distress frequency (2182).

Crew accommodation Rules.

1. Plan;
2. Position of accommodation;
3. Height of crew accommodation;
4. Construction of bulkhead and panelling;
5. Overhead decks;
6. Flooring;
7. Protection from weather etc;
8. Heating;
9. Lighting;
10. Ventilation;
11. Air condition;
12. Sleeping;
13. Beds.

Loadline Rules.

1. Part I-Preliminary;
2. Part II-surveys and certificates;
3. Part III-Loadlines and Marks;
4. Part IV- Condition of assignment;
5. Part V- Free board;
6. Part VI-Stability and Loading.

Rules for the carriage of dangerous goods.

1. Class I-Explosive;
2. Class II-Gases;
3. Class III-Inflammable liquids;
4. Class IV-Inflammable solid;
5. Class V-Oxidising substances;
6. Class VI-Poison;
7. Class VII-Radio active substances;

8. Class VIII- Corrosives;
9. Class IX-Miscellaneous.

In order to assist in drafting aforesaid regulations/rules, the Author has received the benefit of models of same during his study at the World Maritime University.

In addition appropriate documentation (certificates, forms ,etc.) needs to be prepared and be available to all concerned at the time that the legislation enters into force.

2. Enforcement- the complementary machineries needed for the enforcement of the merchant shipping legislation are:-

- a) Legal;
- b) Administrative.

A. Legal Machinery in Somalia.

Somalia possesses a Maritime Act which dates from 1959 and is modelled on Italian legislation. This act deals in great detail with question of private law and state ownership, but technical matters, in particular the safety of ships, are only dealt with in general terms.

The technical aspects are concentrated in Chapter I (Administrative Organization of Navigation) and Chapter V (Administrative Organization of Vessels).

Article 49 specifies conditions of seaworthiness and procedure for their determination.

In this article it is stipulated that before taking to sea. Ships must have been issued with " ad hoc " certificates made out by the maritime technical office. The Code also approves bodies (legally established foreign agencies) to be delegated with the power to issue such safety certificates. It is stipulated that periodic or unscheduled surveys to which ships are liable shall be under-taken at the expense of the shipowner. The legislation decree dated 1 November 1966 amending the maritime code introduced certain additional clauses in the section on safety. Article 33 of the order concerns compliance by ships with appropriate standards, and it is laid down there that the maritime authority and the registration service shall be empowered to register and issue official documents to all ships which meet the standards set by the four major classification societies or any similar standards approved by the Minister of Marine Transport.

A revised maritime code was drafted in 1974 by a legal adviser provided to Somalia for this task by the United Nations Development Programme. The draft contains the following chapters:-

Book I-Administrative Organization of navigation
and vessels;

Book II-Ownership and fitting of vessels;

BookIII-Operation of vessels and contingencies;

Book IV-Procedural provisions;

Book V-Maritime crimes;

Book VI-Provisions governing discipline;

Book VII-Final provisions.

In article 46 of the draft code it is stated that any vessel commencing sailing must be seaworthy, suitably rigged and equipped for the navigation intended and according to Somalian Law and provisions of the international conventions adopted by the Somalian Law.

The Somali Democratic Republic possesses a small international foreign-going and coastal fleet, which is now properly maintained, but suffers from the lack of relevant international certificates in accordance with the relevant international conventions.

B.Administrative Machinery in Somalia.

Present function and activities of the Maritime ----- administrattion in Somalia. -----

The main objective of a maritime administration or organization within the framework of a country's overall maritime activities is to provide the government with the machinery which will enable it to satisfactorily and efficiently undertake those functions which are embodied within the countrys' shipping legislation. The functions also need to be:-

- 1) Developmental, and
- 2) Regulatory.

1. The dsevelopmental functions contribute directly to maritime development and the regulatory functions also

contribute to such developments and advantages consequentially.

The developmental function can take the form of participation in the process of formulating the policy of the government as regards maritime development and deciding upon the activities to be undertaken in connection with such development.

2. The regulatory functions are expected to ensure in the main:-

- a) Safety of life, ships and property, and
- b) Protection of the marine environment.

The present functions of the maritime administration in Somalia covers a wide sector of activities such as:-

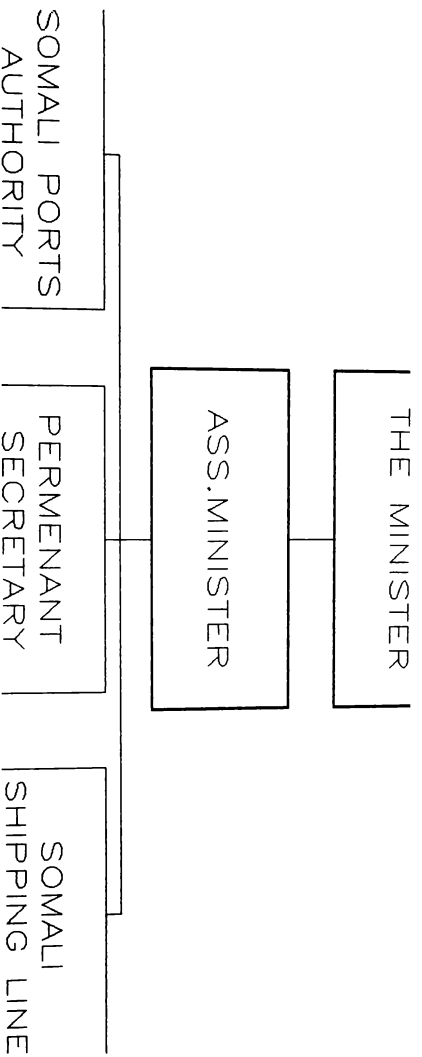
- 1) Enforcement of the Inland Waters Shipping Act and interpretation of this law.
- 2) Survey and examination of vessels on a regular annual basis and spot check method.
- 3) Examination of Masters, ships officers and crew for certificates of competency.
- 4) Updating the Maritime Legislation from time to time as necessary.
- 5) Registration of all vessels using the inland waters except those exempted.
- 6) Issuance of certificates of seaworthiness.

- 7) Collection of revenues from owners of vessels and take legal proceedings against defaulters.
- 8) Carrying out investigations into marine casualties.
- 9) Advice to the government on the operation and maintenance of government vessels.

The main aim of the Maritime Administration is to ensure that the above mentioned activities are carried out and to provide the machinery which would enable it to satisfactorily and efficiently undertake all those functions which are embodied in the country's national maritime law.

It is therefore necessary for the maritime administration to have competent officials with requisite technical and administrative knowledge to advise the government on the adoption and implementation of the national legislation and international regulations and to implement the maritime programme of the country. The advice should include the following points:-

- 1) Matters related to policy making in the maritime field.
- 2) Obligations under international conventions.



CHAPTER III.

Organizational structure of the Maritime Safety Administration.

Any discussion concerning the administration will not be complete without mentioning the officials needed to man same. It is accordingly proposed to deal with:

- a) The types of officials required
- b) The desired qualifications/experience of the officials concerned
- c) The organizational structure options and the attendant concept as regards the maritime (safety) administration for a developing country like Somalia.

A. Types of officials/personnel needed.

- 1. Statutory officials:
 - a) Director general;
 - b) Registrar;
 - c) Surveyors (Nautical and Engineer);
 - d) Examiners of seafarers;
 - e) Shipping accident investigators;
 - f) Shipping Masters;
 - g) Receivers of wrecks.

II. Other Officials.

- a) High level professional adviser to government if required.
- b) Support officials necessary for purely adminis-

trative and accounting work.

III. General staff.

The overall infrastructure of the administration would naturally depend upon the nature and extent of the duties and responsibilities involved, which in turn depend upon the current stage of maritime development in the country and its plan for future maritime development.

The level of various officials to be appointed in the administration will depend upon:-

- a) The quantity of work involved in each branch;
- b) The level of responsibility to be assumed in each branch or section.

There is also the vital need for such officials to be capable for assuming multiple roles.

3. Suggested qualifications and experience for the personnel/staff.

1. Director.

The director should possess the following qualifications/experience.

- a) MSC-Degree (Maritime Safety Administration) or Extra-master's certificate or Extra first class engineers certificate or equivalent.

- b) Service as Master or chief engineer of merchant ships etc.

gaged in international trade.

c) Experience as A surveyor of ships .

2. Nautical Officer/Surveyor-essential qualifications/ -----

- a) Master(foreign-going) certificate of competency
- b) Many years experience in the deck department of ships engaged in the international trade which should include at least a period of one year as chief officer.

Marine Engineer/Surveyor- essential qualifications/ex- ----- perience

- a) First class Engineer's certificate)
- b) Many years experience in the engine department of ship, which should include at least a period of one year as second engineer.

III. Shipping Masters-essential qualifications. -----

- a) A degree in law or a certificate of competency as Master (foreign-going).
- b) Experience in dealing with crew matters either in a government office or in a shipping company.

5. Registrar of ships. The function of ship -----

registration in a maritime country 'is so important that the official charged with the responsibility of being ships registrar must possess minimum educational qualification and experience.

a) Certificate of competency as Master(foreign-going)

- or degree of law.
- b) Experience in dealing with crew matters.
- c) Experience in registration of ships to the extent possible.

In Somalia the maritime safety administration is one of four with its head office in Mogadishu:
The departments are :

1. Technical department
2. Maritime safety administration or department of Aids to Navigation
3. Administration department .
4. Planning department.

Maritime Safety Administration Department.

The maritime safety administration was initially under the Ministry of Commerce and Industry which then had responsibility for maritime affairs .It was however transferred to the Ministry of Transport and Ports when the latter was formed as a separate ministry to oversee maritime related matters.
By way of organization the maritime safety administration has the following personnel.

