Contribution to national maritime development in Haiti

Pierre Constant

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WORLD MARITIME UNIVERSITY
MALMÖ, Sweden

CONTRIBUTION TO NATIONAL MARITIME DEVELOPMENT
IN HAITI

by

Pierre Constant

Haiti

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A paper submitted to the Faculty of the World Maritime University in partial satisfaction of the requirements of the GENERAL MARITIME ADMINISTRATION COURSE.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the UNIVERSITY.

Signature: Pierre Frédéríque Constant

Date: 01 November 1985

Directed and assessed by:
Dr. AHMED ABDEL MONSEF
Professor World Maritime University

Co-assessed by:
P S VANCHISWAR
Professor World Maritime University
The contents of this paper reflects my own personal views and are not necessarily endorsed by the World Maritime University or the International Maritime Organisation.
TO MY LATE HONOURABLE FATHER VICTOR NEVERS CONSTANT

TO MY BELOVED MOTHER MARIE CLAUDE H. CONSTANT
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INTRODUCTION.

Maritime transport is an essential service industry for world trade which in turn is of great importance for the world economy.

Maritime transport is vital to every nation and therefore has a direct bearing on a country's economy and development.

Economic development itself entails a network of complex issues, schemes, proceedings and formulation with particular aims in mind. Among the aims the main support of any economy would be trade, commerce and industry.

Evolving from these main activities are the distribution of goods and people. The very survival of a nation depends fundamentally upon the movement of goods it produces and receives in exchange from other nations (i.e. Exports & Imports). These activities determine a country's balance of payment (i.e. an overview of its financial health).

One should always keep in mind that external trade is hinged upon the availability of proper facilities for the transportation of people and goods to and from and maritime transport has throughout the history been a key concept, one that has waxed and waned vis-à-vis the many oceanic considerations but that has always been the sign of true maritime power.

Now during a period of relative stability the world has reached an unprecedented stage of scientific, technical,
and commercial expertise in all matters related to the ocean. As always the ocean would play a preeminent role, it has much to offer, no concept relating to it can be isolated and no maritime policy can be separated from others. The field of maritime affairs like the sea itself is a complete unit that will only benefit a country if it is seen, understood and left whole.

In fact the optimum participation of Haiti in the maritime transport system of the world shall be the consequential and very beneficial result of appropriate maritime development including the development of national shipping.

This paper is an attempt to make a developmental program for a country (Haiti) which has recently established a Maritime Administration.

Chapter 1 will be divided into three parts and will give a general view of the functioning of three Maritime Administrations which the writer had the tremendous opportunity to visit* and some appropriate conclusions/assessments will be made accordingly.

Chapter 2 will be divided into six parts:

Part I will present the Haitian set-up and immediately after will lead the reader to the very core of this paper (i.e. The developmental program).

Since the maritime world is very international Part 2 will introduce the international standards and some recommendations will follow.
Part III will provide the guidelines for the preparation and enforcement of a Merchant Shipping Act and a Model of Act will be provided separately.

Part IV is an attempt to explain the work which ought to be carried out within the context of operational aspect of a maritime administration and the infrastructure required.

Part V will be dealing with maritime training and in the same line some recommendations will follow.

Part VI will give a very concentrate picture of the traditional methods of establishing and assisting a national fleet or a shipping industry and some recommendations will follow as well.

Part VII will be the Conclusion to the overall paper.
CHAPTER ONE.

PART I : SECRETARIAT IN CHARGE OF THE SEA.

FRENCH MARITIME ADMINISTRATION.

"The greatest times of France are linked with its expansion in the maritime field."

V. Giscard D'Estaing.

The present structure of the French Administration is the outcome of the late seventies. French Government understanding the importance of the sea in the life of the nation has set-up under the Ministry of Transport a very huge Secretariat to deal with the various and complex aspects of maritime affairs.

The Secretariat of State in charge of the sea operates through five (5) major Directorates in the Central Administration and many Districts spreaded all along the coast. In addition there are four (4) Inspectorates and many other Councils such as:

* Inter-ministerial Mission of the sea,
* Inter-ministerial Committee of the sea,
* Council of the sea,
* Maritime Conference,
* General Council of Merchant Marine,
* Superior Council of Navigation of pleasure craft and Nautical Sports.

CENTRAL ADMINISTRATION.

1 - DIRECTORATE OF SEAMEN AND CENTRAL ADMINISTRATION.

This Directorate deals mainly with matters related to
seamen such as:
- Job opportunity for seamen,
- Working conditions on board,
- Contract of engagement,
- Health and physical conditions,
- Education of seamen,
- Participation of Entreprises for financing maritime educational programme,
- Social conflict, Penal Code, etc...
- Other matters such as: Budgeting, credits, accounting are also dealt within this Directorate.

2 - DIRECTORATE OF FISHERIES AND MARINES CULTURES.

France is a country with very long coast, she has three (3) maritimes facades,
  i) The Mediterranean sea,
  ii) The Atlantic sea,
  iii) The North sea.

Fishing represents a very important activity in the economic life of the nation.

This Directorate deals with the coastal and industrial fishing and marine cultures. It is also concerned with the management of stocks (fish) within the European Economic Community (E.E.C.).

3 - DIRECTORATE OF MERCHANT FLEET.

The objective of this Directorate is to assist and promote the development of the French Merchant Fleet. Anybody, shipowner or moral organisation (Company), wishing
to have a loan from a Bank has to submit its plans in a very detailed way to this Directorate, if conditions are fulfilled, the shipowner may obtain the loan. It is often said that France has granted more aid to her shipping for a longer period than any other nation.

This Directorate undertakes also various studies such as:

- Port dues, tariff for pilotage and tug,
- Statistics and documentation concerning French maritime traffic and foreign fleets in the International market.
- General studies of freight rates, national transport accounting,
- Demand and supply for sea transport,
- Questions regarding the State owned-company (C.G.M.),
- International financing for French shipowners,
- Sale and purchase of french ships,
- Management of bilateral agreements between France and third-flag countries,
- Representation of France in International Conferences (U.N.C.T.A.D.),
- Contact with other competent bodies for external trade.

4 - DIRECTORATE OF PORTS AND MARITIME NAVIGATION.

This Directorate is in charge of the port area, buoys, lighthouses and maritime navigation.

Under this Directorate there is a Sub-Directorate dealing exclusively with maritime safety matters or safety
of ships.

French always boast that they were the first nation in the World having laid down stringent regulations and rules for ships flying their flag.

Other matters taken up by this Directorate:

- Trusteeship of Autonomous maritime ports,
- Code for maritime ports,
- Regulation and management of port area,
- General policy for public works including maintenance, tonnage measurement,
- Regulation for preventing Pollution from ships and other sources,
- Trusteeship of Classification Societies,
- Coordination of safety services,
- Regulation for pleasure crafts,
- Certificate of manning for pleasure crafts,
- International relations.

5 - DIRECTORATE OF DISABLED SEAMEN.

(ETABLISSEMENT NATIONAL DES INVALIDES DE LA MARINE MAR-CHANDE - ENIM.)

This Directorate deals mainly with the social security of retired seamen of oceangoing ships, fishing vessels and even pleasure crafts. For instance, a French seaman after having served the Merchant Marine even if he dies, his family will be entitled to have a certain part of his pension.

Seaman is the backbone of the shipping industry and their
task on board is not an easy one. He really deserves particular attention after a relatively long period of loyal service.

**DISTRICTS OR EXTERNAL SERVICES.**

The External Services are mainly executive bodies. They are of three (3) kinds: Legal, administrative and technical.

They ensure that rules and regulations concerning commercial navigation, naval construction, safety of ships are applied.

They are in charge of
- The management of seamen,
- The application on board ships of rules concerning maritime labour legislation,
- Fishing policy, - Port State Control,
- Penal Code for seamen etc....

They are to report to the Central Administration after completion of their work.

The various missions and committees aforementioned play an important role in the global policy making process. For instance the Inter-ministerial Committee of Merchant Marine discusses many problems concerning the merchant fleet, new building, laid-up etc. Any shipping line whether private or public owned which wants to withdraw from operating, must notify the Committee, which analyses if the national interest is endangered.

The Inter-ministerial Mission of the sea co-ordinates
the action of the State at sea for instance in case of collisions, grounding, pollution, etc....

**FRENCH EDUCATION SYSTEM. (MARITIME)**

France has a complete network of Education. It ranks from Maritime Administrators, Captains, Officers to Fishermen. The Education is really adapted to the needs of the country and the shipping industry.

Regarding the latter many programs such as rationalization, polyvalence are undertaken in conformity with the STCW 78 Convention. French believe that their Education ensures the Safety of Life at Sea and the protection of the Marine Environment.

**CONCLUSION AND ASSESSMENT.**

This is a good example of a very centralized Administration. French Government has mobilised a lot of resources under one umbrella to cope with the various and complex facets of maritime affairs.

The Committees, Missions, Councils aforementioned are the collection of those skilled and competent French. Not only for domestic matters but also international ones which directly or indirectly would affect the country those organs express their views.

France is represented in International meeting and conferences by teams of experts from various fields (Engineers for technical matters, economists for economic matters). In doing so their are able, to participate
effectively and efficiently and to protect their national interests.

Each Directorate deals with specific matters.

Directorate of Seamen, matters relating to seamen,
Directorate of Fisheries, matters relating to fishing,
Directorate of Merchant Fleet, matters relating to merchant fleet,
Directorate of Ports, matters relating to port safety and navigation,
Sub-Directorate of Safety of Ships, matters relating to safety of ships,
Directorate for Disabled Seamen, matters relating to pension etc....

The attendance to all activities in the maritime field enables France to get the following consequential economic, social and political advantages.

- More than fifty thousand of people get their income from the maritime industry (seafarers, administrative staff, ancillary industries).
- French fleet is ploughing all the oceans.
- The country has a favourable image in the maritime world.

Therefore the lessons to be drawn for any developing country are:

i) The sea as the land must have thorough consideration if maximum advantages are to derive from it,

ii) If there is a lack of skills and expertise in the
maritime field, it would be advisable to concentrate the few resources available under one umbrella in order to come out with effective policy matters and also to have a smooth implementation of the policies. This a must.

iii) Government back-up and public sector awareness are also very important.

PART II: INDIAN MARITIME ADMINISTRATION.

The Directorate of Shipping is the only institution in India governing maritime matters. Its functions are technical and administrative. It is represented in all maritime areas of the country. India is divided into several local Administrations called Districts which apply the policies taken by the Central Administration.

TECHNICAL AND ADMINISTRATIVE FUNCTIONS OF THE DIRECTORATE GENERAL.

TECHNICAL FUNCTIONS:

These functions are related to the maritime safety Administration and are as follows:

- Surveys and certification of ships,
- Training and certification of Officers,
- Prevention of Accidents in Indian waters,
- Safety of navigation, navigational chart etc,
- Safety of cargo, cargo handling,
- Prevention of Pollution in Indian waters,
- Port State Control on foreign ships.
ADMINISTRATIVE FUNCTIONS:

- Implementation and enforcement of the MerchantShipping Act,
- Employment and welfare, leave of seamen,
- Registration of seamen,
- Port Administration,
- Shipping Companies (i.e. loans, assistance).

The Director General is the co-ordinator of all Department activities, he is to report to the Ministry about his work, he is also an adviser for maritime affairs in general.

As stated earlier, the Districts follow the policies adopted by the Central Administration, each District has its own jurisdiction, they deal only with technical matters and are staffed by surveyors, inspectors etc. They carry out the surveys and certification of ships and so on. After completion of their work, they report to the Directorate as well.

SEAFARERS IN INDIA.

Among the significant achievements of the National Government immediately after independence of India in 1947 was the Organisation of Maritime Labour on sound and efficient lines. The setting-up of seamen's Employment Office in 1954 at Bombay and Calcutta in 1955 is one of the landmarks in the maritime history of this country.

The objectives of the seamen's Employment scheme are:

1) Equitable available jobs among registered seamen, em-
ployment being offered to them on the principle of rotation. (according to the dates of discharge).

2) Provision of reasonable choice to the shipowner in the selection of crews for his ships. A seafarer has a direct access to the job and retains all his rightful dues while the shipowners get the right man.

SEAMEN'S TRAINING.

The Government body taking a very realistic practical view recognised that an Indian seaman like his counterpart in other maritime countries is an ambassador of his country in foreign lands, provided adequate training scheme for its seamen. Many institutions were established taking into account the increase of India's shipping activities and fleet.

SEAMEN'S WELFARE.

The vital role plays by India seafarers in the economic life of the nation was deeply recognised by the Government, a national welfare board was constituted in 1959 to advise the Government periodically on the measures to be taken for promoting the welfare of seafarers. This board is constituted of Government, members of Parliament, shipowners, seafarers Associations and Port authorities.