1. Director
2. Marine department and principal officers, surveyors (Nautical & Engineer)
3. Radio inspector.
4. Seamen's employment offices.

The surveyor of ships was mainly concerned with the safe-

ty of snips but eventually also took over safety control of small craft used in fishing .The reason for including safety of small vessels was that they registered the highest casualty figures year after as compared to bigger vessels.

The principal activities of the maritime safety Administration were to be as follows.

- a) Enforcement of the In-land Waters Shipping Act and interpretation of the law .
- b) Survey and examination of vessels on a regular annual basis and through spot check methods.
- c) Examination of masters ship officers and crew for certificates of competency.
- d) Updating the shipping legislation from time to time as necessary.
- e) Registration of all vessels using the inland waters except those exempted.
- f) Issuing of certificates of seaworthiness .
- g) Issuing on behalf of the minister all certificates of competency.
- h) Collecting revenue from owners of vessels and taking legal proceedings against defaulters.
- i) Carrying out investigations into marine casualties.
- j) Advising the government on operations and maintenance of government vessels.

The principal activities to be undertaken by the various members of the staff were laid down as follows:

Senior Surveyor of Vessels.

To be the head of the marine safety administration as well the department.

His duties are to advise the government ministries, departments and statutory bodies of ship operations to update preventive maintenance schedules and to advise on all aspect of economic ship operation. He should also give ship-builders relevant instructions on new buildings and advise the government on designs related to new tonnage. He must have experience in the management of a dock yard, building or repair facility together with training of senior personnel.

Fulfil day-to day administrative duties of the marine department and plan training for the staff.

Conduct examinations for deck officers and organize examinations for engineers.

Surveyor.

His duties are to assist the senior surveyor all his duties, such as initial, periodical, intermediate surveys as well as mandatory annual, and additional surveys/inspections.

He would be directly responsible for all survey work on all vessel and issue certificates of seaworthiness.

He is to prepare technical reports and correspond as necessary, and control revenue collection for all surveys and examinations for certificates of competency.

He also institutes proceedings against people contravening the inland waters shipping regulations and those who default payment of fees.

Senior Boat Examiner.

His duties are to supervise the boat examiners on surveys and other safety controls of all vessels below 15 tons. Prepare technical reports on small vessels for the records of the head of department.

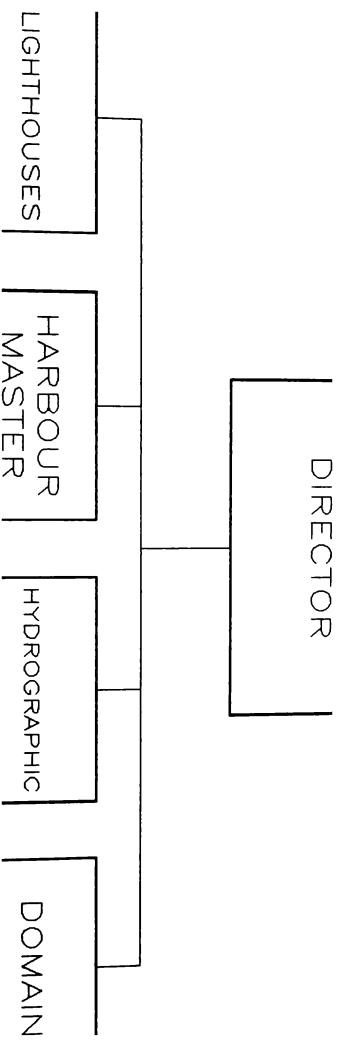
He also deals with those who fail to pay fees for surveys carried out by boat examiners.

Boat Examiner.

He must have a full Somalia junior certificate of education or equivalent, and boat building experience is essential.

He must be self motivated and have the ability to run office, write technical reports and maintain records.

The present Maritime safety Administration in Somalia having remained unchanged since independence and thus not being able to respond to modern day needs, should as a matter of urgency, be revamped bringing in qualified personnel to help run the administration on modern lines.



DIRECTOR

NAUTICAL AND
ENGINEERING SURVEYORS

SHIPPING
MASTER

HARBOUR
MASTERS

EXAMINATION OF SEAMEN
CASUALTY INVESTIGATION
PREVENTION AND COMBAT OF MAR.POLLUTION
SAFETY OF LIFE AT SEA
MANNING
PORT STATE CONTROL
SEAFARERS' WELFARE
MARTIME TRAINING
AIDS TO NAVIGATION
ADOPTION & IMPLEMENTATION OF INTER MAR CONVEN

REGISTRAR OF SHIPS
WRECK RECEIVER
SEAMEN EMPLOYMENT OFFICER

PILOTS
HARBOUR TUGS
HARBOUR LIGHTS
BERTHING AND UNBERTHING OF SHIPS
SALVAGE
PREVENTION AND COMBAT OF MAR.POLLUTION
SEARCH AND RESCUE
PORT STATE CONTROL

Number of national ships and particulars

It has to be borne in mind that shipping investment contributes to the flow of income to developing countries particularly valuable foreign exchange. It also has indirect effects which are particularly significant, - such as:

1. Prevention of disruptions of shipping services during hostilities in which the country concerned is not directly involved.
2. Reduction of economic dependence
3. Influencing of conference decisions
4. Economic integration
5. Promotion of exports
6. Diversification of employment
7. Improvement of the balance of payments.

In addition to the above, all concerned would need to remember the following essential elements of a national shipping development policy. 1. Government support/incentives a) Direct b) Indirect 2. Cost aspects a) Capital equipment b) Operation c) Crew d) Fuel e) Maintenance and repairs f) Insurance g) Taxes 3. Regulatory aspects a) Safety b) Environmental c) Social/political d) Anti-trust 4. Equitable cargo access a) Free trade b) Bilateral agreements c) UNCTAD liner code

As regards the aforesaid elements the maritime safety administration in a developing country is expected to have roles and functions relating to 1, 2 and 3 above, so as to actively assist in the qualitative and quantitative development/expansion of shipping.

When any of the aforesaid forms of support/incentives involves a public finance institution, or any kind of formal commitment of the government, or release of foreign exchange, it is but natural that the government would wish to ensure that: a) Acquisition of sub-standard ships is prevented b) The most suitable types and numbers of ships are acquired by the shipowners concerned.

c) The prices of the proposed ships are reasonable

d) The ships are operated efficiently and safely by the personnel manning them.

The obvious machinery of the government of a developing country for these purposes is the maritime safety administration.

Plans to modernise Somalia's ageing state-owned fleet have been under review for some time, but until they are realised it must rely on chartered tonnage to supplement the four vessels currently operating.

The country's two largest foreign exchange earners—liver stock, which contributes 80 percent of the country's export, and bananas make up the majority of outbound cargoes.

Unfortunately both require specialised forms of sea transport if they are to be carried in large quantities. The table below shows the composition of this very small fleet whose total tonnage does not exceed 13,000 GRT

Statistical situation of the Somali ocean going fleet :

Name	Type	Built	GRT	DWT
Juba	Banana carrier	1963	5170	4220
Banadir	" "	1964	4766	3861
Bolimoog	G.cargo	1971	1360	1826
Puntland	"	1960	941	1671

The two banana freighters with 290,000 cubic feet

capacity each are foreign-going ships engaged in traffic between Somali and European ports.

The other two cargo ships are engaged in international coasting.

The Somali merchant fleet is managed by the Somali Shipping Agency and Line, a public company under the control of the Ministry of Maritime Transport and Ports, but with independent finances.

There is also quite a considerable coastal fleet involving 67 privately owned ships and Dhows.

The fishing fleet consists of 22 registered fishing vessels plus a number of fishing boats operating in the immediate vicinity of the coast.

The ships of Somali Shipping and Line are well maintained but always running at loss, because this public sector company cannot compete on the market as well as the private companies. Therefore my recommendation is to turn this into a private concern too.

Registration of ships in Somalia.

Registration of ships is used as evidence of the right to fly the flag of the state as well as of the right of ownership and of mortgage. Thus the registration of a ship is very important since it accords nationality to the ship and serves as proof of title. The process of registration involves the observance of the requirements/ formalities prescribed under the Merchant Shipping Law and, subject to the same, has to result in:

1. The registration being effected through appropriate entries being made in the register action book maintained for the purpose, and.

II. A certificate of registry being issued.

Similarly, there are statutory provisions relating to attendant matters such as mortgages, transfers of ownership, and master.

In order to ensure the compliance with the relevant statutory provisions and to perform the necessary functions, registrars of ships need to be appointed under the Merchant Shipping Act.

It has also to be ensured that they are familiar with the statutory provisions and procedures involved.

In order to assist in this connection, the following explanations are offered.

The principle of the exclusive jurisdiction of the flag state over ships on the high seas makes it necessary that every ship which is lawfully on the high seas should have a nationality in a nation state. Articles 91, 93, and 94 of

the United Nations Convention on the Law of the sea are relevant to the question of registration of ships. While the registration of a ship in a state thus become obligatory under international law, the rules and conditions to which a ship is registered in a state are governed by the national merchant shipping law of that state. The relevant provisions are expected to be covered by the merchant shipping act of a state and the registration rules promulgated under the act. Obviously, these provisions of the national law relating to registration of ships are those to be implemented, ensured and enforced by the Maritime Safety Administration as part of its main functions. The main Act contains the essential primary provision relating to.

- a) Qualification of ownership
- b) Obligation to register
- c) Procedure for registration
- d) Certificate of registry.
- e) Transfers and transmission
- f) Mortgages
- g) Name of ship
- h) Registration of alteration and registration anew
- i) National character and flag, and
- j) Attendant miscellaneous matters.

As regards the qualifications for ownership most of the maritime countries stipulate that their ship must be owned by their respective national companies/corporations fully owned (or with majority participation) by their nationals. However, there are some countries which do not insist on such strict conditions and which grant regi-

stration on easy terms. In such cases (beneficial) owners may belong to another country, and may have beneficial interests in the whole or the major portion of the ship. This is what has become known as "Open registry". In Somalia there is only one central registry which handles all matters regarding registration of ships. This registry is in the head office in Mogadishu, with branch registries in Berbera and Kismaio. There are 3 types of registries.

1. Ships
2. Dhows
3. Craft

Certificates of masters and crews, certificates of seaworthiness and licences are all issued through the registration office under the control of the surveyor of vessels who is also the registrar of vessels.

Registration of ships.

For registration purposes the owner of a vessel will apply for survey and registration of his vessel to the surveyor of vessels and will state in the application where the vessel is situated and awaiting survey.

This application is made by merely filling in form A. Such an application will be accompanied by the appropriate fee.

The fee for registration varies according to the size of the ship.

After receiving the application, the surveyor will go to survey vessel and if he is satisfied that the vessel is seaworthy and conforms to the requirements of the act, he

will issue a surveyor's certificate.
For registration the surveyor shall duly forward the surveyor's certificate and four completed copies of form B to the registrar.
The registrar upon receipt of the forms, will issue the owner with a certificate of registration by completing the reverse side of form B.
He will also allocate the vessel its identification mark and enter the name of the vessel and its particulars in the ship's register.
The certificate of registration is valid for as long as the vessel is seaworthy, but major alteration to the vessel will qualify it for re-registration.

Registration and registrar.

The director of the department of ports is defined as the registrar general for the purpose of registering Somali ships.

The director of this department should be designated registrar.

In some sections power is given to the Minister to appoint surveyors and inspectors of ships as well as other officers to assist the registrar in the performance of these duties.

Register book of ship of Somalia

The following must be included in the register book.

- a) The ship as property owned by one or

more persons joint owners shall be considered as one person.

b) A corporation may be registered as owner of a ship by its corporate name.

The register book shall show the following information:

1. The name of the ship, and any change of this name should be entered.
2. Port of registry .
3. Details of tonnage and build and other particulars as shown in the surveyor's certificate .
4. The name of the registered owner and in the case of more than one, the proportions of their interest.
5. Mortgages are entered in the order of their production.
6. Any alterations of the registered particulars shall be entered.

Somali ships

Ships deemed to be Somali ships must be registered in Somali register book .

A ship is deemed a Somali ship when more than one half of her shares are owned.

a) By a Somali.

b) By a company established and operating under Somali laws, having its registered office in the Somalia Dem. Republic.

c) By a corporation incorporated outside Somalia in which the controlling interest is vested in Somalia.

In this case a special decision of the Minister is required.

The obligation of Somalian ships to be registered defined in art.39-50.

An exception is applied under the same section to all other ships not exceeding fifteen tons and employed solely on the coast and to ships without a whole or fixed deck,engaged solely in fishing,lightering or trading coastwise along the coast of the Republic.

In art.39-50 the Minister of Transport and Ports is empowered to delete and erase of from the Somali registry a Somali ship if it is found that her owners or matters are systematically contravening the law of the Somalia Democratic Republic,or if the ship is traded or operated in a manner contrary or prejudicial to the interests of the Somalia Democratic Republic.

Furthermore it is provided that in the case of the exercise of such power,the register shall still be open in respect of existing registered mortgages against the ship,thus ensuring the continued protection of the mortgages.

Procedure for registration of Ship.

The procedure for registration is composed of the following elements:-

- 1.Application for registration.
- 2.Survey and measurement of ship.
- 3.Declaration of ownerships.
- 4.Builder's certificate or Bill of Sale.
- 5.Document to be retained by registrar.
- 6.Marking of ships.
- 7.Entry of particulars in registry.

Survey and measurement of ship.

Every ship must before registration, be surveyed by a surveyor according to the regulations and rules and after that the surveyor shall grant certificate specifying the tonnage, build and all other required particulars.

Marking of Ships.

Before registration a ship must be marked as follows .

a)Her name shall be marked on each side of her bows and the name of the port of registration must be marked on her stern, on a dark background in white or yellow letters, or on a light background in black letters, such letters to be of a height of not less than four inches and of a proportionate breadth.

b)Her official number and the number denoting her registered tonnage shall be cut in her main beam.

c)Her scale of draught marks shall be marked on each side

of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in height,-- the lower line of such letters or figures to coincide with the draught line denoted thereby.

Application for registration.

Application for registration shall be made to the Minister of Maritime Transport and Ports.

This application must contain all relevant information and particulars regarding the ship to be registered, as to the present name and previous name, the present nationality of the ship, the type and the dimensions, the gross and net tonnage, the intended trade as well as the particulars of the engine and propulsion power.

This Application shall be from the person or persons requiring to be registered as owner or their agent.

Declaration of ownership.

An applicant for registration of his ship should submit a declaration of ownership containing.

1. A statement which must set out his qualification to own a Somali ship.

- a) A statement of the year and place of construction of the ship.
- b) A statement of the name of the ship and Master
- c) A statement of the number of his shares in the ship.

Builder's certificate or Bill of Sale.

The builder's certificate (for new ship) is very important for registration so as to trace its source and to establish identity .If there is no builder's certificate the bill of sale (for second-hand ship) must be presented

.

Entry of particulars in the registry.

After completion of these requirements the registrar shall enter in the register the following particulars with respect to the ship.

- a)The name of the ship and the port of registry
- b)The details comprised in the surveyor's certificate.
- .c)The name and description of her registered owner or owners.

System for Manning National Ships.

Seamen Employment contract.

In Somalia the seamens/contract is.

- 1.For a single or more voyages, or .
- 2.For a definite period of time,or .
- 3.For an indefinite period of time .

The wages of seamen can be.

- 1.A fixed sum for the entire voyage,or .
- 2.A fixed sum per month or other period of time,
or .
- 3.A share of voyage profits.

The employment contract can be between Master and seaman and effected writing in the presence of the maritime authority and,abroad,it must be in the presence of the consular authority.The employment contract must be signed by the Master or owner and by the employed person.

A seamen under eighteen years of age cannot be employed for engine room service.Before the signing of the contract it should be explained to the person concerned.

In Somalia the following are the professional titles of maritime personnel.

a)Deck service.

- 1.Captain or(Master mariner) qualying for command of any type of vessel for any destination.
- 2.Padrone Maritime -qualifying for command of any type of vessel not exceeding 1000 GRT,for sailing from Maputo to the Arabian coast in the Persian Gulf and Red Sea and upto Calcutta(India).
- 3.Nacude-qualifying for command of sailing vessels not exceeding 1000 GRT,mechanically propelled vessels.
- 4.Marinaio Autorizzato -qualifying for command of sailing or mechanically propelled vessels not exceeding 150 GRT,for coast-wise sailing from Maputo up to the Arabian coast of the Oman Gulf,including the Persian Gulf but excluding the Red Sea.
- 5.Capobarca-(head boatman)-qualifying for command of sailing or mechanically propelled vessels not exceeding 50 GRT in the territorial waters.

b)Engine room service.

- 1.Chief engineer-qualifying for supervision of marine engines of any type installed on board vessels sailing on any sea.

- 2.Meccanico Navale (Engineer) qualifying for supervision of any type of marine engine not exceeding 800 B.H.P or 900 rated B.H.P sailing from Maputo to the Arabian coast in the Persian Gulf and Red Sea and the Oman Gulf along the Indian coast,upto Calcutto.
 - 3.Motorista Naval (engine room mechanic)-qualifying for supervision of internal combustion engines not exceeding B.H.P installed on board vessels sailing coast-wise within the limits referred to above including the persian Gulf,but excluding the Red sea.
 - 4.Fuochista Autorizzato(authorized fireman)-qualifying for supervision of engine not exceeding 150 rated B.H.P.
 - 5.Matorista Abilitato-qualifying for supervision of internal combustion engines not exceeding 100 B.H.P such ships sailing in the territorial waters .
- N.B-Any crew member if qualified can work on any ship regardless of the GRT.

System for registration of Somali
seamen.(art.35).

Maritime personnel in relation to the work performed are classified:

- a)Seafaring people .
- b)Personnel employed in the maritime activities of ports.

The seafaring people can be those with any rank or position who constitute .

- 1.The crew on ships.
- 2.The crew on Dhow.
- 3.The crew on Mechanically propelled craft.

Registration of seamen(Art.36).

To be registered a seamen must have the following :

- 1.A passport valid for the period and requirement connected with the performance of maritime activities.
- 2.Be a Somali citizen.
- 3.Be domiciled in the territory .
- 4.Be at least 15 years old.
- 5.Be vaccinated against smallpox and others.
- 6.Have the consent of the person exercising paternal authority.
- 7.Be declared physically fit for sailing .
- 8.Know how to swim and row.
- 9.Not to have been sentenced for crimes against properties or people involving at least one year imprisonment save for rehabilitation .

Seafaring people can be removed from the official registers for the following reasons.

1. Death of the person enrolled.

2. Statement of the enrolled person's intention to abandon maritime activities.

3. Loss of Somali citizenship.

4. Permanent loss of physical fitness for sailing .

5. Sentence by irrevocable judgement for a crime for which the applicant cannot be enrolled .

6. Cessation of sailing for a period of ten consecutive years for the persons enrolled who are in possession of professional titles and five consecutive years for other persons enrolled.

The manning policy to be implemented could be based on IMO and ILO guidelines and resolutions on a safe manning policy.

Training of seafarers in Somalia is dealt with under the next title.

Particulars of present institution for training.

seafaring personnel in somalia.

a) there are two types of Education and Training for seafarers.

-Officers.