The main achievement of this board can be summarized as follows:

- Particular hostels for seamen,
- Hospital and medical facilities,
- Educational scholarships,
- Welfare grant in aid,
- Monthly ex-gratia monetary assistance to aged, invalid seamen and families of deceased seamen,
- Ad hoc ex-gratia administration to widows dependent on deceased seamen,
- Other benefits such as: Paid leave, recreational facilities on shore.

**NATIONAL MARITIME BOARD. (N.M.B.)**

This is a bipartite body of shipowners and seafarers which is recognised by the Government. The main function of this board is to undertake periodical bilateral negotiations in respect of the seamen's wages and the wages agreed between shipowners and seamen. All seamen except the navigating Officers, engine Officers and Radio-Officers are covered under the N.M.B. Agreements.

**SHIPPING DEVELOPMENT FUND. (S.D.F.)**

The Shipping Development Fund is administered by the Directorate General of Shipping. The objective is to provide shipowners with loans to build and purchase ships. Shipowners who are interested must submit complete appropriate documents to the Directorate which is to study the technical and administrative aspects of the documents.

**SHIPPING COMPANIES IN INDIA.**

Shipping Companies are of two kinds, private and public. The Directorate General is not involved in their manage-
ment, it only ensures that the international rules and the Merchant Shipping Act are implemented.

The number of ships operating in India is about four hundred (400); totalling about 7 million tons GRT. All ships are engaged in international and coastal trade, Indian ships carry about 30% of its external trade, this figure is to reach 50% according to investments and forecasts.

CONCLUSION.

Here we have an example of a developing maritime nation which has established a very adequate maritime infrastructure that enables her to have an effective control over all maritime activities. Hence the consequential advantages.

- Indian ships are safely manned by its own nationals and carry about 30% of external trade, which decreases the reliance upon foreign vessels and leads to the saving of foreign currency hence alleviating the balance of payment.

- Seamen are trained locally hence job opportunities for national lecturers, decreasing the reliance upon technical assistance from abroad.

- Provision of overall impetus to maritime development.

- India is nowadays among the leading maritime nations.

The human aspect (i.e. seafarers) has been highly emphasized. Any developing country should understand that if
she wants to operate successfully in shipping, she must have the skills needed available both for managing purposes and for persons manning the vessel acquired.

PART III: NORWEGIAN MARITIME ADMINISTRATION.

The overall organisation of Maritime (Safety) Administration is built around the Norwegian Maritime Directorate which derives its authority primarily from the Ministry of Trade and Shipping. While the Ministry generally supervises the Directorate with regard to administrative and safety policies, the Directorate derives authority from other Ministries in dealing with other maritime administration matters falling under the purview of those Ministries.

These other Ministries are:

1) The Ministry of Environment,
2) The Ministry of Justice,
3) The Ministry of Labor,
4) The Ministry of Local Government.

Apart from the Norwegian Maritime Directorate four (4) other governmental bodies are responsible for the administration of specialised facets of the maritime sector, these bodies are:

1) The Directorate of Telecommunications,
2) The Electricity Supervision Authorities,
3) The Directorate for Seamen,
4) The National Inspectorate of Explosives and Flammables.
With respect to drilling platforms the following Directorate are responsible:

1) The Norwegian Petroleum Directorate,
2) The Civil Aviation Administration,
3) The National Inspectorate of Explosives & Flammables.

NORWEGIAN MARITIME DIRECTORATE (N.M.D.)

The Norwegian Maritime Directorate and its corporate organisation the ship control, are authorized by the Ministry of Trade and Shipping of Norway to exercise the Administration of measures to maintain and improve safety standards. The basic organisational structure set up to achieve the objectives of the Directorate is spreaded in four (4) Departments:

1) Legal and Administrative Department.

This Department deals with:
- Administrative Affairs such as budgeting, economic planning, fees and salaries, employees, ship registration etc...
- Legal matters relating to safety of ships, national regulations, navigations, dangerous goods, etc.

2) Technical Department.

Range of activities of this Department:
- Matters relating to hull, machinery and off-shore,
- Certification, manning control,
- Issue of appropriate certificate etc.

3) Department of Ship Operation and Equipment.
Matters relating to:
- Crew Accommodation,
- Search and Rescue operation,
- Handling of Dangerous goods,
- Approval and Control of life-saving appliances for ships,
- Mobile platforms and fixed offshore structures,
- Pleasure craft safety campaign,
- Pollution prevention Control,
- Participation in international activities related to maritime safety and pollution prevention, maritime investigations in case of Accidents.

4) Department of Ship Control Stations.
- Survey of ships and platforms,
- Inspection of foreign ships in Norwegian ports in accordance with Port State Control Agreement,
- Safety and control of foreign mobile platforms on the Norwegian Continental shelf,
- Co-ordination of domestic and overseas ship control operations,
- Co-ordination of work with Classification Society.

The Department of ship control stations is divided into Stations.
   i) Six (6) Stations abroad
   ii) Eighteen (18) Stations in Norway.

Under the Norwegian Maritime Directorate (NMD) comes also, a planning and development Division taking care of the co-ordination of research, development and long term
planning.

CONCLUSION.

The setting-up of such an impressive Maritime Safety Administration is to ensure the protection of the marine environment, the implementation of National and International Rules and Regulations, the Safety of lives at sea and the safe operations of the shipping industry. The latter is an important industry in Norway, it represents 20% of the total export income including oil and gas, the gross amount of the shipping transactions represents approximately 3.9 billion U.S. Dollars of which approximately 3.7 billion in foreign exchange. The number of employees is around 42,000. Considering also those employed in service functions to the industry (shipping) 70 to 80,000 people have their income from the shipping industry.

As afore shown the Norwegian Maritime Directorate (NMD) is not involved directly in the shipping industry, it just ensures the functioning of the operational aspect of maritime activities, other matters such as assistance to the shipping industry are taken up within other Ministries.

Therefore a lesson which can be drawn here for any developing country is that maritime development implies the strict control of the operational aspect (i.e. safety, pollution, search and rescue).
GENERAL CONCLUSION.

So far this past gives a general portrait or view of the functioning of three different maritime administrations. Their functions are mainly developmental and regulatory. The former contributes to maritime development and the latter to such development and economic advantages consequentially. Such functions are essentially contributory to the overall economic policy decisions to be taken by the Governments through the various Ministries concerning with development such as Ministry of Trade, Economy, Planning, Interior, Foreign Affairs, Environment, Justice, Labour.

These functions can be summarized as follows:

a) Appropriate analysis/assessment of the most suitable types and number of ships required to meet the scale of development planned.

b) Development of manpower needs of the shipping industry.

c) Development of shipbuilding and shiprepair capabilities.

d) Development of marine (auxillary) industries.

e) Assessment of the suitability of national ports for the intended ships.

f) Development of manpower (marine) needs for the ports.

g) Development of employment opportunities for national seafarers.
The Regulatory functions are to ensure:

a) The safety of lives at sea,

b) The safety of foreign and national ships,

c) The safety of property,

d) The protection of the marine environment and the wealth of the oceans.

These in turn are expected to ensure in the context of development and economy.

a) Maximum efficiency in the operation of ships with consequential economic advantages.

b) Creation, development, protection and preservation of national maritime skills.

c) Conservation of national property.

d) Reduction in the maintenance costs of ships.

e) Conservation of foreign exchange.

f) Avoidance of disaster and consequential loss of (or damages to) lives, property, marine resources and heavy expenditure.

g) Maintenance of marine insurance premia at an advantageous level.

h) Provision of overall impetus to maritime development.

i) Projection of the image of the country in very favourable light in the maritime world.
CHAPTER TWO.

PART I: PRESENTATION OF THE HAITIAN MARITIME ADMINISTRATION.

SERVICE MARITIME NATIONAL ET DE NAVIGATION D'HAITI.
(SEMANAH)

"Each State whether coastal or not has an interest in the fullest possible access, either for itself or for others on its behalf, to all the inclusive uses of the Ocean such as navigation, fishing, cable laying and so on, for the richest possible production of values."

Mres S. Mc Dougal.
1958 Yale Law Journal 67
MARITIME TRANSPORT by E. GOLD.

"The real instrument of domination is economic power buttressed by skillfull Administration".

Since her discovery the Republic of Haïti has witnessed very intensive maritime activities. After independence in 1804 the politicians understanding the importance of the sea created a Ministry of War and Marine and some Rules and Regulations concerning Merchant Marine were laid down. In the mid eighties a decree concerning navigation and naturalisation of ships was promulgated and many texts followed up a century latter concerning foreign ships and Haïtian ships, lighthouses, ports and wharves and safety.

In the early Sixties a Maritime Commission "COMITE MARITIME NATIONAL" was created under the Ministry of Commerce
and Industry to develop the Merchant Marine.

Another important step was made in 1962 when a decree stipulated some duties to be performed by the Navy (MARINE HAITIENNE) and other duties by the Customs.

The necessity to have a proper Maritime Administration was felt by the actual Government and in the beginning of the Eighties (1982) the work of many Experts (Mallejac, Nicolas, Buckley, Dr. Vanchiswar) culminated in the establishment of a proper Maritime Administration, the SEMANAH under the Ministry of Transportation, Communication and Public Works.

The role of the SEMANAH is to administer and to co-ordinate all maritime activities in the country.

**Administrative Infrastructure.**

The SEMANAH comprises four (4) Divisions which are:

i) The Safety Division  
ii) The Marine Services Division  
iii) The Shipping Promotion Division  
iv) The Administrative Division

**Functions of the Divisions**

**Safety Division:**

The Safety Division works out Rules and Regulations for building and inspecting ships under HAITIAN flag, grants licences and certificates to the crew manning them, defines navigational rules in HAITIAN territorial waters with the help of the Navy.
Marine Services Division:
The Marine Services Division ensures that navigational rules are observed in Haitian waters through the Service of Radio-Communication, radar, in co-operation with the Navy.

Shipping Promotion Division:
The Shipping Promotion Division is to promote the development of the national fleet and ancillary industries such as shipbuilding, shiprepairing.

Administrative Division:
The Administrative Division is for administrative and financial purposes.

With this present set-up, one can however say that the Haitian Maritime Service did not make a wrong start. The objectives of the Service are similar to those of developing or developed countries with past flourishing maritime experience, i.e. developmental* and regulatory** (see conclusion of the 1st Part). Concerning the first objective whatsoever is the motivation for a national shipping policy or strategy, the ability of the SEMANAH to effectively conceive and apply the right shipping policies require the existence of an appropriate infrastructure apparatus, because shipping is an industry characterized by great complexity and by a magnitude of interests and activities. In order to be remunerative all or most of these activities have to be co-operative and efficient. This complex of activities involve ship management, ship
navigation, ship designing, ship building, ship repairing, port authorities, ship stores business, cargo owner, financing and banking, insurance, brokerage etc.

The expectations from the second objective have been stated earlier. With regard to other advantages of the regulatory functions (see conclusion of 1st part) and their vital necessity we shall come to the very core of this paper and commence the developmental program.

PART II: FUTURE HAITI AND THE INTERNATIONAL STANDARDS.

It is well recognized that shipping is essentially international in character, and rules and standards relating to maritime safety should be discussed, agreed and implemented at an international level.

THE INTERNATIONAL MARITIME ORGANISATION. (I.M.O.)

The I.M.O. is the specialized Agency of the United Nations which deals exclusively with matters concerning the safety of lives at sea and the prevention of pollution from ships. Above that she has several purposes including:

i) The removal of certain discretionary or unfair restrictive practices.

ii) The exchange of information between nations and technical co-operation.

Its primary role is in encouraging the general adoption of the highest practicable standards in marine safety and pollution prevention.

The work relating to maritime safety and prevention
control of marine pollution normally culminates in the formulation of International Conventions and similar multilateral instruments, codes of practice, recommendations to Governments and other guidelines or manuals. At present there are 27 Conventions and similar instruments developed by or under the auspices of IMO, the majority of which relates to maritime safety and the prevention and control of pollution from ships.

The main features of major Conventions relating to maritime safety and pollution prevention are briefly described in the following.

- INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA

SOLAS 74, AND ITS PROTOCOL 78.

Following the tragic loss of the passenger ship "Titanic" in 1912, the United Kingdom convened an International Conference on safety of life at sea in 1913/14. The Conference resulted in the adoption of an International Convention which, however, did not come into force because of the outbreak of World War I. A fresh start was made by a new Conference in 1929, which produced the first effective Convention for the Safety of Life at Sea. The Convention was subsequently reviewed and revised by International Conferences in 1948, 1960, and 1974.

The SOLAS Convention is the most important Convention aimed at the protection of Human Life at Sea (i.e. passengers and crew).

For instance in Chapter V there is an obligation for con-
tracting Governments to ensure that all ships shall be sufficiently and efficiently manned from a safety point of view.

In Chapter IV there are some provisions regarding watches to be kept by Radio-Officers. There is also a provision that ought to give the Master of a ship certain protection when he behaves like a seafarer should behave even though it might cause delay and expenses.