-Ratings.

There are two principal training systems today:

In the rating system where a man works his way to a license through experience.

Officers are from school programmes where one studies for number of years undergoing formal education in professional subject .

In Somalia ratings usually belong to the group of people who study through experience,because there is no special training course for them.Officers on the other hand attend school thus producing a cadre of educated maritime people.Education in Somalia comes under the Ministry of Education. This is divided into two levels .

-Nautical and Engineering students taking the required intermediate certificate.

The Maritime Institute which prepares the teaching staff of the maritime school in navigation and marine engineering,with a starting requirement of secondary school certificate or equivalent.

In the rating system the trainee with suitable experience ashore is employed as a new member,but some become officers and learn practicalities of the job under guidance and supervision.In the case of officers from school programmes the trainee follows a carefully planned scheme of training which covers all aspects of his expected duties, carried out under controlled conditions mostly at shore maritime training colleges.

b)Training of the officers.

Mostly officers are trained abroad as training facilities available in the country are limited,but training of officers of coastal ships has always been done in our schools.

c)Development of maritime training facilities.

The government is assuming the responsibility for utilizing the advantage of its people.

The responsibilities and functions of the government as

regards its marine personnel (seafarers) are:

- Crew matters in general.
- Examination and certification of the seafarers.
- Manning of the ships .
- Maritime training.

d)Necessity of maritime training facilities :

Shipping is a capital intensive industry. Once the appropriate policy decisions are taken to acquire a fleet and form a shipping company, difficulties will emerge when there is a lack of qualified and skilled personnel required to man, manage and operate these vessels.

Therefore when acquiring and forming the fleet, one of the task which is necessary to consider and fulfill, is to create the proper maritime training facilities to enable the country to obtain a ready source of maritime expertise in all its branches.

The maritime industry consists of more than oceangoing ships. It includes tugs, barges, ports, terminals, shipyards, -marine insurance, underwriters, engineers, etc. Such a goal requires a well-trained and professionally competent cadre. The purpose of such maritime training facilities is to ensure that such a cadre is available.

Therefore the maritime academies, institutes and all kinds of maritime training facilities play a vital role in fulfilling the national policy and the commitments of having superior certificated officers serving on the country's ships.

These matters are vital because they have an impact on the standard of safety and efficiency of operations of the ships as required by IMO standards.

e)Enrolment of the rating.

The examination committee is nominated by the minister of Marine Transport to periodically conduct examinations in the following areas:

Deck ratings-in seamanship(rowing,sailing,painting swimming,ropes,knots,canvaswork,use of fire fighting equipment).

Engine ratings-in the working and firing of boilers,painting,handling of engine room tools,ships engines and auxiliary.

The knowledge of the rating should comply with STCW standards.

Procedure/ system for conducting inquiries/.

investigation into shipping casualties.

The main purposes of an inquiry/investigation into a shipping casualty are to: 1. Ascertain the facts.
2. Obtain all relevant information .
3. Determine as precisely as possible the cause(s) of the casualty.

In this connection it is most desirable to adopt a system of inquiry/investigation in two stages, as is done in most maritime countries.

The aforesaid two stage are described below:-

Preliminary inquiry.

This inquiry, which can be said to be quasi-judicial in nature, is usually conducted by a responsible official (with the necessary expertise) of the maritime safety administration, duly notified as the proper officer for the purpose under the merchant shipping Act. Such an officer needs to be a highly experienced professional officer, duly trained for the purpose, who needs to appreciate fully that he is undertaking a solemn duty, during which he would have to: 1. Show great patience and understanding in examining witnesses since they are likely to have been through traumatic experience.

2. Remember to place himself "in the shoe " of the witness when recording his statement, so as to be able to understand the relevant circumstances properly.
3. Appreciate the fact that his conclusions /recommendations may have far-reaching consequences affecting the careers of the seafarer(s) concerned and perhaps, the shipowners themselves.
4. Distinguish clearly between "error of judgement " and

"negligence"as regards any act of omission or commission on the part of any seafarer concerned .

5. Remember the purpose and objective of the inquiry and .
6. Ensure that the proceeding and the report of the inquiry are such as to be capable of forming a proper basis for the decision of his government as regards further follow-up actions.

Formal investigation.

A formal investigation is public (judicial) inquiry, to be held as decided by the government .It is held by a court (or commissioner) empowered under the merchant shipping Act, assisted by assessors of the appropriate expertise, drawn by the court (or commission) from a panel maintained for the purpose by the maritime safety administration.

Usually a formal investigation is ordered by a government (or official in charge of the maritime safety administration duly empowered) in any of the following circumstances.

1. If the preliminary inquiry alone is not considered sufficient.
2. If it appears likely to lead to the prevention of similar casualties in the future.
3. If it appears that the shipping casualty has occurred through an avoidable cause.
4. If the said casualty was accompanied by loss of life or property or involved serious damage.
5. If the casualty has given rise to a substantial amount of public attention or to disturbance of public confidence.
6. If a certificate of competency of an officer (including a Master) is likely to be dealt with.
7. If there has been any alleged default or negligence on the part of the Master or any officer.

Realising the importance of maritime investigations as possible means of improving relevant international regulations the IMO has highlighted the conduct of such investigations in various conventions.

These include-

A. International convention on Loadlines ,1966, Art.23, casualties .

1. Directs each administration to conduct an investigation of any casualty to any ship for which it is responsible and which is subject to this convention when such an investigation may assist in improving the convention.
2. The findings of such investigations shall be furnished to IMO without disclosing the identity or nationality of the ship and without disclosing the responsibility of any ship or person.

B. Resolution A.173 (November 28, 1968). Participation in official inquiries into Maritime casualties.

1. Intent is to ensure that countries with substantial interest in Maritime casualties are permitted to be represented at the inquiries and to encourage international unified investigation practices.
2. Recommends that country conducting the inquiry shall, - subject to national rules, allow representative of a country with substantial interest to attend and participate in the inquiry.
3. This recommendation does not apply to any preliminary or informal inquiry.

C. International convention for the safety of life at sea (Solas) 1974 chapter I, Regulation 21 - casualties.

1. Each administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provision of the present convention when it judges that such an investigation may assist in deter-

mining what changes in the present regulation might be desirable .

D. Resolution A.322 (November 12, 1975) the conduct of investigations into casualties.

1. Draws attention to the obligations of contracting government to investigate casualties as stated in the convention and to supply IMO with information about the lessons to be learned and the conclusions.

E. Resolution A.440 (November 15, 1979) Exchange of information for investigation into Marine casualties.

1. Urges governments to cooperate in investigation into marine casualties and to exchange information freely for purpose of a full appraisal of such casualties.

F. International convention for the prevention of pollution from ships (Marpol), 1973, Article 12.

1. Each administration will conduct an investigation of any casualty to one of its ships subject to the regulations if there is major deleterious effect upon the marine environment .

2. Each party to the convention will supply the organization with the findings when such information may assist in making desired changes in the convention.

United Nation convention excerpts.

A. United Nations convention on law of the sea, 1982, part VIII, section 1 Article 94(7) and part XII, section 5, Article 223.

1. Article 94(7) requires.

a. each state to hold an inquiry into every marine casualty on the high seas that involves a ship of its flag or that causes loss of life or serious injury to national of another state; or causes serious damage to

ship or installations of another state, or to the marine environment.

b. That the flag state and such other state to cooperate in the inquiry .

2. Article 223: State conducting the inquiries should facilitate witnesses and evidence provided by other states or international organization and should facilitate the attendance of official representatives of any state affected by pollution due to any violation.

In Somalia (Art.174) the authorities indicated in sub-Article 27, after completion of assistance operations, must make summary inquiries of the causes and circumstances and take necessary measure to keep under control things and elements useful for further investigation.

If the vessel involved in the accident flies a foreign flag the above authorities can proceed as indicated above only if Somali vessels are also involved or damage to the administration have arisen.

The inquiring authority draws up a report regarding the investigation made and measures taken in order to keep evidence of accident.

Report to the judicial authority (Art.175).

The above -mentioned report drawn up by the inquiring authority or the investigation report referred to sub.c), first paragraph, article 51, is to be forwarded to the head of the maritime zone, along with evidence that the shipwreck or abandonment of the vessel, death or inquiries to the persons are presumed to be caused by fraud or fault of anyone. These reports accompanied by further details from investigations considered necessary, must be forwarded by the head of the maritime zone to the judicial authority.

Amicable settlement of lawsuits for maritime accidents.

For lawsuits concerning.

- a) Damages caused by vessel while anchoring and mooring or engaged .
- b) Damages resulting from collision.
- c) Damages caused when using loading and unloading facilities when handling goods for embarkment and disembarkment operation including transshipment .
- d) damages caused by vessel to fishing nets and facilities.
- e) Indemnities and rewards for assistance, rescue and salvage.
- f) Reimbursement of expenses and prizes for the finding of wrecks.

The parties, before resorting to judicial authority, must request the intervention of the harbour Master who must try to induce the parties to come to an amicable settlement . If the latter is reached, proces verbal is drawn up, signed by the parties and other appearances, constitutes enforceable title. If the settlement is not reached, a proces verbal is drawn up, enclosing all the papers relative to possible finding of facts, which is signed by the parties and other appearances.

In lawsuits for maritime accidents the judicial authority resorted, to orders that the report is resulting from summary inquiries and those showing failure to reach an amicable settlement be officially recorded.

For the examination of the sharing of general average, - pursuant to article 143, the judicial authority orders the official recording of reports resulting from investigations in accordance with the provision of article 51, first paragraph c).

Facts evidenced by the above reports are considered as ascertained but the parties concerned can adduce evidence to the contrary(Art.177).

Labour disputes(Art.178) Amicable settlement of

dispute.