There are also others provisions in respect of:

1 - Construction of ships, including subdivision, stability, machinery and electrical installations and fire protection and extinction.

2 - Life-saving appliances.

3 - Radio-communications, including Radio-telegraphy and Radio-telephony.

4 - Carriage of dangerous goods.

5 - Nuclear ships.

6 - Survey and certification.

INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (L.L.) AS AMENDED 69.

Overloading is often the cause of maritime casualties, particularly for cargo ships. Therefore for the protection of seafarers, passengers and the marine environment the most important is the ship stays afloat. The most essential factor for that is a free board. When moving through waves, a ship with adequate reserve buoyancy will
rise beautifully as the sea passes, thus keeping the deck reasonably dry and eliminating the danger of flooding, of being filled with water. The Load Lines sets rules on how to secure a freeboard. However this is not the only element of protection of lives in the Load Lines Convention. The Regulation 25, has the heading - "Protection of crews", whereby details about strength of deckhouses used for the accommodation of the crew. There are some provisions on how deck cargo should be stowed to give protection for the crew and other passengers.

- INTERNATIONAL CONVENTION FOR PREVENTING COLLISIONS AT SEA, 1972 (COLERG).

The Collision Convention 1972 sets out basic Rules which regulate the behaviour of vessels at sea in respect of other vessels in order to prevent collisions. It deals with such matters as steering and sailing, rules, lights and signals, sound signals and conduct in restricted visibility etc.

The 1972 Convention is the revision of the Collisions Regulations adopted in 1960, and takes account of sizes and characteristics of modern vessels particularly large tankers. This Convention makes mandatory large traffic separation and other routeing schemes, which are in operation for some 100 sea areas throughout the world.

- INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978 (STCW).

The simple background of the Convention is that human
error is regarded as one of the major contributing factors for accidents at sea. Whatever be the standards of the construction of the ships and the sophistication of the equipment they carry, ships will only be safe if the crew who man them are well trained. Briefly speaking, the S.T.C.W. lays down basic principles to be observed in keeping navigational and engine room watches, mandatory minimum requirements for the certification of Masters, Chief mates, Officers in charge of navigational watches Chief and second engineers and engineer Officers in charge of watches and Radio-telephone operators. Mandatory minimum requirements are also stipulated for ratings forming part of a navigational and engine room watch and minimum knowledge requirements for certificates are also incorporated in the Convention.

- INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, (1973 MARPOL) & ITS PROTOCOL 78.

The International Convention for the Prevention of Pollution from ships 1973 (MARPOL) was adopted by the International Conference on marine pollution convened by IMO in 1973 to replace OILPOL 54/69.

The MARPOL Convention consists of Articles, two Protocols dealing respectively with reports on incidents involving harmful substances and arbitration, and five (5) Annexes which contain Regulations for the prevention of

1) Pollution by Oil (ANNEX I)

2) Pollution by Noxious Liquid Substances carried in bulk (ANNEX II).
3) Pollution by Harmful Substances carried in packages, portable tanks, freight containers or road or rail tank wagons etc. (ANNEX III).

4) Pollution by Sewage from ships (ANNEX IV).

5) Pollution by Garbage from ships (ANNEX VI).

- PROTOCOLS OF 1978 RELATING TO TANKER SAFETY AND POLLUTION PREVENTION.

In February 1978 the International Conference on Tanker Safety and Pollution Prevention (TSPP) was convened in response to the initiative taken by the Government of the United States. The Conference adopted two (2) Protocols, the one relating to MARPOL 73 and the other relating to SOLAS 74, which introduce new measures to strengthen and expand the requirements of the parent Conventions. While the Protocol of 1978 relating to SOLAS is an instrument separate from the 1974 SOLAS Convention, the MARPOL 1978 incorporates and merges with the 1973 MARPOL Convention and the 1973 Convention and the 1978 Protocol are treated as if they were a single instrument.

The 1973 MARPOL Convention as modified by the Protocol of 1978 relating thereto is generally referred to as MARPOL 73/78.

- OTHER CONVENTIONS ADOPTED BY I.M.O.


* International Convention relating to Intervention on
the High Seas in cases of oil pollution casualties, 1969.

* Protocol of 1973 relating to the above Convention.


* Protocol of 1969 relating to the above Convention.

- Special Passenger ships Agreements, 1971.


* Convention relating to Civil Liability in the field of maritime carriage of nuclear material, 1971.


* Protocol of 1971 relating to the above Convention.

* International Convention for Safe Container as amended

* Athens Convention relating to the carriage of passengers and their luggage by sea, 1974.

* Protocol of 1976 relating to the above Convention.


(Also Convention relating to the limitations of Liability of owners of seagoing ships, 1957, as long as this is in force).


All the above mentioned Conventions deal with several aspects of maritime affairs, for instance the SOLAS deals
with general questions of safety such as stability, life saving appliances etc. The C.L.C. 69 and its Protocol 76, the Fund Convention 71 and its Protocol deal with legal questions. The MARPOL 73 and its Protocol 78 deal with the protection of the environment. The Load Lines 1969, as amended, the Tonnage 69 and the Torremolinos 77 deal with navigation.

Therefore in the future it will be necessary in order to be able to analyse the technical details and specifications and as well as the legal involvements to participate fully in the conferences leading to their adoption. Legal matters must be attended by legal experts. Technical matters must be attended by technical experts (Nautical, engineering).

For instance such involvement in the various sessions of Sub-Committees, Committees and Conferences of I.M.O. will ensure the following:

1) The relevant standards are the "highest practicable" taking due note of the situation obtaining in different countries and not the "highest conceivable".

2) Wherever and whenever possible alternatives to sophistication, which can be met by utilising indigenous resources, skills and systems, are also provided for.

3) The relevant standards do not, even unwittingly tend to prolong indefinitely our dependence on external sources, except by choice, if so desired.
4) The relevant standards are justifiable on the grounds of safety and/or pollution prevention and not motivated by other considerations.

5) The need to get more technical assistance, and eventually the education of highly qualified administrative and technical people in the maritime field.

6) The endowment of the SEMANAH with the necessary legal staff that will enable it to intervene effectively and efficiently in case of salvage at sea and in case of pollution.

7) The undertaking of more stringent regulations on foreign ships calling our ports.

8) Haitian ships will be complying with international rules recognised by other States' ports in which the ship is calling and which also enforce preventing measures in their ports, namely in respect of other State non-party to the Conventions.

9) Additional knowledge and experience will be gained by Haitian's officials through discussions and consultations during the sessions, both formal and informal.

10) Personal contacts will be established with other colleagues from other countries, leading to better understanding and co-operation.

11) Haiti will envisage and/or look in the future for a seat in the Council of I.M.O.
I.L.O. & INTERNATIONAL LABOUR ORGANIZATION.

The International Labour Organization I.L.O. is the first ever specialized Agency associated with the United Nations Organization; she is mainly to advance the cause of social justice and to contribute to the establishment of universal and casting peace by promoting the social and economic well-being of the World’s people through decent living standards, satisfactory conditions of work and pay and adequate employment opportunities.

The main activities of the International Labour Organization (I.L.O.) are:

- The formulation of international policies and programmes to help improve working and living conditions, enhance employment opportunities and promote basic human rights.

- The creation of international labour standards to serve as targets for achievement for national authorities in putting these policies into action.

- A programme of International Technical Co-operation to help Governments in making these policies effective in practice.

- Training, education, research and publishing activities to help advance all these efforts.

In matters which are related to labour conditions in shipping I.M.O. and I.L.O. work in close co-operation. They have worked out in common a lot of Rules and Codes.
concerning working on board ships, crew accommodations and welfare and crew wage, social and working conditions of seafarers.

It is now important to present the relevant Conventions and Recommendations adopted by I.M.O. and I.L.O. in the maritime field.

MARITIME CONVENTIONS:

No.

7 Minimum Age (sea), 1920
8 Unemployment Indemnity (shipwreck), 1920
9 Placing of Seamen, 1920
15 Minimum Age (Trimmers and Stokers), 1921
16 Medical Examination of young persons (sea), 1921
22 Seamen's Articles of Agreement, 1926
23 Repatriation of Seamen, 1926
33 Officers Competency Certificates, 1936
55 Shipowners Liability (sick and injured seamen), 1936
56 Sickness Insurance (sea), 1936
58 Minimum Age (sea) (revised), 1936
68 Food and Catering (ship's crews), 1946
69 Certification of ships' cooks, 1946
70 Social Security (seafarers), 1946
71 Seafarers pensions, 1946
73 Medical Examinations (seafarers), 1946
74 Certification of Able Seamen, 1946
91 Paid Vacation (seafarers), Revised, 1949
92 Accommodation of Crews, Revised, 1949
108 Seafarers' Identity Documents, 1958
109 Wages, Hours of work and Manning (sea), (Revised), 1958
133 Crew Accommodation on board ship (supplementary provisions), 1970
134 Prevention of occupational Accidents to seafarers, 1970
145 Continuity of Employment of Seafarers, 1976
146 Annual leave with pay for seafarers, 1976
147 Minimum Standards in Merchant Ships, 1976

MARITIME RECOMMENDATIONS:

N°

10 Unemployment Insurance (seamen), 1920
27 Repatriation (ship masters and apprentices), 1926
28 Labour Inspection (seamen), 1926
48 Seamen's Welfare in Ports, 1936
75 Seafarer's (medical care for rependants), 1946
105 Ships' Medicine chests, 1958
106 Medical Advice at Sea, 1958
107 Seafarers engagement (foreign vessels), 1958
108 Social Conditions and safety (seafarers), 1958
109 Wages, Hours of work and manning (sea), 1958
137 Vocational Training of seafarers, 1970
138 Employment problems arising from technical developments on board ship, 1970
140 Air Conditioning of crew accommodation and certain other spaces on board ship, 1970
141 Control of harmful noise on crew accommodation and working spaces on board ship, 1970
142 Prevention of occupational accidents to seafarers, 70
153 The Protection of young seafarers
It is obvious that in the operation of its Merchant fleet a Government has responsibilities and interests not only in the ships but also in the personnel manning them. Such responsibilities are further enhanced when such a country is also a supplier of seamen for foreign flag vessels. In the latter case it was claimed that in many developing countries the existing methods of recruitment have been full of malpractices of various types because of the employment situation. The International Labour Organization has also evidently been very concerned for many years as regards such alleged malpractices in many developing countries.

In this context it is strongly recommended that the Haitian Government or the SEMANAH participate fully in the work of I.L.O., and the work of the Organization should be taken into account in the field of Maritime Labour.
UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT.
(U.N.C.T.A.D.)

Twenty years have elapsed since the time when the desirability for an International Economic Development Strategy in the context of which international shipping should have a significant role to play, has unanimously been declared by Governments.

The objectives of an International Economic Development Strategy has been to expedite the increase of the real income of the world, but with particular attention of finding out and adopting measures, the application of which should enable developing countries to attain a rate of growth sufficiently above the average, so that the gap between developed and developing countries would tend to close.

Since the time of UNCTAD I in 1964, it was recognized by participating Governments, that international maritime transport had an important role to play in this process. The task of the international community should be to promote the earnings of developing countries from maritime activities, also to minimize the net outflow of foreign exchange from developing countries caused by shipping transactions.

To attain this objective, developing countries should have an increasing and substantial participation in the carriage of cargoes generated by their foreign trade. Further developing countries should be enabled to develop
their Merchant Marines through the adoption of such measures as it might have been appropriate to permit their shipowners to penetrate and compete in the international freight markets. This called for action covering all fields in the maritime economy both at national and international levels, and necessitated a genuine and increasing co-operation of all groups of countries. Here one can find the role which the Committee on shipping of UNCTAD was called to play. This Committee has provided the forum for discussions and consultations between Governments with the aim of reaching workable solutions to the long existing problems in the international maritime economy.

Therefore it is in the interest of a sound maritime development to pay great attention to the work of UNCTAD in the field of shipping.

Before going to the next part it is useful to mention the other United Nations bodies that impinge on maritime policy matters: the United Nations Commission on Trade Law, UNCLOS III. The World Bank has an influence on the shipping and ports policy of several countries as a result of its loan priorities and arrangements, and UNEP, WMO, FAO, IAPH, have small but important roles relating to shipping.

Whenever the need arise attention should also be given to the work of those bodies.
The basis of Maritime Laws is generally of an international nature it has four (4) important objectives namely

1) To facilitate, foster and regulate maritime transport
2) To secure a country's basic aims and needs, as a port state and a coastal state,
3) To serve various economic objectives,
4) To make a contribution to the national security.

In fact any enterprise involved in the production of goods or services is usually governed by Rules/Regulations/Codes, which is a necessary condition.

In the case of Merchant Shipping Legislation which is our main concern here, it has to be up to date, this is a condition precedent to maritime development in general.

Therefore the primary objectives of the Haitian Shipping Act would have to be developmental and regulatory and in conformity with relevant outstanding International law/conventions. Besides the Act needs to be clearly and precisely worded, with effective sanctions and capable of promoting a helpful law-abiding atmosphere.

With these objectives in mind the following may serve as guidelines to those who will be involved in the preparation of this Act.

**PRIMARY LEGISLATION : PART I.**

**PRELIMINARY.**

- Short Title and Commencement
Applications of this Act
Definitions

PART II.
ADMINISTRATION
- Maritime Administrator/ Director
- Marine Department
- Surveyors/Inspectors
- Shipping Offices
- Seaman Employment

PART III.
NAVIGATION.
- Different Zones of Navigation

PART IV.
SHIPS.
- Name of Ships

PART V.
REGISTRATION OF SHIPS - MORTGAGES.
- Procedure for Registration
- Certificate of Registry
- Transfers and Transmissions
- Mortgages
- Registration of Alterations - Registration anew
- National Character and Flag
- Miscellaneous
PART VI.

MASTERS, OFFICERS, SEAMEN AND APPRENTICES.

- Manning with Certificates Officers
- Seamen and Apprentices

PART VII.

PASSENGER SHIPS (GENERAL).

PART VIII.

SAFETY.

- General
- Safety and Load Line Convention
- Construction of Ships
- Inspection/Survey for safety
- Safety Regulations
- Issue of Certificates
- Proceeding to Sea
- General Safety - Precautions - Responsibilities
- Preventions of Collisions
- Loadlines and loading
- Carriage of Grain
- Dangerous Goods
- Unseaworthy Ships
- Miscellaneous

PART IX.

WRECKS, SALVAGE AND SHIPPING CASUALTY INVESTIGATIONS.

PART X.

LIMITATION AND DIVISION OF LIABILITY.
PART XI.

PENALTIES AND PROCEDURES.

PART XII.

SUPPLEMENTAL.

PART XIII.

REPEAL AND SAVINGS.

The elaborate Model has been provided in Annex.

SUBSIDIARY LEGISLATION.

The guidelines for the Primary Legislation have been given in the foregoing. It is necessary now to turn to the various Rules/Regulations (Subsidiary Legislation) that need to be promulgated by decree under the aforesaid Primary Legislation.

The most important Rules/Regulations required are listed below.

1- Rules for Registration of ships
2- Safety Convention Certificates Rules
3- Regulations for preventing collisions at sea
4- Rules for use of distress signals
5- Navigational Warnings Regulations
6- Life saving appliances Regulations
7- Fire Appliances Rules
8- Musters Regulations
9- Pilot Ladders and Hoists Regulations
10- Navigational Equipment Regulations
11- Regulations : Carriage of Nautical Publications
12- Regulations: Closing of openings in hull and in Watertight Bulkheads
13- Official Log-Books Regulations
14- Radio-Installations Regulations
15- Tonnage Regulations
16- Crew Accommodation Rules
17- Medical Scales Regulations
18- Load Lines Rules
19- Rules for the carriage of Deck cargo
20- Rules for the carriage of Dangerous Goods
21- Regulations for the carriage of Grain
22- Cargo Ship Construction and Survey Regulations (Safety Convention ships)
23- Local Cargo Ship Safety Certificates Rules (small ships - under 500 GRT)
24- Passenger ship Construction Regulations
25- Anchor and Chain Cable Rules
26- Rules: Apprenticeship to sea Service
27- Regulations for the Certification of Skippers and second hands of fishing boats
28- Regulations for the Certification of Marine Engineers
29- Regulations for the Certification of Deck Officers
30- Regulations for the Certification of A.3's

The above listed Rules must be in accordance with International standards. For instance when drawing up Rules for the carriage of Dangerous Goods (N°20) it would be very necessary to make use of the I.M.D. Code provided by I.M.O. which contains a lot of detailed requirements.
necessary to be observed for the safe transport of dangerous goods at sea.

This does not mean that the country must ratify quickly the Convention, to make this point clearer it is necessary to consider a case, the SOLAS for instance. In the Revised Chapter III it is stated that before giving approval, the Administration shall ensure that all life-saving appliances and arrangements are tested, to confirm that they comply with the requirements of Chapter III in accordance with the recommendations of the Organization or have successfully been subjected to tests which are substantially equivalent to those specified in those recommendations, to the satisfaction of the Administration.

It is further stated before giving approval to novel life-saving appliances or arrangements, the Administration shall ensure that such appliances or arrangements provide safety standards at least equivalent to the requirements of the Revised Chapter III and have been evaluated and tested in accordance with the recommendations of the Organization, or have successfully been subjected to such evaluation and tests which are substantially equivalent to those recommendations, to the satisfaction of the Administration.

It is further stressed that the Administration shall require life-saving appliances to be subjected to such production tests as are necessary to ensure that those life-saving appliances are manufactured to the same
standard as the approved prototype.

Therefore before ratifying a Convention, a member Government must have a thorough assessment of the implication of such a Convention and the economic consequences. In the above case there must be means of approval and test of the safety requirement and they must be certified by the technical staff.

Coming back to the 30 above listed Rules, they must be adapted to the maximum extent to suit the country while they are in accordance with International Standards.

In addition to the preparation of the aforesaid Merchant Shipping Act (Primary and Subsidiary) all of the required and appropriate documentation (i.e., the necessary certificates, forms etc) needs to be prepared and be prepared and be available to all concerned at the same time as the legislation enters into force.

Enforcement:

The necessary machineries needed for the enforcement of the Merchant Shipping Legislation are of two natures or kinds:

a) Legal
b) Administrative

Concerning the Administration machinery there must be a clear definition of the functions that ought to be carried out by the maritime authorities (i.e. Surveyor, Registrar of ship, Marine Investigator, Receiver of wrecks etc). This will be dealt with later on.
The legal machinery for the enforcement of Rules and Regulations is the basic one, because if the machinery is fragile or weak and defective, it is obvious that necessary respect for law would tend to be undermined and the legal regime would at once face irregularities and illegalities for which there may be neither sanctions nor remedies.

There would be two difficulties to overcome in this regard.

Firstly - Municipal law and its courts could certainly exercise complete jurisdiction over its own ships and nationals but how this jurisdiction could be enforced on foreign trading ships to give international validity to the municipal law.

Secondly - How could international law be enforced by municipal courts.

As far as the first difficulty is concerned, the position is as follows:

As a State has sovereignty over its own territories only, the legislation of a country is primarily territorial. This leads to the general rule that the laws of a nation apply to all things and acts within its territories including its waters and ships of its flags on high seas and foreign private ships within its territorial waters. This confers jurisdiction on municipal courts of the Coastal State even in relation to ships flying foreign flag when in national or territo-
rial waters. This rule of international law has to be clearly brought out in the National Merchant Shipping Act. It would thus be clear that Municipal law can be effectively enforced by Municipal courts not only in relation to nationals and their ships but also to foreign flag vessels when in national and territorial waters.

The municipal judicial mechanism of a littoral State has, therefore, a proper and effective lever for the enforcement of its national law in relation to all those who have dealings with it by way of trade and enter its territorial limits. This furnishes the basis of a competent and effective jurisdiction.

The second difficulty, namely that of enforcing International Law through municipal courts, has to be examined to see how this limitation has also been overcome. The proposition that International Law should prima facie give the impression that at best there could be piecemeal, partial enforcement only in respect of the States that have ratified and accepted a Convention and excluding those States that are not parties to it. As there are bound to be some maritime States not parties to an International Convention, there would appear to be no chance of universality in its application and enforcement.

This conclusion, so clear and correct in other spheres of International Law, is, strangely enough, not true of the maritime field because if States A, B, and C are parties to an International Convention on Merchant
Shipping and States X, Y and Z are not signatories to it the fact remains that ships of X, Y, and Z would have to visit the ports A, B and C in their shipping operations and this may compel obedience to the law which A, B and C have recognised and adopted. It is because ships operate all over the world, which is so very essential economically and also justified legally on the basis of the recognised principle of freedom of navigation, that they at once furnish the object and become the potent instrumentality for effective enforcement of the International Conventions of Merchant Shipping. It is, of course, true that stipulations in International Conventions can empower those States only that are parties to the municipal courts. However when a State enacts Municipal Laws for its own ships as well as for foreign flags visiting its ports, it is not possible for it to discriminate between one flag and another while applying its own laws which happen to incorporate the rules of an International Convention.

The Municipal Law has to be made applicable to all ships and the distinction for purposes of separate treatment between Convention and any national legal system for fear of flag discrimination. In the circumstances when non-convention ships i.e. those flying the flag of States not parties to the Convention enter the ports of contracting States, such vessels are quite often expressly subjected to the national law embodying the International Convention. Where no penal provision is
made in the national law, it is quite often the practice of the Officers of the contracting States to administer a warning to the defaulting non-convention ship to comply with the Convention standards and this warning acts as a sanction compelling obedience of the International Convention concerned. Let alone the foreign convention ships, this is the position of the ships of the non contracting countries as well.

Thus, even if a State is not party to an International Convention, it has nilly-nilly to comply with the Convention Regulations to become acceptable to members of the maritime community with whom the non contracting State has gotten to trade for reasons of sheer economics if nothing else.

This aspect is so well known and by now so fully recognised and established in maritime circles that several International Conventions on Merchant Shipping specially provide an article on "control" or "regulation" by virtue of which the contracting States are given powers to enforce the provisions of the Convention in respect of "Convention ships" visiting their ports thus enabling national courts to entertain such cases and to exercise jurisdiction by punishing all flags including the foreign flag violating the applicable International Conventions. Thus, for example, both the SOLAS Convention of 1960 and 1974 and the Load Line Convention of 1930 and 1966 provide that the signatory States would have
jurisdiction to enforce the law in relation even to foreign flag contracting States thus making it possible for municipal courts to become agencies for enforcing International Law.

It may, therefore, be concluded here that for the regime of merchant shipping, the enforcement machinery is almost exclusively municipal though the law is largely based on numerous International Conventions which find a place in municipal legislation also.

In short, the legal regime of merchant shipping is established with the help of a clear and precisely worded law which has effective sanctions, a helpful law abiding atmosphere and regular municipal courts of law to adjudicate and administer the law.

This is all in addition to the facility provided by the International Court of Justice to whom references are sometimes made when States parties to the dispute agree to invoke its jurisdiction in matters which come within the domain of public International Law.

In addition to the National Courts of maritime States and the International Court of Justice when jurisdiction is conferred on it, there is also an effective machinery provided by commercial arbitration which is of profound significance in the maritime field. The commercial shipping channels all point in the direction of arbitration in the event of conflict and it is significant that the decisions by way of arbitral award are
invariably respected.

In no field have arbitrations been so effective in settling disputes as it has been in the maritime field. The method of arbitration by specialised clubs, individuals and agencies is profitably employed to resolve disputes pertaining to maritime matters.

The legal regime of merchant shipping has, therefore, also demonstrated the inherent potentialities which exist for such development in other fields of human activity and in this respect it has an invaluable legal percept to offer to the world at large.

PART III : DEVELOPMENT OF MARITIME ADMINISTRATION INFRASTRUCTURE.

In the previous part we have dealt with the legal machinery for the enforcement of the Merchant Shipping Act. Therefore it is now proposed to deal with the Administrative machinery.

As foreseen in Chapter one maritime development is directly dependent upon the performance of the maritime administration, therefore maritime development in Haiti will also directly dependent upon the proper understanding of the maritime activities that need to be attended to and the respective capabilities created through the various divisions to administer maritime affairs.

At this stage it is clearly understood that maritime policies can be divided broadly into the operational
and commercial aspects. The former involves safety of life at sea and protection of the marine environment, while the latter covers the commercial aspect of shipping and ports.

Within the context of operational aspect for instance when splitting up the definition of safety many interests are at stake. One can mention the safety of the ship itself and the security of the money that is invested in the ship, the safety of cargo, the safety of seafarers, the safety of the environment. This splitting up of the definition of safety shows that there is a combination of interests pulling all in the same direction, namely the safety of shipping. Safety is therefore the common denominator.

This entails particular care that should be given to this aspect under which all the system comes to rest. One should always remember that safety does not just happen, it is the reward of care thought and organisation. In order to assess safety, all aspects should be considered individually or interactively in the light of the most up-to-date information. Due consideration should be given to the intended functions requiring an understanding of the operational aspect including the working environment.

Therefore within the SEMANAH, the safety Division must be adequately staffed, because it is to ensure the operational aspect of the Maritime Administration in general within the context of safety of life at sea
and protection of the marine environment.

Prior any sort of conclusion regarding the required infrastructure for the new safety Division it is necessary to elaborate on the tasks that ought to be carried out. They can be summarized as follows:

1) Head of Division
2) Registration of ships
3) Port State Control
4) Inspections, surveys, certificates of ships - Classification Societies
5) Examination and certification of seafarers
6) Marine Accidents and Inquiries into such casualties
7) Matters relating to prevention of pollution
8) Search and Rescue
9) Wrecks.