In dispute concerning.

a)Labour relating to seafaring people,also if the dispute is brought by persons of the family of the seamen or by other person entitled to do so.

b)Performance of port activities and relative wage,.

c)Wages due to the operators of sea craft and facilities,employed in loading and unloading operations of goods and embarkment and disembarkment of person,the parties,before resorting to the judicial authority,must submit the dispute to the competent "labour office "which ,whenever possible will be assisted by the Harbour Master in order to reach possible amicable settlement.

Procedure(Art.180).

Enforcement and other court-ordered steps are authorized and directed by the competent judicial authority,according to the original procedure foreseen for immovable property and the provisions set forth in the subsequent articles.

Injunctions.

Injunctions,the term of which is reduced to 24 hours,become null and void after thirty days have elapsed without the distraint having been carried out.

The act of distraint and the order authorizing to effect a court-ordered attachment must contain also the data to

indentify the vessel and the order to the Master not to let the vessel sail.They must be notified at the behest of the creditor to the owner and the Master of the vessel.

When actions are instituted by the creditors of the operator not owner,who has a maritime privilege,the enforceable title, the injunction,and other authorizing court-ordered attachments must be notified to also the owner and not operator.

In the above case,the distraint and in general enforcement steps are fulfilled in respect of the owner not operator,to whom all the provisions regarding the debtor are applied except for prohibition to make offers to purchase the vessel.

The distraint order and the authorization to attach are notified by the creditor,to the enrollment board.The competent judicial authority after notifications to the maritime authority,can take the necessary measure to prevent the vessel from sailing.

Administration of the vessel distraint and

attached(art.185.

On the request of the party concerned and who advances the sum necessary,the competent judicial authority,after hearing the mortgagee and prescribing the guarantees and other measures considered suitable can authorize the vessel distrained or attached to effect one more voyage.

Port Safety .

The Role of the Somali Port authority of Somalia.

Somalia, with a coastline of approximately 3330 kilometres, has developed as a maritime state over the years. The maritime interest, suitable locations for home ports and port development along its tropical coastline soon became evident.

Several ports emerged, with the ports of Berbera, Mogadisho, and Kismayo, becoming the principal ports of Somalia. The government of Somalia envisaged the need to establish a management body to control and operate port activities within the country. This body known as the National Port Authority (SPA), was thus established by an act of national legislature no 10 of 7th Jan. 1973.

The responsibilities of this body are to plan, design, construct, maintain, and operate all ports and related activities within the borders of Somalia and to represent the nation at all levels of forums and negotiations on port affairs.

Further responsibilities are envisaged in the national public safety laws which places on management the obligations of introducing acceptable safety practices within its confines and the appointment of SPA management as the designated national competent authority on the handling of dangerous goods.

In compliance with these responsibilities in the establishment of a safe port industry, management should take into account all aspects relating to port safety.

These include, inter alia, technical, regulatory and labour aspects .

The technical aspects include the following :

Safe Access waterways.

Demands, realization and limits.

Improvement of capacities.

Response to changing requirements.

Safe Navigation Equipment.

Buoyage and light vessels.

Lights, beacons and landmarks.

Communication equipment.

Dredging.

Maintenance, and/or constructional dredging.

Dredging equipment.

Use and disposal of dredged material .

The regulatory aspect is an enforcement measure via which port safety can be enhanced . It should take the following into consideration.

Port Rules.

- Basic and general rules covering port areas.
- Port entry, reporting and notification and .
- Manoeuvring, use of engines, special passages, channels.
- Use of signals.

Safety at Berth. .

- Mooring .
- Safety of ships at berth, manning engines and safety

equipment.

Use of Open Fire Smoking.

-Fumigation.

-Pollution.

Ship's Stability and Ballasting.

Bunkering .

Dangerous Substances, Safety Regulations.

Basic decision.

Compatibility with other relevant regulation such as, IMO recommendations, IMDG codes, SOLAS chapter VII.

Local peculiarities.

Packaged dangerous goods.

Bulk dangerous substances .

Oil and oil products.

Chemicals gases.

Those who are involved in the implementation of such programmes are capable of maintaining the level of safety required, noting that only a port that maintains a safe working environment can be considered reliable.

To summarise, this aspect should include among other things:

Safety of port labour .

Environment .

Changing labour condition .

Different commodities handled .

General and specialized jobs.

Responsibility for public safety.

Impact on general public welfare.

Cost and social burdens.

Impact on port efficiency and reputation.

Precautionary Measures.

Safety regulations.

Training of workforce.

Safety of installations and equipment.

Personal safety equipment.

Installation of a control mechanism, such as
practical safety policy.

Precautions for actions following Accidents.

Gangway.

Access to hold.

Loading gears.

Lighting .

Safe handling .

Supervision.

Safety equipment.

Finally with the breakdown of these aspects as shown above, it is hoped that the role of SPA in maintaining a safe port industry in Somalia can be more easily achieved.

Since ships and Ports are complementary in the Maritime Transport system, Port management (SPA) must be given a clear understanding of the implication of any decision taken the Somali Maritime Administration(SMA) especially in the carriage of dangerous substances, in order to ensure safe handling provisions within the port rules and regulations. In the opinion of the author this can lead to better safety measures in Somalian port and subsequent economic advantages for the nation.

Officials of SMA and SPA must assume their appropriate roles and exercise the necessary functions to maximum national advantage. It would also be very useful for SPA to appreciate the advantages that can accrue to ports from a proper maritime administration (SMA) since ports are for the use of ships, there are marine service to be rendered by ports, and port safety and the safety of ships in ports are interrelated.

A further role of Somalia enhancing port safety could be the utilization of its maritime expertise (SMA) for port support in the form of :

a) Assistance in the development of port manpower needs including technical and other maritime personnel.

This area should cover port engineers in maritime and related engineering fields, marine personnel for port crafts, personnel responsible for handling dangerous substances and ship/shore interface personnel.

b) Assistance in the identification and procurement of suitable tugs and other port crafts and equipment, including those required for fire fighting operations and rescue services.

c) Assistance in the development of repair facilities for crafts in ports.

d) Improvement of port rules and regulations to comply with the various international instruments concerned

withmarine transportation to which somalia is a contracting party.

The IMO is the United Nations agency responsible for maritime activities with,amongst other thing,the following objectives:

To provide the machinery for cooperation among governments and practices relating to technical matters of all kinds affecting shipping engaged in international trade,.To encourage the general adoption of the highest practicable standards,and not the highest conceivable,in matters concerning maritime safety and efficiency of navigation and prevention and control of maritime pollution from ships and to deal with matters related thereto.To implement its task the organization has through its maritime safety committee (MSC)developed several technical instruments for adopting international conventions and has,for many years provided technical assistance to developing maritime states in collaboration with the UNDP and other funding agencies the UN.

The technical assistance programme aids developing maritime states in strengthening their scientific and technological capabilities.

It enables these countries to curtail the problems associated with achieving required level of safety in their maritime industries.

One such technical assistance programme in the package given to ports/ harbours is as follows:

Assistance in the field of planning and development administration.

This takes into account port re-organization,containers,- harbour piloting,advice on port navigation and related marine sevicees,port operations,improvement of ports,improvement of radio and navigational aids in ports and approaches,technical port and harbour administration,hy-

drographic surveys and dredging.

Assistance in the field of dangerous goods. This includes, safe handling in ports, storage preparation and procedures, control and information procedure for arrival of dangerous goods by land and water, lay-out and construction of dangerous goods area in ports and adaptation of the international maritime dangerous goods (IMDG) code for port operations.

ILO, another UN organization, is given the task of improving social and living standards world-wide.

This task can be condensed under four main activities as follows:

To formulate international policies and programmes to aid the improvement of working and living conditions, enhance employment opportunities and promote basic human rights.

To create international labour standards which would serve as targets for achievement by national authorities in implementing labour policies.

To undertake international technical cooperation to help governments in making labour policies practical and effective .

For the effective implementation of its task the organization has divided its functions into two main categories of activities namely, land-based and maritime activities. The objective here is to cater for the special conditions of the maritime industry which do not fit into the activities of land-based industries.

The maritime activities deal with four main maritime industries, these are, port, inland waterway transport, shipping and fishing industries.

My recommendation is to use ILO rules regarding the following points.

1. Port

2. Inland waterway transport.
3. Shipping.
4. Fishing industries.

The organization provides service to these industries in the form of research studies and technical reports, technical advisory services dissemination of technical information, support of technical cooperation projects by serving as consultants for contracts with bilateral agencies, and developing and setting safe working standards.

The last of these services rendered by ILO is of high importance for the purpose of this paper.

The organization has carried out extensive work in this area, resulting in important safety instruments which provide the necessary information to enhance safety and health in dock work.

Highlights of relevant ILO instruments pertinent to port safety should be considered when producing a port safety policy as they can be easily adopted.

These two international organizations have done a lot of pioneering work in the maritime field, greatly reducing the workload on coastal states. It is strongly suggested therefore that the numerous conventions and standards they have set be closely followed in Somalia in the preparation of maritime laws/regulations and for the upliftment of the conditions of service of Somali seafarers.

Dangerous substances and port safety in Somalia.

The safe handling of dangerous substances plays an important role in the safety in ports.

Considering present estimates, more than 50 per cent of the cargoes transported by sea, which are subsequently handled in ports, are classed as dangerous or hazardous. This has induced problems of handling and storage in ports for both developed and developing countries, therefore, it is essential that if ports are to maintain and improve their safety records such cargoes should be handled with the greatest possible care.

The cargoes transported include bulk products such as solid or liquid chemicals and other material, gases and products for the oil refinery industry. Between 10 to 15 per cent of the cargoes transported in conventional dry cargo (break bulk) containers, ro/ro and similar ships fall within the "dangerous" classification of the IMDG code. These cargoes are all, in fact, handled in the ports of Somalia.