1 - Head of Division:

Within the SEMANAH, there must be a principal to assume the responsibility and to exercise the functions of Superintendence and co-ordination of the work of this Division as a whole.

He would have to be highly trained, in this connection he needs to be given the opportunity to come to the World Maritime University, the most outstanding University capable of providing duly qualified technical people.

2 - Registration of Ships.

The basis for any developmental policy of a Merchant
Marine is the Registration of ships. All ships must be registered somewhere and the ship acquires the nationality of State in which it is registered. It flies the flag of that State and is governed by its laws.

According to recent development taking place at UNCTAD* wherever a ship is registered the Maritime Administration has to ensure the following:

a) That ships flying the flag of the State comply with its laws and regulations concerning registration of ships and with generally accepted applicable International Rules and Standards to which the State is a contracting party concerning, the safety of ships and persons on board and the prevention of pollution of the marine environment.

b) That ships flying the flag of the State are periodically surveyed by its authorized surveyors in order to ensure compliance with generally accepted applicable International Rules and Standards to which the State is a contracting party.

c) That ships flying the flag of the State carry on board documents in particular, documents evidencing the right to fly its flag and other valid relevant documents, up-dated and issued in accordance with the principles of registration of ships and International Convention to which the State of registration is a party.

d) The compliance by owners of ships flying the flag of the flag State with the principles of registration of
ships in accordance with the laws and regulations of the flag State and the provisions of this agreement.

One can however say that the process of registration involves the observance of the requirements and formalities prescribed under the Merchant Shipping Act and subject to same, has to result in the registration being effected through appropriate entries being made in the Register Book maintained for the purpose and a certificate of Registry being issued. Similarly, there are statutory provisions relating to attendant matters such as mortgages, transfer of ownership, change of master etc.

Therefore 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.

Obviously, the above outlined in a, b, c are provisions which will have to be ensured by the Safety Division within the context of safety of lives at sea and prevention of pollution, in the same line it is recommended to have the registrar of ship under the purview of the Safety Division.

3 - PORT STATE CONTROL.

In Europe, in particular following the Amoco Cadiz casualty it has been felt that preventive action against sub-standard ships will have to get top priority and it has grown to be a very important political matter. In 1978 representatives of the maritime authorities of the
Eight (8) North Sea coastal States signed a "Memorandum of Understanding between certain maritime authorities on the maintenance of standard on merchant ships" in the Hague. The main objective of this action by the North Sea Region States was to maintain a general surveillance of sea going cargo and presence of ships, whatever their nationality calling at European ports, in order to ensure that the requirements of the I.L.O. Convention No147, the I.M.O. Convention for the Safety of Life at Sea and the I.M.O. Convention on Load Line were met and that no conditions on board the ships existed which were clearly hazardous to safety or health.

This work was carried out a step further when a Ministerial Conference on maritime safety in 1980 decided to set up a working group consisting of representatives of 13 West European countries and open to the International Organisations such as I.M.O. and I.L.O. On approval by the Ministers the Memorandum of Understanding on Port State Control that had been developed by the Working group was signed by the representatives of the competent maritime authorities of each country to take effect from 01 July 1982.

The principal item of the Memorandum of Understanding on Port State Control is the undertaking by signatory to achieve, within a period of three (3) years from the coming into effect of the Memorandum an annual total of inspections comprising 25% of foreign flag
merchant ships staying in their ports. The Memorandum specifies that such inspections should verify the compliance of those ships with the technical and social minimum standards laid down in the relevant International Conventions namely,

The International Convention on Load Lines,
The International Convention for Safety of Life at Sea, 1974 and the Protocol of 1978,
The International Convention for the Prevention of pollution from ships 1973 and Protocol thereto MARPOL 73/78,
The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,
The International Convention for the Prevention of Collisions at sea, 1972,

The Memorandum of Understanding is a very efficient control system, although it only has effect in European countries it is one of the most important instruments ever made to improve standards of ships. As shipping is an international industry and ships trade all over the world, it will be increasingly difficult to operate sub-standard ships. This because such ships will have great difficulties in many ports. The trend is that the Port State Control will be intensified in an increasing number of States. If a ship is not fit to call at ports in such States without having trouble with authorities and trade unions, the ship will in the long run not be
"convenient" in operation.

The Safety Division of the SEMANAH will be in the best position to ensure the effectiveness of such a system. Hence Haiti will be very helpful towards the international community.

In the future one can say that national or international vessels if not complying with International Regulations will be prevented to sail from Haitian ports. By undertaking such an effective control, the image of the country will be enhanced internationally.

4 - Inspections, Surveys, Certificates of ships.

Inspections and surveys of ships are the most important and basic functions of a technical division (Safety). For a country to be deemed a maritime nation it has to ensure that ships flying its flags are safe and well maintained. Having ensured the safety of vessels one can expect

   i) to protect the safety of human lives at sea and
   ii) the environment
   iii) to promote the reputation of the national flag internationally.

Such vital functions take the form of

1) Various types of periodical surveys/inspections of ships in accordance with the relevant Rules/Regulations conforming to International Standards (Conventions) and national requirements, and the issuance, if justified, of one or more of the following Certificates to
each ship.

a) Passenger Ship Safety Certificate
b) Cargo Ship Safety Equipment Certificate
c) Cargo Ship Safety Construction Certificate and its supplement
f) Tonnage Certificate
g) International Oil Pollution Prevention Certificate
h) International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk
i) Local cargo/passenger ship Safety Certificate (for non convention ships under 500 GRT)
j) Exemption Certificates where necessary.

2) Intermediate surveys/Inspections of ships so as to verify that the ships and their equipment continue to be so maintained as to warrant the continued holding of the appropriate Certificate(s).

3) Inspections and detention of unseaworthy/unsafe ships.

4) Co-ordination of the work of the Classification Society* to whom statutory functions may be delegated as regards surveys of national ships.

* This will be explained further on.

- As regards the basic guidelines for Surveys, Inspections of ships having due regard to their construction machinery, equipment and age, I.M.O. has developed a set of such guidelines, therefore it is recommended
that such guidelines, be made available to the future inspectors, surveyors of the Safety Division.

- The aforesaid form the basic guidelines and relate to the various I.M.O. Conventions specified to be complied with ensured for the various surveys/inspections. The detailed requirements are to be in the relevant Rules/Regulations.

Classification Societies - Certification of ships:
A contracting Government's obligations under the Convention system are of two main types:

a) As a Port State ensuring that foreign ships visiting its ports are safe to proceed to sea,
b) As a Flag State ensuring that its ships meet the standards of the Conventions and that it carries out certain other duties in respect of safe manning and investigates casualties to its ships and reports to the organization accordingly.

The allocation of available resources between these two functions provides a major problem for countries. The longer and more vulnerable the coastline and the greater the number of ship visits the larger the proportion of surveyors resources employed on Port State Control. This may mean the provision of a very large force of Inspectors even though the country has a relating small fleet. In this category one might include the United States with its extensive Coast Guard Service and France with its Security Centres spreaded all along the littoral. On the other hand, some countries with relatively short
coastlines have large Merchant fleets and the proportion of resources employed on Flag State duties will be greater. For most countries there is a near balance and the same surveyors can be employed for both duties. However it has been recognised that no Government has a Safety Division extensive enough to perform all its obligations under the Conventions and it is a question of judgement as to which of these obligations can be undertaken by organisations acting in its behalf. This delegation is permissible under the Convention System but it does not relieve an Administration of its responsibilities and in particular its obligation is clearly defined in Regulation 6(e) of the Protocol of 1978 relating the International Convention for the Safety of Life at Sea, 1974, which states:

"In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey, and shall undertake to ensure the necessary arrangements to satisfy this obligation."

The problem for each Administration is how to fulfil the international obligations for both Flag and Port State activities, without excessive costs and perhaps with limited number of qualified surveyors.

**Delegation:**

Subject to the Administration's guarantee mentioned above, the Convention permits an Administration to nominate surveyors or recognised organisations to conduct
both surveys* and inspections**. In general it may be said that Port State inspections are normally performed by Government surveyors and general inspections are either performed by Government surveyors or by private organisations (other than Classification Societies) or individual surveyors appointed by the Administration. Statutory surveys are almost invariably dealt with by either Government surveyors or by surveyors of the Classification Societies (who class ships for insurance purpose).

As has been previously inferred, no Administration has sufficient resources to deal with statutory surveys required under the Conventions without the assistance of the Classification Societies who maintain world-wide networks of qualified surveyors. Classification Societies are not normally used for inspection purposes as it may be considered invidious to have them checking on the standards on board a ship for which they have dealt with the statutory surveys.

In its initial stage of development, the SEMANAH may also usefully delegate its responsibilities regarding surveys/inspections of its ships either in full or in part to Classification Societies of international repute such as Bureau Veritas, Germanischer Lloyd, Lloyd's Register of Shipping, however the Administration (Safety Division) would have to back up the Classification Societies performing statutory functions.

It is essential that the Societies are clearly aware
of the extent of the delegation afforded to them. The Safety Division must give guidance and this should be contained in a written agreement which states that the Societies are to survey to the minimum requirements of the appropriate Conventions applicable to every ship according to its age, type and nature of voyage. Clear instruction should be issued laying down the action to be taken by the Societies' representatives in the event that safe and seaworthy conditions cannot be maintained on any ship or if it is suspected that they cannot be maintained. Societies should be provided with the national Rules/Regulations.

* Surveys refer to surveys for statutory certificate purposes under the Convention,
** Inspections refer to Port State inspections of an Administration's own ships.

5 - Examination and Certification of Seafarers.

One of the most important thing influencing the safe and efficient operation of a ship is of course the standards of the seafarers.

The different standards for training the required personnel will reflect different standards of efficiency.

Nevertheless the standards and systems had varied considerably among the countries and there were no international standards established until 1978. Obviously this was an anomalous situation since the shipping industry is very international. Therefore the maritime
community had made a lot of efforts through I.M.O. and I.L.O. to establish global minimum professional standards for seafarers and this is how the S.T.C.W. came out. (see first Chapter). Its universal implementation should help to better equip the seafarers to meet the requirements of today's shipping and navigation. (this will be dealt with later on, next Chapter).

In the same line it is important to quote Article II Part V of an UNCTAD report which is very relevant to this matter. It says:

The State of Registration shall ensure:

a) that the manning of ships flying its flag is of such a level and the competence as to ensure Safety at Sea in conformity with generally accepted International Rules and Standards.

b) compliance with International Rules and Standards concerning competence of the Officers and the crew. Therefore one can say that the human factor as a whole is dominant in the operation of a ship. The professional competence of the personnel would be predominant.

Then, within the context of Safety of Lives at Sea, the Safety Division will here also be in the best position to implement the following salient features of the S.T.C.W.

1) Conducting of Examination and certification of seafarers,

ii) Manning of ships,
iii) Certificated manning and manning by other crew members (such as ratings).

Therefore, obviously the past related to manning of ships, Masters, Officers, Seamen etc in the Merchant Shipping Act would have to be built in accordance with the S.T.C.W.

6 - Marine Accidents and Inquiries into such Casualties.

Marine casualties usually arise through a combination of complex conditions. To trace any one of the conditions involved, and its reaction on others, not only helps to reveal the cause of an accident but is also important in understanding the nature of such casualties.

Like accidents on land, marine casualties do not arise spontaneously but have ascertainable causes, rarely a single cause but rather a combination of causes. Therefore marine casualties must be seen a result of cause and effect; the sum total of the factors involved constitutes the "cause" (there may of course be only one) and if any one of these factors had been absent the effect would not have ensured. In this approach no special weight is to be given to any one factor, all must be taken into account in each case. It is true that some factors such as the condition of the vessel, negligence on the external situation may conveniently be identified as the basic cause in arriving at a settlement but this not the way to establish effective counter measures.
Inquiries into casualties.

Investigation into casualties are important because they show the effectiveness of International and National requirements in preventing incidents and it is often found that a ship, its machinery or equipment are not being properly operated or maintained. There is always some lesson to be learnt from a casualty and appropriate follow-up action may prevent a recurrence. Further more Administrations are required to investigate incidents in accordance with requirements of the SOLAS, MARPOL and LOAD LINES Conventions and report the results of their investigations to I.M.O. for further studies within the various Committees.

Casualty Investigation in other countries.

In this connection it is necessary to quote the system of investigation adopted in traditional maritime countries, (e.g. France, India, etc).

Preliminary inquiry and formal investigation:

Preliminary inquiry.

This inquiry, which can be said quasi-judicial in nature is usually conducted by a responsible official (with the necessary expertise) of the Safety Administration duly notified as the proper Officer for the purpose under the Merchant Shipping Act.

The duties of such an Officer conducting a preliminary inquiry can be classified broadly as follows:
1) to inform the Government (Ministry concerned) of the shipping casualty having occurred within its jurisdiction.

2) to hold a preliminary inquiry, when considered necessary into the shipping casualty and for this purpose if necessary.
   a) to go on board the ship and inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage.
   b) to enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report he is directed to make
   c) to summon under his hand, require the attendance of all persons as he thinks fit to call before him and examine for such purpose, and require answers or returns as deemed necessary for the purpose.
   d) to require and enforce the production of all books papers and/or documents which he considers important for the purpose.
   e) to administer oath, or in lieu thereof, require any person to be examined by him to make and subscribe a declaration of the truth of the statement made by him in his examination.

3) to submit the proceedings and report of the preliminary inquiry to the Government.

4) to make an application to a court empowered under
the Merchant Shipping Act, for a formal investigation into the shipping casualty if the considers same necessary and in any case, if the Government directs him to do so.

**Formal investigation.**

All major casualties are studied with a view to determining whether they should be the subject of a formal investigation and great care is taken to ensure that these are not mounted unnecessarily because they are costly both for the Government (Ministry concerned) and to the other parties involved. Factors taken into account in reaching such a decision are:

1) Whether light can be thrown on the cause of the casualty over and above that gleaned from the preliminary inquiry.

2) Whether a formal investigation would be likely to establish the circumstances of the casualty so that they may be publicised as a means of preventing the recurrence of similar casualties.

3) Whether an inquiry may help to restore public confidence if the casualty involved heavy loss of life or in some other way attracted considerable public interest.

4) A formal investigation will be undertaken if the preliminary inquiry indicates that there has been default and negligence on the part of the Master or Officers and disciplinary action is considered desirable.
In addition it should be mentioned that the formal investigation is always held by a court which derives its powers from the Merchant Shipping Act concerned. Therefore one can say that marine inquiries are necessary to establish the causes of casualties, and such inquiries do benefit the international maritime industry.

The Safety Division of the SEMANAH at this stage of development will lack the necessary expertise within its own staff, to carry out such functions, therefore the legislation should provide for the appointment of persons to undertake investigation on its behalf. These persons could be independent men of standing in the marine world, marine consultant experts employed by other Administrations or surveyors from Classifications Societies other than the Society with which the ship was classed.

7 - Matters pertaining to Prevention of Pollution/
        Contingency Planning.

According to Article II of the 1958 Convention on the High Seas, the High Seas are being open to all nations. The freedom of the High Seas comprises, both for coastal and non-coastal States, the freedom of navigation the freedom of fishing, the freedom to lay submarine cables and pipelines and the freedom to fly over the High Seas.

However the freedom of the High Seas may also lead to
pollution of the seas if the States do not take measures to prevent such pollution.

Since the Safety Division of the SEMANAH will be in charge for the prevention of pollution from ships, it should be desirable that this Division takes the lead in the preparation of contingency plans, because this Division is in the best position to:

a) Identify the sites at which oil or noxious substances handled in sufficient quantity to present a significant pollution risk (oil terminal, pipelines, buoy mooring etc).

b) Identify the quantities and frequency with which such materials are handled within the different ports and facilities.

c) Identify areas and activities of particular sensitivity to the ecology such as fisheries, wildlife, and other beneficial uses of marine resources.

d) Identify the volume of shipping particularly tankers into national ports and along the coasts.

e) Harness all available national resources to deal with marine pollution when it occurs in and around the waters of the country.

Within this context the Safety Division has also an important role in any Regional co-operation in the combat of marine pollution.

Such co-operation has to result in actual physical co-
operation and pooling of resources, through the identification and commitment of all available national resources in each of the countries concerned, through the national contingency plan of each country.

In order to assist developing countries in such national contingency planning and to promote sub-regional/regional co-operation I.M.O. has prepared "manuals" and guidelines which can be readily used and obtained to great advantage. In addition technical assistance can also be provided for the purpose by I.M.O.

In addition to above, the Safety Division needs to ascertain from the national port authorities that adequate "reception facilities" are provided to receive from ships oily residues and chemical cargo residues. The last thing to add is that the Government (Ministry of Finance and Ministry of Transport) should ensure adequate resources to cover all areas of activity for pollution prevention control.

8 - Search and Rescue.

It has long been traditional for coastal States to provide search and rescue services for ships and persons in trouble. In fact these services may be provided but military, semi-military or civilian personnel buy more often it could be a combination of civilian and military personnel. For example in the United Kingdom the Coast Guard (civilian service) the Royal Naval Lifeboat Institution (voluntary organisation) and the Ministry
of Defence are mainly involved.

The desirability of co-operation in this area has been recognised, Regulation XV (titled "Search & Rescue") of Chapter V (on Safety of Navigation) of the Safety of Life at Sea Convention provides that each contracting Government should undertake "to ensure that any necessary arrangements are made for coast watching and for the rescue of persons in distress at sea round its coasts. These arrangements should include the establishment, operation and maintenance of such maritime "safety facilities as are deemed practicable and necessary."

Chapter VI of the International Convention on Maritime Search and Rescue adopted in 1979 deals with ship reporting systems, the objectives of which are to provide up-to-date information on the movement of vessels in areas covered by the systems in order to permit the rapid determination of vessels able to provide assistance and the delineation of the search area. It gives details of operational requirements and types of reports.

Therefore in this vital area the Safety Division and the Marine Division needs to ensure the necessary organisation to respond to maritime distress situations in waters adjacent to the country.

Regardless the nature of the search and rescue services they should be invariably supported by the general public either through taxation or voluntary subscriptions. Search and Rescues costs are high and it is pertinent to
consider whether services used by a small section of the community should be supported by the public as a whole. The costs of a single incident involving aircraft and/or search and rescue helicopters runs into several thousands of Dollars, and while some of this total may be considered to be providing training for marine personnel.

9 - Wrecks.

In order to ensure completely the safety of national and international vessels plying in Haitian waters, all wrecks must be removed and taken into custody, therefore under the Merchant Shipping Act receivers of wrecks must be appointed and since many of them may be non-marine officials they would need instructions and guidance from the Safety Division in the exercise of their functions as "receivers of wreck".

So far this part portrayed the important vital duties that ought to be carried out by the Safety Division. The latter therefore is expected to be the executive arm of the Government as regards technical matters in general. It is proposed to make some recommendations about the technical staff required for this Division.

A - TECHNICAL STAFF.

1 - Head of the Safety Division,
2 -- Surveyors of ships (nautical and engineer),
3 - Examiners of seafarers,
4 - Shipping Accident investigators,
5 - Register of ships and receiver of wreck.

B - **RECRUITMENT POLICIES FOR THE REQUIRED TECHNICAL STAFF.**

Policies of the required technical staff.

1. **Head of the Safety Division:**
   
   a) M.Sc Degree (Maritime Safety Administration) from the World Maritime University, or Extra Master's Certificate or Extra First Class Engineer's Certificate or equivalent.

   b) Master (Captain) or Chief Engineer of Merchant ships engaged in international trade.

   c) Surveyor of ships with the Safety Division for a period of about ten (10) years.

   d) Examiner of seafaring officers for a period of about ten (10) years.

   e) Experience in accident investigation for a period of about ten (10) years.

   f) Experience of about five (5) years in a senior supervisory/management capacity in a Safety Division responsible for a large quantum of ships engaged in the international trade.

   g) A wide knowledge of International Maritime Conventions and maritime safety standards.

   h) Experience in preparation and administration of Rules/regulations relating to maritime matters.

2. **Nautical Officer/Surveyor.**

   a) Master (foreign going) Certificate of competency.

   b) Seven (7) 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.
c) M.Sc Degree (MSA) from the World Maritime University.
d) Experience as a Surveyor of ships.
e) Experience in Government procedures.

2' - Marine Engineer/Surveyor:
a) First Class (steam and motor) Engineer's Certificate.
b) Five (5) years' experience in the engine department of ships which should include at least a period of one year as second engineer.
c) M.Sc Degree (MSA) from the World Maritime University.
d) Experience as a Surveyor of ship.
e) Experience in Government procedures.

3 - Examiners of Seafarers:
a) Master of foreign going ships.
b) Nautical Officer or Marine Engineer.
c) Master Degree from the World Maritime University.

4 - Shipping Accident Investigators:
a) Standing man from the maritime world, he would have to train some Haitian officials.

5 - Registrar of ships and receiver of wreck:
a) Minimum educational qualifications.
b) Experience or training in registration of ships.
c) Experience or training in receiving wreck.
d) All duties to be performed under the overall Adminis-
trative control of the head of the Division.
The qualifications and experience indicated above as requirements for the technical staff of the Safety Division would give to this Division parity in capabilities/competence with those in developed countries with whom they shall have to compete, since shipping is an industry which is highly competitive internationally.

MARITIME TRAINING.

Historically, the ship may be considered as one of the very old objects mankind has ever created or invented among other things. The brave man who first ventured the sea had no much care over social sciences*.

It has been very recognised that only during the second part of this century that maritime disciplines were given some importance with the vast increase in the investments in shipping, the emergence of many merchant fleets and the increased interest of I.M.O. and the major maritime countries for technical co-operation**.

Training requirements.

The last three (3) decades of this century have seen or witnessed considerable developments in the field of maritime transport. Great studies have been made in the design of ships for specific services giving birth to a variety of special purpose ships some of which are of enormous size, complexity and cost.

Machinery design has undergone changes leading to economy
in fuel, maintenance and operation costs. Numerous electronic aids and automatic systems were introduced requiring higher skills though lower number of crews, this necessitated giving more importance to seafarer's training hence the birth of the S.T.C.W. 78.

**THE S.T.C.W. 1978 - AND ITS IMPACT ON MARITIME TRAINING.**

The S.T.C.W. is the first legal instrument in the field of maritime training defining the minimum knowledge and the various conditions required for the issuance of certificates of competency for seafarers. Actually the Convention entered into force in April 1983 after meeting the requirements given in Article 14. The Convention consists of 17 Articles, an Annex composed of six (6) Chapters in addition there are twenty three (23) Resolutions which are recommended.

The most important elements of the Convention are as follows:

**The Articles.**

- The Convention in Article VI specifies that every officer of a seagoing ship of almost any size and power must hold an appropriate certificate of competency. The holder of such certificate must meet certain requirements specified in the Annex to the Convention. If the text of certificate is not in English, then it must include an english translation.

- Article VIII specifies that dispensations permitting a specified seafarer to serve in a specified ship for a
specified period in a capacity for which he does not hold the appropriate certificate can only be used in "circumstances of exceptional necessity. In the case of Masters and Chiefs engineers these dispensations may only be issued in circumstances of force majeure. The aim is to make dispensations rarely used and for the shortest possible period*.

- Duly authorized port officers have the right according to the Convention to detain ships in certain conditions specified in detail in the Annex to the Convention. Article X states that all possible efforts shall be made to avoid a ship being unduly detained or delayed and that if a ship is so detained it shall be entitled to compensation for any loss or damage resulting therefrom**.

The Regulations.
The S.T.C.W. Convention contains, in its annex, 25 regulations which are grouped into six Chapter: each Chapter heading indicating the application of the regulations it contains. For example, the regulations of Chapter IV apply to the radio departments of ships.

It is not intended to deal with each Chapter in detail at this stage. Some general comments will however be offered.

Chapter I, entitled: "General Provisions" contains four regulations of general application. Three of these are self-explanatory but the reason for Regulation 1/3 cannot be deduced without reference to other Chapters of the annex unless some brief explanations is given. This explana-
tion is as follows.

Various regulations of the annex, having laid down certification requirements for seafarers in general, offer the possibility of some relaxations of the regulations for seafarers on ships sailing solely on "near coastal voyages". Such voyages are defined in Regulation I/1 (n) as voyages in the vicinity of a Party as defined by that Party. Thus any Party to the Convention may define such voyages in any way it chooses (e.g. voyages during which the ships concerned are never more than 10 miles from the coast, or voyages within a specified area, etcetera) but, in doing so, it must observe the principles given in Regulation I/3. In general terms, these principles try to ensure that any advantage taken of "near coastal voyages" relaxations by ships of any Party defining such voyages can also be taken advantage of by the ships of any other Party.

Chapter II, entitled: "Master -deck department", contains eight regulations covering watchkeeping and certification requirements for masters, deck officers and ratings who form part of navigational watches. Such requirements include specifications of the education and practical training of seafarers in the deck department, for various classes of ships (which are classed in ranges of gross register tons), and also include specifications for the continued proficiency and updating of knowledge of masters and deck officers.

Chapter III, entitled: "Engine Department", contains six regulations which are very similar in form to the
regulations of Chapter II. They apply to the engineer officers and ratings who form part of an engineering watch on various classes of ships (which are classed in ranges of propulsion power).

Chapter IV, entitled "Radio Department", is a very short Chapter containing only three regulations. This is because there are, and were long before the STCW Convention was produced, separate mandatory provisions concerning the certification of radio officers and also mandatory provisions concerning radio watchkeeping and maintenance (Radio Regulations and SOLAS). This Chapter also contains requirements for the certification of radiotelephone operators.