Over the years, several major incidents have occurred during the handling of dangerous substances. These resulted in adverse effects on ships and ports. While such incidents may not occur today, there are several common cases continuously occurring which could result in even greater, more alarming effects that they should not be overlooked.

These include.

1. The escape of dangerous substance from leaking drums and packages which burst as a result of being dropped into a ship's hold or on the pier of a port.

2. Accidents resulting from the entry into an enclosed space containing toxic substances or whose atmosphere is oxygen deficient.

3. Accidents involving contamination of foodstuffs by pesticides which are sometimes a consequence of unsatisfactory packaging.

All these events can be associated with the absence of or the reluctance to apply basic safety rules.

In general, accidents often result from a sequence of errors caused by human fallibility escalating into a final disaster.

To prevent such from occurring it is necessary to impose a system of discipline/control.

This should ensure that safe working practices are achieved by following well-established accident preventive routines.

The literature on past accidents involving dangerous substances indicates that preventive measures fall into the following categories.

a) Those who participate in the process of conveying and handling dangerous substances need clear information on the nature, type and precaution to be taken during loading and unloading and on the action to be taken in the event of an emergency.

b) Work activity such as pumping of liquid in bulk from ship to shore, repair work and entry into confined spaces should be within the established system of control. Ship's equipment, receptacle and pipes should be suitable for their purpose and should be of a suitable construction standard.

This will need the cooperation of the maritime administration, in Somalia to ensure that standards are met. Measures and equipment should be available for the prevention and abatement of fire.

The location in port areas where explosives are allowed and the precaution necessary for handling should be strictly controlled. Plans should be made in advance to cope with emergencies.

Need for information.

Adequate information is necessary for all those who may be concerned with the movement, loading,unloading,or storage of dangerous substances in port areas.These will include the port authorities,the masters of the ships,- workers and those concerned with the implementation of emergency plans.

The information system should include:

- a)Notification to the port authorities of the quantity and nature of dangerous substances entering the port premises.
 - b)Upon arrival,notification to the port authorities by the master before a ship loaded with dangerous substances is brought into the port.
 - c)The displaying of signals by a ship carrying dangerous substances to indicate any special hazard to other ships in the vicinity.
 - d)Marking and labelling of packages and large cargo or transport units, including freight containers,tank containers and vehicles containing dangerous substances.
- Adequate communication between ship and shore during loading,unloading and navigation within the harbour area.- Readily available,for use in emergency,information on dangerous goods should be held by ship and berth operators as appropriate.
- Information to employees should be communicated by means

of basic training schemes. Such would enable an employee to have knowledge of the following:

- a) The danger, hazards and risk of handling different type of dangerous substances.
- b) Steps to be taken in the event of an accident involving dangerous goods.
- c) Steps to be taken to prevent accidents involving dangerous goods.

Control of Work Activities.

Proper control to prevent accident involving dangerous substances should include the following:

Source of ignition.

Where there is a risk of igniting a dangerous substance, the sources of igniting must be controlled using a work permit system where necessary.

Prevention of exposure to hazardous substances.

workers exposed to hazardous atmospheres or corrosive or toxic effects of dangerous substances may need to be provided with appropriate protective clothing and equipment, persons entering confined spaces may need to be subjected to an entry permit, guards to be adopted, the hazards of entering an oxygen deficient area should be understood.

Safe management of loading and unloading operation.

When loading and unloading dangerous substances in bulk a safety check-list showing the main precautions to be taken should be signed by the master and the berth operator.

Physical standards of suitability.

For ships which are to load and discharge dangerous substances in bulk, assurance should be obtained as to IMO standards of construction for such ships.

This assurance should be in the form of valid certificates of construction and fitness, and should be obtained in co-operation with the appointed government inspector and/or the harbour master.

Fire precaution.

Prevention of fire should imply the avoidance of flammable atmospheres and sources of ignition (such as flames) in hazardous areas. Furthermore, adequate fire-fighting measures should be assured. Fire hoses and extinguishers should be in a state of readiness with adequate water supplies, foaming agents and an alarm arrangement.

Control of explosives.

Because of the exceptional risks and the possible effects of explosions, detailed provisions should be contemplated to ensure port safety. It may take the form of restrictions on permitted quantities under a licencing system to avoid terrible incidents.

Emergency planning.

The absence of a plan to deal with emergency loads may mean that an incident becomes more disastrous than it would be otherwise. It is therefore the duty of port authorities to ensure that where the handling of dangerous substances are concerned emergency plans are available and practical. Such a plan should specify notification and alerting procedure, identification of an on-scene coordinator, spill control and clean-up procedure, procedure for disposal of contaminants, evacuation procedure, identification of public relation personnel and resource inventory methods.

This will ensure its workability in the event of an actual incident.

Dangerous substances and Port Development.

Transport of dangerous substances, whether gases, liquids or solids in bulk or package form, has considerably contributed to problems encountered in ports.

This has increased since the development of this type of cargo has been much faster than any other cargo type both in quantity as well as the different numbers of dangerous substances.

In the case of bulk dangerous substances (liquid chemicals, compressed or liquified gases, and solid bulk dangerous material) they are normally transported in purpose built vessels. Special terminals for the loading and discharging of these vessels are presently the standard to ensure safety.

These terminals are usually constructed at places remote from other activities or populated areas.

In some cases they are integrated into available facilities.

ties of general cargo port, otherwise they may become part of an extension of an existing port.

The introduction of these and other new technologies requires considerable structural and operational changes. This has raised problems in many ports, particularly ports of developing countries.

Often these ports are not prepared for new technologies, which are introduced at a pace of the technically most advanced nations due to pressing economic conditions.

In spite of this the fact that there are special terminal requirements for the loading and discharging of bulk dangerous substances, there should be awareness on the part of port authorities, to institute practical safety measures whereby their port can operate safely and efficiently.

In the case of packaged dangerous substances, including dangerous goods in containers, portable tanks, ro/ro ships and barges, the situation in ports has developed differently.

This is analyzed for easy comprehension in the following sub-paragraphs:

The increase in ports all over world, has been a quiet and largely unnoticed one.

Estimates from IMO literature indicates that 15% of all general (break bulk and unitized) cargo handled in port falls under the dangerous goods classification.

The ships which transport packaged dangerous goods may be of special types, (container, ro/ro or barge carrying ships) but are not special because of the type of cargo they carry.

The majority of dangerous goods carrying ships are still of the conventional cargo type or container ships. Port regulations usually talk about explosives and inf-

flammable liquids when dealing with dangerous substances, - however they hardly consider other types of dangerous substances .

Consequently necessary improvements and changes not taken into consideration (like modernising and adopting administrative and operational procedures, training of port workers in the use of special equipment and the establishment of emergency response plans) to adequately and efficiently arrest the situation in the event of an incident.

The transport handling and storage dangerous substances in ports requires a different approach than that habitually applied in most ports.

Changes have been too dramatic and too much is at stake to allow room for complacency .

These include people's health, capital investment in ports and ships, the quality of the environment and last but not least, the reputation of the port.

A successful remedy in ports cannot be achieved by introducing isolated, piecemeal improvements that may alleviate the situation for a while.

This would be uneconomic in the long run.

Precise plans should be designed and put into a systematic step-by-step approach. The first step, especially for the ports of Somalia, should be aimed at instituting the basic knowledge of safe working practices.

When instituting these safe working principles application of the relevant international conventions and codes of practices adopted by IMO and ILO and IMO guidelines for safe handling of dangerous goods in ports should be taken into account.

The proper implementation of these instruments can make life in ports safer and protect the ports from costly

accidents.

In conclusion the safety of ports can be said to rest on three items of primary importance .

These are awareness,construction features and operational discipline.

These items when applied comportedly will ensure reduction,if not elimination,of risk and institute the means of control.

For developing countries, including Somalia for whom this paper is written,the economic situation prevents the construction of new facilities .

In this light a new approach to port safety is necessary .

This should take into account the situation of awareness and operational discipline through occupational safety approach.

Marine Pollution.

The first major step towards the international control of marine pollution was taken in 1954 when a conference held in London adopted the international convention for the prevention of pollution of the sea by oil. The convention was provisionally deposited with the United Kingdom government until IMO was established in 1959, when depositary functions were taken over by the organization.

The principal objective of the 1954 convention was the protection of the seas from pollution, which was achieved by prescribing certain "prohibited zones" extending to at least 50 miles from the nearest land, within which the discharge of oil or oily mixtures (containing 100 parts oil per million parts of mixture or more) was prohibited. The 1954 convention came into force on 26 July 1958.

In 1962 IMO convened a conference adopting amendments to the 1954 convention, particularly by extending its application to include ships of lesser gross tonnage and extending the zones in which the discharge of oil was prohibited. The 1962 amendments entered into force on 28 June 1967.

In 1969 the IMO assembly adopted further extensive amendments which prohibited oil discharge through the normal operation of a ship, except under the following conditions.

1. The total quantity of oil which a tanker may discharge in any ballast voyage must not exceed 1/15000 of the total cargo being carried by the vessel.
2. The rate at which oil may be discharged must not exceed 60 litres per mile travelled by the ship, and .

3.No discharge of any oil whatsoever must be made from the cargo spaces of a tanker within 50 miles of the nearest land.

The 1969 amendment made the load-on-top operation possible within the convention.The 1969 amendment provided for a new form of oil record book which was designed to show the movement of cargo oil and its residue from loading to discharging on a tank-to-tank basis.These amendments should considerably reduce the overall total quantity of oil discharged into the sea and achieve significant progress towards the ultimate goal of complete elimination of operational oil pollution.

The 1969 amendment to the 1954 convention entered into force on 20 January 1978 for its parties.

Nowwithstanding the foregoing by IMO to deal with pollution,far-reaching developments in modern industrial practices have introduced the need for further action on a much larger scale and are considerably broader in scope than has been required hitherto.This situation was recognised by the IMO Assembly,when in 1969 it decided to convene an international conference for the purpose of preparing a suitable international agreement for placing restraints on the contamination of the sea,land and air by ships and other equipment in the marine environment.

The international conference,which met in London in October 1973,adopted a new international convention for the prevention of pollution from ships,which came into force on 2 October 1983 to replace the 1954 oil pollution convention as amended .

As of 25 October 1985,38 countries have ratified the 1973 convention as amended by the 1978 protocol.

The new convention covers all the technical aspects of pollution from ships,except disposal of land generated wastes into the sea by dumping .This is covered by a

separate convention.

It applies to ships of all types including hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operating in the marine environment .

The convention does not, however, apply to pollution directly arising out of the exploration and exploitation of sea-bed mineral resources.

The convention consists of articles, two protocols dealing respectively with reports on incidents involving harmful substances and arbitration, and five Annexes which contain regulations for the prevention of:

Annexe I - Pollution oil

Annexe II - Pollution by noxious liquid substances carried in bulk.

Annexe III - Pollution by harmful substances carried in packages, portable tanks, freight containers, or road or rail tank wagons etc.

Annexe IV - Pollution by sewage from ships.

Annexe V - Pollution by garbage from ships.

Annexes I and II are compulsory, while Annexes III, IV and V are optional.

The above are logical since marine Pollution comes mainly from the following sources.

Oil.

Noxious bulk liquid.

Harmful substances

Sewage.

Garbage.

Marine Pollution may be categorized into two:

- 1) Accidental;
- 2) Operational;

Different methods are employed to combat the various types of pollution.

For Accidental pollution.

Prevention.

- 1) Construction & Equipment;
- 2) Navigation;
- 3) Cargo handling;
- 4) Crew training.

Limitation of oil spill.

- 1) Damage stability;
- 2) Protection location of SBT.

Combating Pollution.

- 1) National contingency plan
- 2) Regional arrangement;
- 3) Anti-pollution manual;
- 4) Right of intervention by coastal state.

Liability & Compensation.

Operational Pollution.

Discharge control.

- 1) Discharge criteria;
- 2) Designation of special area;
- 3) Reception facilities.

Construction & Equipment.

- 1) SBT;
- 2) CBT;
- 3) COW;
- 4) Separator;
- 5) Monitor.

Coast of Somalia- Spilled oil will move to the coast

under the influence of wind, tides and currents. As the Arabian Sea and especially the Gulf of Aden are almost enclosed by land, it is probable that although the tides and sea currents play a role in the movement of floating oil, the major influence on the destination of an oil spill is the force and direction of the wind. Studies have shown that the main pollution sites found at the sampling point were situated between Ras-Guard-Fui and Zeila. This would suggest that the major source of oil pollution was within the Gulf of Aden. The pollution comes from the Red Sea to the Gulf of Aden through or from Bab-El-Mandab depending on the monsoons in the Arabian Sea.

Types of Oil Pollution Found on the Coastline.

The physical appearance of the oil pollution found on the coast of Somalia in the Gulf of Aden and Arabian Sea coasts, as described by a researcher, can be classified as follows:

- a) Oil;
- b) Tar Mats;
- c) Tar Pads;
- d) Tar Pavements;
- e) Tar Balls.

a. These were black-brown liquid residue, sticky in nature which had lost some of the more volatile fractions associated with crude and other oils.

They had moved to the coast by the action of winds and waves and were generally concentrated in inlets, bays and beaches which were open to the prevailing wind.

In this state the oil is most dangerous to birds and wildlife as any contact will lead to oiling and there is a possibility that some of the more toxic components may still be present.

b.Tar Mats.

These were the most common form of oil pollution found on the Gulf of Aden on the coast of Somalia and consisted of dense bituminous residues which had settled not as a continuous covering, onto sand, rock and coral.

They tended to consist of black-brown soft to semi-hard matter over which a harder upper layer was in the process of slowly being formed.

c.Tar Pads.

A number of places on the more sheltered side of the coast contained small flat pads of a very thin residue. They were semi-hard and brittle in nature and some had broken into small sections.

d.Tar Pavements.

They are a special form of tar mat and consist of soft to semi-hard bituminous residues mixed with either little pebbles or gravel, grit and sand.

e.Tar Balls.

They are small soft to hard individual lumps of tar, usually round but sometimes flattened. They are found on mainland coastline and beaches.

Marine Pollution and contingency Plan.

With regard to the prevention and combat of marine pollution the following action should be taken:

a. Ratification, if possible of the main convention "MARPOL 73/78" which will allow the government to prevent and control pollution on the coastline of the country and the exclusive economic zone.

b. Ratification of,

- 1) International convention on Civil Liability for Oil Pollution Damage 1969.
- 2) International Convention on Establishment of an International Fund for Compensation for Oil Pollution Damage 1971.
- 3) International convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties 1969. To provide for adequate compensation in case of oil pollution accidents.
- 4) Drafting of contingency plan to deal with any case of oil pollution .
- 5) Government to legislate so as to ensure more effective sanctions against those responsible for oil pollution.

Contingency plan.

The Somalia government is planning to organize a contingency plan. As our coast is 3330 km long there will be three bases in the contingency plan.

1. One base in the Berbera which is situated in the Gulf of Aden.
2. One in Eil in the Arabian sea (central part of the country)
3. One in Mogadisho which will be in the Capital and will be the centre of the contingency plan.

The contingency plan should include.

1. A list of persons and agencies that must immediately receive a report of any oil spill.
2. A list of jobs that must be done when oil is spilled.
3. The designation of authority, identification of a chain of command and the assignment of qualified personnel to specific oil spill response tasks.
4. A communications network to assure co-ordination of efforts and efficient response.
5. Reference materials such as sensitivity, maps and other technical data that will be useful to those who are responsible for action.
6. Data which identify probable oil movement patterns under a range of climate conditions.
7. An inventory of the type and location of all available response equipment.

A good contingency plan should include, where possible, se-

lection and installation of equipment to control and stop the flow of oil.

The development of response capabilities in an organization should be delegated to one individual or to a special team. The tasks assigned to this person or team should include:-

1. Analysis of potential spill locations, evaluation, procurement and maintenance of essential supplies and equipment and the establishment of training programmes and regular drills in the clean-up procedure.
2. An effective contingency plan designates one individual as the on-scene commander of response operations in the area covered by the plan.-

Supporting studies for a contingency plan.

Preparation of an adequate oil spill contingency plan generally requires completion of a number of studies and surveys within the area covered by the plan as well as the determination of the equipment, manpower and technical expertise needed to provide rapid response.

A major requirement is to catalogue the important or potentially sensitive physical and biological resources located within, and adjacent to, the area where the contingency plan is to be effective.

Preparatory studies may include collection of data describing the following.

- a) Tides, currents and local climatic conditions such as wind patterns which may affect clean-up efficiency and allow predictions of oil slick movements.
- b) Land and water use such as location of water intakes, access roads, recreational reserves and/or sensitive areas.
- c) Shoreline types to provide an indication of both ease of access and environmental sensitivity.
- d) General, and if possible, seasonal occurrence of wild-life resources such as fish, shellfish, marine mammals and birds as well as the location and type of habitat required by these species.

Supporting studies for the development of contingency plans must include, inter alia, collection data for prediction of the types of oil spills which may occur within a given area, the physical constraints which may influence subsequent clean-up operations (these surveys generally provide oil transportation and storage data), guidelines for the selection of containment and recovery sites, information of suitability of access roads and the location of places and facilities for the disposal of recovered oil and wreckage.

Supporting information always incorporates a counter measure resource inventory to establish the availability, capabilities and amount of manpower and equipment with the area covered by the contingency plan.

This inventory can be used to identify potential deficiencies in spill response capabilities and provides a basis for the assessment of future equipment requirements and development of personnel training programmes.

Contingency Plan Activation.

The response actions within contingency plans are divided into four phases:-

- 1) Alerting and reporting;
- 2) Evaluation and mobilization;
- 3) Containment;
- 4) Clean-up and disposal.

A first priority in the activation of a contingency plan is the immediate reporting of the spill to the primary response agency.

The seriousness of the spill is evaluated and reported to the responsible organization designated in the contingency plan. All oil spills, irrespective of the size, must be reported to the responsible organization.

Action to control, contain and clean-up the oil spill is initiated as soon as possible after the incident is reported. These operations should be conducted under one unified command. Ideally this is a specially trained oil spill response team directed by the on-scene commander designated in the contingency plan or appointed by the responsible organization at the time when oil spill is reported.

However, if there is a delay between notification and arrival of this clean-up team, interim responsibility for initiating containment and counter measures rests with the highest ranking employee at the site of the spill.

Stopping the flow of oil is a priority countermeasure specified in all contingency plans.

Once the appropriate notification procedure has been completed and the flow of oil stopped, emphasis in the response plan should be shifted to the containment of spilled oil.

Since some petroleum products are extremely flammable or explosive it is important to determine the type of spilled oil before any further actions is taken.

The location of containment and recovery equipment to be determined through a special system specified in the plan. Obviously, if the spill is extensive, then all containment and clean-up equipment available within the region will be mobilized.

CHAPTER IX.

MINISTRY OF FISHERIES AND MARINE RESOURCES.

In view of the importance of fisheries to Somalia this Chapter has been included.