Chapter V, entitled : "Special requirements for tankers", is also quite short and contains only three regulations. Each of these applied to a single type of tanker (oil, chemical, or liquefied gas) and they should be regarded as complementing the regulations of Chapters II and III by giving additional and special requirements to their general requirements.

Chapter VI, entitled : "Proficiency in survival craft", contains only one regulation. This regulation applies to all seafarers, irrespective of discipline, and, whilst not requiring every seafarer to hold a certificate of proficiency in survival craft, specifies the conditions under which such a certificate may be awarded.

It is emphasised that the regulations of the Convention
specify international minimum requirements for training, certification and watchkeeping and that these requirements will be exceeded by many maritime Administrations. Even if they were incorporated word for word into national law or national regulations they would still need to be augmented in more detailed requirements since many of them are deliberately unspecific and leave much to the discretion of Parties to the Convention.

The Resolutions.

The Resolutions of the Conference are not part of the Convention and therefore are not mandatory. A Resolution can be used by a Government in any way it sees fit: in whole, or in part, or not at all. There are twenty-three such Resolutions. Most of the Conference Resolutions expand upon the Convention Regulations by giving more (suggested) detail or by giving (suggested) extensions. Others (Resolutions 16, 22, &23) deal with subjects which are not touched upon in the Regulations. In all cases, the contents of the Resolutions are those where it was decided to be inappropriate to include them in the Convention, either by general agreement that it was inappropriate to do so or because there was insufficient support for their adoption as mandatory requirements.

One can say that the STCW Convention gives reasonable minimum requirements that its provisions could be implemented. It would have been wrong to adopt standards so high that some member States may have difficulty in meeting them, or so low that safety at sea would be endangered.
In view of the STCW 78 the roles, responsibilities and functions of any national Government specially a maritime Administration as regards their marine personnel need to cover essentially the following:

1- Crew matters (i.e. matters affecting marine personnel) in general.

2- Examination and certification of seafarers.

3- Manning of ships.

4- Maritime Training to enforce the STCW.

In the above listed, items 1, 2, & 3 have been dealt with earlier. It is now very important to deal with item 4. The types of maritime training facilities/courses for the enforcement of the STCW can be summarized as follows:

1) Ratings:

A- Deck Department.

a) Pre-sea training for the new-entrant, which needs to include "personal survival techniques".

b) Subsequent refresher training for ratings with appropriate sea-service, so as to meet the mandatory minimum requirements for a rating forming part of a navigational watch, as specified in the STCW Convention.

c) Fire-fighting training.

d) Training in basic first aid.

B- Engine-Room Department.

a) Pre-sea training for the new entrant, which needs to include "personal survival techniques".

b) Subsequent refresher training for ratings with appropriate sea-service, so as to meet the mandatory requirements for a rating, forming part of an engine-room
watch, as specified in the S.T.C.W. Convention.
c) Fire-fighting training.
d) Training in basic first aid.

C- Catering Department.
a) Pre-sea training for the new entrant, which needs to include "personal survival techniques".
b) Either as part of the pre-sea training or subsequent to appropriate sea-service, the trainees who are to become cooks on ships, need to be so trained as to be eligible for "certificate as ship's Cook".

2) Officers:

A- Deck Department.
a) Pre-sea training as deck (nautical) cadet/apprentice
b) Training on board ships at sea, as deck (nautical) cadet/apprentice.
c) Post-sea training leading to the first certificate of competency as a watchkeeping Officer.
d) Subsequent post-sea training leading to all higher certificates of competency including as "Master" (aforesaid training has to meet the relevant requirements of the S.T.C.W. Convention).

B- Engine Room Department.
a) Pre-sea training for the new entrant as engineer cadet/apprentice.
b) Training on board ships at sea, as junior engineer.
c) Post-sea training leading to the first certificate of competency as a watchkeeping engineer.
d) Subsequent post-sea training leading to all higher certificates of competency, including as "Chief engineer". (aforesaid training has to meet the relevant requirements of the S.T.C.W. Convention).

Additional Special Courses (If required).

a) Training of Officers and ratings of oil tankers.
b) Training of Officers and ratings of chemical tankers.
c) Training of Officers and ratings of liquified gas tankers.
d) Radar simulation training for deck Officers.
e) Training of Radio-Officers and Radio telephone operators according to the regulations of the International Telecommunications Union (also part of the U.N. system.

The foregoing has partly described the salient features of the technical content of the S.T.C.W., therefore it is important to point out at this stage the necessary steps which have to be taken by any country in order to meet the requirements and be able to ratify the Convention. In this connection the following must be attended.

1) Preparation of appropriate Rules/Regulations and detailed syllabuses for the conduct of the various examinations and certification of seafarers.
2) Ensure the necessary infrastructure for the conduct of the examinations, role of the safety Division.
3) Ensure the availability of duly qualified and trained examiners of the appropriate disciplines.
4) Ensure the availability of duly qualified and trained maritime teachers/educators (Aim of the World Maritime University).

OPTIONS AVAILABLE TO THE REPUBLIC OF HAITI.

Maritime transport is the backbone of foreign trade; therefore it is of great importance to provide adequate training facilities for seafarers and, to assess the manpower needed for a national fleet, this is the starting point for the proper formulation of a sound maritime education policy.

This important trust of harnessing human resources was understood by the SEMANAH, in fact there is a maritime training institution (CENTRE DE FORMATION MARITIME) for the providing of seafarers, i.e. ratings according to the S.T.C.W.

This initiative can be considered as the first ever achievement of the Haitian Government towards the development of a sound network maritime transport. Therefore from now it is necessary to think of the future of this Institution. In this context the following may be suggested.

a) In case of a possible emergence of a national merchant fleet capable of playing an important role either in the international scene or in the Caribbean, the Government will have interest to merge this Institution within the University of State for the providing of officers (deck and engine) capable of manning ocean going
ships. In this context the use of I.M.O. Technical Assistance can be very helpful.

b) Another alternative could be to co-operate with other Governments in the Caribbean either French, Spanish or English speaking for the setting-up of a Regional training institution.

c) It is also possible to seek for other opportunities in other Regions such as; United States or West Africa.

**Recruitment policies for the future.**

Therefore it is very important also at this stage to point out that the Haitian maritime authority must be very careful when recruiting youngsters. The right selection methods have to be used. If top priority is given to recruiting people who will stay at sea, attention must be given to the personality and background of the applicants. If top priority is given to recruitment people who are required to pass their examinations, attention must be given to the mathematical and scientific reasoning ability of the recruits. If top priority is given to meet the rapid technological changes that will encounter the trade in the coming 10-20 years, attention must be given to flexibly minded, intelligent men who can learn new and difficult skill easily.

Sir Walter Raleigh (Ca, 1610).

It is nowadays an established international shipping policy that developing countries should be enabled to promote their earnings from maritime activities. The very roots of this policy lie in the recognition that merchant marine development is an essential requirement at all stages of a country's economic development.

To make the above statement more convincing, one can also mention the Ivorian view within the context of a New International Maritime Order.

"The New International Maritime Order is first of all the total complex of the legitimate claims and main objectives of the developing countries in the direction of "improved existence" and "extended service" in the maritime sphere. It is also a catalog of concrete, just and effective measures and actions which will enable developing countries to restructure the essential conditions of their sea traffic on a basis of equilibrium in order to consolidate their economic independence. The New Order has one fundamental aim, namely to ensure that each country may master its own traffic, and this involves three (3) essential sub-aims:

1 - A reasonable, just and permanent participation by
each country in sea traffic/ocean shipping as a whole in respect of cargo of all kinds which is handled within the framework of each country's international trade relations.

2 - A reasonable and just participation by each country in the process of fixing the modes and prices of transportation for the goods which are handled within the framework of each country's international trade relations.

3 - Freedom for each country to improve sea traffic in its own national territory in a reasonable manner and on a just basis.

In fact shipping development can substantially contribute to the diversification of the economy of an investing country because it needs a wide range of services and supporting activities such as ship construction, ship repairing industries, financing and banking services, marine insurance, ship supplies and equipment, training facilities for sea going personnel as well as for managers, telecommunications, etc.

Shipping investment can also have indirect effects which are particularly significant such as: Political inspirations for prestige and defence purposes, i.e. a merchant fleet can play an important role during war time it can also reduce economic and trade dependence from former metropolies.

Shipping investment can also develop economic and trade
relations with all nations willing to.

It can also influence the overall availability or adequacy of services linking that country with overseas markets, because a national carrier can reasonably be expected to be more closely linked with the particular economic and commercial interest in its country than a foreign carrier.

It can also improve the balance of payment and finally it can also promote the export of such a country.

In addition to that one can say whatever the relations between the shipping industry as a whole and the Government, what is true is that, the existence of a suitably organised administrative apparatus looking after the problems of merchant marine is necessary and must be a part of a national shipping development policy/strategy; because shipping industry and/or business becomes increasingly international where ships from all countries are competing each other in carrying the world flow trade. For being competitive a national firm should at least be on equal footing regarding operating conditions and costs with shipping firms of other countries.

Assistance usually granted to a National Shipping Industry.

Assistance may be direct or indirect and is granted to shipping or shipbuilding. While subsidies granted to shipbuilding are aimed at assisting shipbuilders, they become assistance to shipowners at the same time.
The kinds of subsidies are as follows:

1 - Operating subsidies:

A clear example of this kind is the United States which grants the operating differential subsidy to a company in an amount equal to the excess of certain vessel expenses incurred by the shipping company over comparable vessels of its principal foreign competitors; it is based on the difference between American costs of vessel operation in such items, as wages, repairs, and insurance and the costs of foreign competitors operating the same type of vessel on the same trade route where the American steamship company is at a substantial disadvantage (the U.S. Government has special arrangements with foreign Governments for the regular collection of such data).

Certain West European countries give operating subsidies in respect of specific contractual services only e.g. mail service.

Within the same categories of operating subsidies, one can include bunker prices insofar as they are subsidized or at a preferential rate which may be given by some oil-producing countries. For instance the Saudi-Arabia Government offers her national fleet bunker price discounts which are understood to exceed 75-80% of going market prices.

Subsidies also arise in the form of fleet insurance being funded by the State. It may also extend crew sub-
sidization involving social security/insurance contributions as being State-financed.

Subsidies may also take the easy form of simply making up the annual operating losses of the enterprises concerned. This appears to be the practice in Brazil and Chile, for example in Chile it is only the losses of the small State owned shipping enterprises has so far restricted its activities to coastal trades.

2 - **Constructing subsidies**

This is a kind of subsidy which is usually given as to help the national shipping industry of a country. There a distinction should be made between construction subsidies and construction differential subsidies (that is subsidies equal to the difference between domestic and foreign shipbuilding costs which are designed to assist the shipbuilders by enabling them to quote competitive prices. Another form of construction subsidy is the shipbuilding credit which are of soft terms by the State for building ships.

There are also "scrap and build schemes", that persuade Shipping Companies to scrap vessels not ready for scrapping in order to purchase new ships at inflated prices which they may not really require. Under this scheme for example, three vessels in excess of fifteen years old would be scrapped and two new ones provided in their place.

3 - **Tax subsidization**

National shipping companies may also be given tax concessions which allows an enterprise to write off more
than 100 per cent of the purchase price of a ship as depreciation, so that the effective subsidy amounts to the tax avoided on the value written-off in excess of the purchase price. In many countries expedited depreciation arrangements are usually applied.

Anyhow, because of the existing tax arrangements, the shipping companies in most countries pay little if any, tax in their own countries. For that it may be difficult to consider tax arrangements as a subsidy.

4 - Social subsidies:

In that case a Government may subsidize training of seafarers, or marine personnel at its costs. Other factors/items such as medical care and other social security arrangement are common practices in France, Norway, India.

5 - Political subsidies to shipping:

It is generally observed that coastal trade or national cabotage is reserved to national flag ships. This prevails in major countries such as France, U.S.A., India, West Germany, Greece and Italy, Algeria, Egypt etc....

6 - Other selected measures which are used to assist a national shipping industry.

Flag discrimination and cargo preference.
This may include all ways and means adopted by a Government so as to secure volume of its national foreign trade to its national fleet.

A) Legislation, regulation or other administrative mea-
sures reserving cargo for national flag vessels and covering either Government owned or sponsored cargoes or commercial cargoes.

Actual cargo reservation may be subject to:

A1 - Bilateral Agreements 50-50,
A2 - Unilateral Policies,
A3 - Multilateral agreements,
A4 - International agreements (Code of Conduct),
A5 - Pooling Agreements on a national conference or operator level,
A6 - Cargo ownership or control of specific reservation, (Government owned or impelled cargo).

Many countries employ several types of agreements.