The Ministry of fisheries and Marine Resources consists of the following departments:-

- 1) Planning Department;
- 2) Marketing Department;
- 3) Production Department;
- 4) Research Department;
- 5) Personnel.

There are also agencies which are dependent on the Ministry of Fisheries and Marine Resources:

The Head of Administrative and political structure is the Minister, under him there is a Vice-Minister and a director general.

The areas of development to be undertaken in the future are already planned and are included in the five-year development plan (1987-1991). They comprise the following areas:-

- An increase in the annual catch while respecting conservation measures;
- The promotion of domestic consumption by establishing markets;

-To enhance incomes of fishing families (increase productivity of fishermen through training and improvement of production means);

To create new fishing centres;

To concentrate development efforts on artisanal fishing;

To collect base-line data on off-shore marine resources;

To establish a manpower development programme.

Another area which has to be given adequate consideration is that of fisheries community development.

Since the coast of Somalia is long and the communities are thinly dispersed along the coast and since both accessibility and infrastructure are either difficult or non-existent and since market outlets and procurement means are major limiting factors there has been a gradual and extended migration of the fisheries communities from the coastal areas.

It is therefore the policy of the government to formulate and put into effect a fisheries community development programme that will provide the necessary incentives for the future engagement in fishing.

We would like to implement on-shore projects (cold storage, canning and processing etc) and also to exploit the off-shore fisheries resources through the establishment of a Somalia deepsea fishing fleet or the establishment of a Joint-venture arrangement in this field.

Fishery Resources.

High fish concentration is often associated with areas of upwelling, a phenomena which bring up the nutrients and makes them available for the fish.

One of the 5 major upwelling areas of the world is centred near the north-east coast of Somalia-about 40 kms off Cape Guardafui.

Various estimates indicating abundant fish concentrations the area have been made. The predominant species consist of small pelagic which represent about 60% of the total annual potential yield.

As regards biological productivity, this is based on the levels of nutrients which form the first element of the food chain for fish, namely zoo and phytoplankton.

The abundance of phytoplankton in the Gulf of Aden and along parts of the Arabian Sea coast of Somalia are among the highest in the world.

Marine resource assessment and oceanographic studies have been carried out in the Somalian waters since the 50's . The following table shows a summary of some of them.

Table I.

Name of vessel, organization	Duration	Area surveyed	type of survey	Rem- arks
1.Thetis(Greece)	26/I-II/1966	Mait	-Eil Demersa	Bottom Trawling
2.Zheleznyakov	8/70-10/71	Ras-Hafun	"	"
3.NissinMarusz	3/70-10/71	Ras-Hafun	"	"
		" Binnah		
		" Asayr	"	"

Commercial Fishing Operation in Somalia.

Since the creation of this Ministry for fisheries in 1977 (separated from the former Ministry of Fisheries & Transport) there has been a number of deepsea fishing companies formed. The catch realised by these efforts are reasonably good indicators of the resources available. These operations were carried out by:

- A Somali -Soviet joint -venture(Somfish) 10 meduim size stern trawlers operated during 1975-77.
- A Somali -Italian joint -venture(somfish) 3 meduim size stern trawler operated during 1981 -1983.
- A number of private Italian companies (De jose, Amorusso, Tontini)
- Thai, Korean and Japanese longliners.

Although the efforts put into each campaign were considerable the efficiency of the gear used and the species caught varied from ship to ship and although the global catch falls well below the estimated yield (less than 10%), the outcome gives weight to a promising future exploitation provided that each campaign is well-planned from every possible angle .

The catch rate realized by medium size stern trawlers during the 1977-78 fishing campaign was 4.0-4.4 MT/boat-day of demersal species and between 0.3-0.6 MT/boat-day of deepsea lobster and shrimp.

With the level of maritime activities in Somalia and making personal projections into the future, it is considered necessary that the existing legislation or law of the fisheries is necessary to be adjusted so as to correspond to changes as and when they occur.

Summary of/Conclusions and Recommendations.

These are intended to be my suggestions to our administration on some points which are relevant for our future development.

Legislation.

Somalia's Maritime code is as old as the IMO convention which entered into force in 1959. This being the case, parts of the code are evidently outdated and hardly in compliance with the current international conventions for the safety of life and property at sea and for the protection of the marine environment. It is therefore recommended that the following be taken into consideration as a matter of urgency:

1. Revision and updating of the present maritime code in such a manner as to serve national needs and conform to international regulations that may apply.
2. Promulgation of subsidiary rules and regulation to complement the code which are in line with minimum international standards.
3. The revised code must make legal technical provision for the establishment of an effective maritime safety administration.
4. The updated maritime code must clearly stipulate Jurisdiction as regards the internal and territorial waters of Somalia.
5. Adequate education and training must be given to national personnel to implement and administer the provi-

sions of the law.

6. It is strongly recommended that the Somali national flag may be legally restored as a flag of open registry for ships and the revised maritime code must make adequate provision for its administration. However a Genuine link between the state and the ships should be maintained through the maritime safety administration.

Pollution.

Somalia is a developing country where the level of industrialization and urbanization is still relatively modest.

Consequently general pollution of the marine environment caused by wastes from land-based sources does not appear to be serious at present as compared to the high level found in more industrialized countries.

Nevertheless, as there are some localized problems of pollution from land-based sources, and as shipping movement is increasing in the Somali wastes, the probability of marine pollution hazard can never be ruled out, and as a result the following points must be given due consideration without further delay:

1. Discharge of domestic sewage into the sea must be prohibited, specially in the major cities where urbanization is highly concentrated.
2. A pilot project of systematic survey on the present waste management must be launched.
3. Town planning and sanitary codes of health and local authorities must contain provision for pollution prevention.
4. Industries located in the vicinity of coastal areas must provide sufficient reception facilities for their industrial waste:

5. It must be ensured that industrial wastes discharged into the sea for unavoidable reasons are adequately filtered and treated and do not pose danger to human health and marine life.
6. Raw effluents containing blood, intestinal waste and suspended, solid materials discharged from the abattoir where animals are slaughtered must be contained in large land based ponds for further processing and should not be allowed to go into the sea.
7. Port regulations must provide measures for pollution prevention within the port areas.
8. Discharge of oil and other harmful substances into sea from ships must be prohibited by regulating ship operations such as tank cleaning and deballasting.
9. The national maritime code and technical regulations relating thereto must incorporate provisions adequately to conforming to minimum standards of international maritime conventions on the prevention and combating of marine pollution.
10. The government must ratify and become a full party to the international convention on the establishment of an international Fund for Compensation for oil pollution damage 1971.
11. The government of Somalia must cooperate with other governments in the region to designate the Gulf of Aden as "special Area" in which discharge of oily mixture into the sea is prohibited except segregated or clean ballast.

Dangerous goods.

For the handling of DG in ports there are adequate international regulations and guidelines on which national rules and procedures could be based. It is accordingly

lines making the necessary adjustments to suit national situations which include:-

- 1.The IMDG code .
- 2.The ICAO technical instruction .
- 3.IMO code for existing Ships carrying Liquefied gases in Bulk.
- 4.IMO code of Safe practice for Solid Bulk Cargoes.
- 5.IMO/WHO/ILO Medical first Aid guide for Use in Accident Involving Dangerous Goods.
- 6.IMO Iner Gas Systems for Ships carrying Petroleum Product in Bulk.
- 7.ILO code of Safety and Health in Dock Work.
- 8.ICS/OCIMF international Safety guide for oil Tankers and Terminals (I.S.G.O.T.T).

Training of seafarers.

The existing training schemes in Somalia are not adequate to meet the national requirements.

The training programme should be organised taking into account the age,experience and general education of the candidates,not forgetting national aspirations and international standards.

Practical training,in which the students themselves participate,should form an important part of all training programmes.

The following points need emphasis(both officers and ratings).

- 1.The training methods.
- 2.Practical training (both officers and ratings).
- 3.Films and audio-visual aids.
- 4.The committee of examination should consist of appropriate official of Ministry of education and Ministry of Transport.

Fisheries.

Fisheries regulation is the Maritime code 1959 (Degree law N.1 of 21/2/1959). This has been discussed in the analysis of the maritime code. The code gives powers to the Ministry of fisheries to issue fisheries regulations, but these have not up to now been promulgated.

It is apparent that the law is quite old and needs review. In this connection I recommend the following measures:-

1. National safety rules in respect of the operation of fishing vessels should be promulgated as a matter of urgency to protect life and property.
2. Regulation of period fishing along the coast to prevent overfishing.

Maritime Safety Administration.

The present maritime administration has remained unchanged since independence 27 years ago, and as a result became unable to respond to modern day's needs. There is vital need for proper maritime safety administration in Somalia so as to enable the government to achieve and sustain the required level of maritime development.

In order to ensure that such maritime safety administration does acquire the required capabilities so as to be able to handle its responsibilities in the nation's maritime safety matters efficiently and effectively, the following recommendations need to be given thorough consideration :-

1. The government must give great importance and interest in participating in the evolution of IMO's global maritime safety standards.
2. The national maritime code must be updated.
3. The maritime safety administration should be manned by

- duly competent officials of the proper categories, who should be capable of assuming the multiple roles to be fulfilled in the maritime safety activities.
4. The government must ensure that the maritime safety administration fully understands its various roles, - functions and standards.
 5. Training, examination and certification of national seafarers must conform to international standards and national requirements.
 6. Special emphasis must be made by the government on regional cooperation in maritime training.
 7. In order to reduce and eventually eliminate dependence on foreign experts, the government of Somalia must continue and strengthen the interest already developed in the World Maritime University, where education and training are provided to nationals who will take on the various expert maritime tasks themselves.
 8. The country must adopt suitable procedures through the national maritime safety administration to ensure that acquisition of "sub-standard ships" by national shipowners is avoided.

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