B) Operational controls on shipping.
B1 - Port access restrictions,
B2 - Port berth assignment restrictions,
B3 - Restrictions in assignment of port labor and cargo handling equipment or storage space,
B4 - Discrimination in the clearance of export and import cargo,
B5 - Granting import licences in condition of using the national flag ships,
B6 - Commercial customs to sell C.I.F. and to buy F.O.B.
B7 - Administrative pressures may be used so as to induce shippers to use national flag ships.

7 - State ownership:

The State ownership of its fleet which would be mainly
subsidized by taxation is also an important part of the shipping subsidization.

The above lines give a very concentrate picture of the traditional methods of establishing and/or developing national fleets. Now it is important to come to the very core of this part which deals with some suggestions.

The SEMANAH being a new maritime service will of course be in shortage of past maritime experience. Therefore to develop effectively and efficiently a national fleet a long term policy has to be planned in that direction so the gap can be narrowed and in the same time the good use of the experience of other nations has to be sought.

In that respect three may be some solutions:

A) The idea to establish firms on a bilateral country basis (joint venture) where the long experience of foreign institution can be gained, because the shipping industry today in traditional maritime countries rests on numerous institutions and very specialized professional communities built up on old traditions. The profession of management in these communities as developed today is a result of past experience gained since days before the eighteenth century. The great achievements in that industry since that time can be attributed largely to the occupation of shipowning or ships'husbandry which became a distinct business of which ship management began to evolve gradually. In this international industry, ship's management needs great specia-
lization because of its vast contacts with the physical conditions, laws, customs and even political circumstances of every country in the world. With specialization the required characters for shipowning business can be developed. Further more one could say that the history of many of the big shipping enterprises in the maritime countries, shows that their continuity was due to this class of able shipowners trained from boyhood in the business of shipping or grew from family concerns and modest ambitions, grew to become the solid deep-rooted institution.

Nevertheless the project of joint venture must not produce a dual economy or artificial national shipping activity such as the fleet of convenience.

B) Another pertinent idea should be to encourage the existence of a high specialized maritime community. The establishment of freight investigation unit will help interested parties to rationalize their operations. The corner stone of this idea is to have balanced negotiable powers by the forming of Shipowners Association from one side and the Shippers Council from the other side. Both these groups must be encouraged too to participate on/or negotiate with ports authorities and inland transport bodies to matters related to their concern.

C) Another points which could be easily raised is whether and how, the country can better act as to improve its capacity to raise money under competitive terms.
The country should be aware that shipyards other private sources of finance and commercial banks want to secure the maximum degree of security for the capital they might be willing to make available to potential debtors. Credits and loans may not be available unless the country can provide.

a) Consistency and continuity of policy as to win the confidence of foreign banks, shipbuilders, finance houses and large cargo owners, on the application in the long run of sound shipping policies coupled with political stability.

b) Legislative framework effectively protecting the interests of mortgages creditors on the one hand allowing an adequate degree of freedom of tonnage operation, of raising reserves, also a fair degree of freedom in the treatment of receipts in foreign exchange on the other hand.

The access to international sources of finance, tends to be easier when a country adapt the national shipping laws to the standards provided by the most commonly relevant maritime laws internationally. It is essentiaial that ambiguities or deviations from what is generally required or accepted, are to be avoided, to the satisfaction of the lawyers of leading shipbuilders and bankers. The fundamental aim should be to offer to:

i) The bankers and creditors a confidence over the long term stability of the laws and policies applied,
ii) A mortgage holder the confidence that, should the need arise, he should have no difficulty to exercise his rights under the preferred mortgage.

D) In order to administer the Maritime Administration in an economical and efficient manner and to advise and assist the ministry of transportation in matters pertinent to the Maritime Administration the following may retain the attention of the appropriate Haitian Maritime Authority.

Under the purview of the shipping promotion division it should be desirable to have first of all a division of International Affairs to plan, conduct and coordinate Maritime Administration participation in international activities concerned with shipping matters and to keep abreast of foreign economic and political developments which may affect Haitian shipping interests. The functions of this division shall be to:

- Identify and establish contact with the principal international governmental and private organizations concerned with shipping matters.

b) direct the main activities of the administration's foreign maritime representatives as they engage in information collection, analyses, contract negotiations, promotional programs, and develop contacts with Haiti and foreign government and maritime industry representatives.
c) serve as Executive Secretary for the coordination of all matters pertaining to bilateral agreements and related negotiations.

d) develop official Maritime Administration policy positions in international activities of interest to Haiti merchant marine and to take and/or coordinate action to present the administration's position in these matters.

Secondly, a division of ship financing, to administer ship financing guarantee, capital construction fund and construction reserve fund programs of the Maritime Administration. This division shall:

a) recommend approval and disapproval of actions in relation to the award and administration of ship financing guarantee contracts, capital construction fund agreements, and construction reserve fund agreements.

b) direct and coordinate processing of applications for ship financing guarantees, capital construction funds, and construction reserve funds.

c) represent the division or agency on matters relating to overall operation and administration of the ship financing programs.

d) conduct and coordinate meetings with applicants
for shipfinancing assistance.

e) approve and disapprove requests for the extension of existing agreements and interests rates on ship financing guarantee obligations.

Thirdly, a division of maritime policy and planning to develop and maintain long-range marine affairs policies and plans and new programs by analyzing maritime operations and identifying major issues and problems affecting the Haitian merchant marine. This division shall:

ea) formulate plans and related programs of the Maritime Administration.

b) analyse legislation and regulations to determine their economic impact on the administration.

c) develop and maintain plans for carrying out the administration's responsibilities and functions in the event of mobilization for any national emergency.

d) identify major issues and problems affecting shipping and conduct studies to provide solutions.

e) take care of maritime research and port policy.

f) develop national policies, programs, and goals to
increase the participation by Haitian flag vessels in the carriage of commercial cargo generated by importers and exporters.

g) develop and maintain liaison with exporters, importers, freight forwarders and other groups concerned with cargo routing both in Haiti and abroad.

h) take care of economic affairs with regard to Haitian's registered ships.

Fourthly a division of legal affairs to:

a) take care of legal affairs with regard to shipping in general.

b) take care of preparation of national shipping legislation and the implementation of international agreements.

c) give legal supports to the other divisions.

Fifthly a division of coordination to:

a) keep informed of the approved policies and programs of the maritime administration in general.

b) maintain through the executive staff an effective coordination of the activities of the several compon-
Recruitment Policies for the Heads of the Different Divisions

Head of Division of International affairs.
MSc from the WMU (General Maritime Administration)

Head of Division of Ship Financing
MSc from the WMU (General Maritime Administration)

MSC in economics from any other university.

Head of Division of Maritime Policy and Planning
MSC from the WMU (General Maritime Administration)

Head of Division of Legal Affairs
MSc or Ph.d from any law university

Head of Division of Coordination
MSc from the WMU.(General Maritime Administration)

E) The last thing to add to this Part is to recommend the use of the World Maritime University for the education of duly qualified Administrators.
CONCLUSION.

1 - This paper in the first Chapter portrayed three different maritime administrations. Since the maritime industry is very international it is very important to have a broad idea on the activities that are attended and the consequential advantages that are derived/drawn.

2 - In the second Chapter the Haitian maritime service has been introduced and we have been that the objectives of the administration is similar to those of developed, developing countries. From that point we started a development program which could enable the new established service to attend effectively and efficiently maritime activities.

In Part I the International Standards have been introduced because the shipping industry operates through Rules/Regulations made by these organs; it is therefore important, in order to be able to analyse the contents of the Conventions, Codes, Recommendations and Guidelines as adopted by the I.M.O., the I.L.O. concerning safety of life at sea and prevention of pollution from ships and U.N.C.T.A.D., to get fully involved in such conferences leading to their adoption. The technical details and specifications and as well as the legal involvements are the vital factors decided upon in those conferences, hence the need to be represented by technical experts like many other participants from various
countries.

The non-participation in such meetings will slow down maritime development and the difficulties in assessing the contents and implications of the Conventions. It will also cause delays in the process of ratification and implementation of the Conventions.

From now the Government must allocate funds to enable officials to participate in such debates, this will create a wide range of experience and exchange of ideas in the international maritime fora for the future indigenous maritime experts. It is also recommended that the port authority and other maritime sectors be committed to attending or giving considerations to the work of other international organizations which impinge on maritime matters such as IAPH, UNCLOS etc.

Merchant Shipping Act is a vital element to ensure the proper functioning of a Maritime Administration. Within this context some guidelines have been provided in Part II for the preparation and enforcement of the Merchant Shipping Act (primary and subsidiary).

In this aspect it is also wisely recommended to make use of highly powered technical experts who have sufficient legal operational and administrative technique. This will speed up our maritime development in comparison with those of the developed countries.

An administration machinery has been ruled out within the context of operational aspect of a maritime adminis-
tration. It is very important for the purposes of maritime development to have a proper maritime administration infrastructure manned by duly competent technical officials.

In this respect Part III provides the necessary information and guidelines.

It is also very important to make use of the World Maritime University for the education of our future technical officials.

The Part related to maritime training concentrated mainly on the S.T.C.W. which is considered as the new technical order. It is very important to give due consideration to this aspect, because money may always be available to buy vessels but if the personnel manning them are not well qualified, this will cause great harm to the shipping industry. A well trained class of seafarers may build up the reputation of the country.

The training of seamen improves safety standards and efficiency both of which are vital. An untrained seaman would be at least in the early stages a liability to others and to himself especially in emergencies.

Trained seamen would in fact increase the employment potential in the long run particularly because shipowners at large are becoming keen on employing trained seamen.

Maritime Governments are becoming particular keen about trained seamen being employed on their ships.

There is a strong and increasing demand in international
fora, such as I.M.O. and I.L.O. for the highest standards of safety and manning of ships including trained/competent seamen. Among developing nations who need employment for their seamen in foreign flags, preference of the employers and their Governments would in the long run be for the trained seamen.

Consideration should also be given for the setting up of a Regional maritime school whereby the expenses which are to be incurred can be shared by the Governments concerned.

In the same line the use of technical assistance from I.M.O. can be very useful.

As a final word to this part one could also suggest to make use of the World Maritime University for the education of future maritime educators/examiners capable of implementing the salient features of the S.T.C.W.

There are various ways and means to establish and/or develop a merchant fleet and/or merchant marine industry, within this context a very concentrate picture of various kinds of Assistance and selected measures to assist a marine industry has been given and furthermore some suggestions have been made towards a mixed company (joint venture) whereby the long experience of a foreign institution can be of great advantage.

The creation of a highly specialized maritime community is to be sought through the creation of freight investigation unit, Shipowners' Association and Shippers' Council.
The different division mentioned in Part V will boost our national maritime development.

As a final word, this paper covers several aspects which are relevant to a Maritime Administration. In all sincerity, it can be considered as guidelines, suggestions, or contribution of a national to the maritime development of his country.
Bibliography

The documents used in chapter I, part I, is the writer personal view after two months on the "Job Training" in France, where he met the French appropriate maritime Authorities.

Chapter I, part II, is the outcome of an interview given by captain Singh to the writer after his lecture to the WMU on Marine Personnel in India. This part as well has been completed by Dr P.S. Vanchiswar, permanent lecturer at the WMU.

Chapter I, part III, is again the writer personal view after a field trip to the Norwegian Maritime Administration.

Other factors contributing to this overall paper are personal notes after:

A field trip to the Swedish Maritime Administration

----------------- Danish Maritime Administration

----------------- Dutch Maritime Administration

----------------- Polish Maritime Administration

Most of the documents used in chapter II are lecture notes given/attended at the WMU.
Bibliography


2- G. Stubberud, Present IMO work related to the Protection of the Marine Environment, lecture notes, WMU, October 1984.


12- K. Nomoto, Safety of Ships from the point of view of naval architecture, lecture notes, WMU, Malmö, June 1984.
Bibliography

13- C.E. Mathieu, Marine Personnel in the USA, lecture notes, WMU, May 1984.


15- P. Os, Conventions concerning minimum standards in merchant ships, lecture notes, WMU, April 1985.


22- P. Os, Maritime Labour Legislation, Memorandum of Understanding, Port State Control, lecture notes, WMU, June 1985.


Bibliography

25- P.S. Vanchiswar, Marine accidents and investigations into such casualties, lecture notes, WMU 1984.

26- P.S. Vanchiswar, Marine education and training, transfer of technology, lecture notes, WMU, Nov. 1984


28- P.S. Vanchiswar, Roles, Responsibilities and Functions of the Government (Maritime Administration) in a developing country with regards to marine personnel (seafarers), lecture notes, WMU, Sept. 1984


34- R. Bourbon, La formation maritime francaise, lecture notes, France, March 1985

Bibliography


38- Institut d'économie des transports maritimes, GREM, Le déclin maritime de l'Occident, June 1984.


41- Rajwar/Valente/Gyevaar/Malinowski, Shipping and developing countries, March 1971.

42- Herman, Amos, Shipping conferences, 1983.

43- Institut d'économie des transports maritimes, GREM, Des flottes nationales pourquoi faire?, July 1978.


45- E. Langavant, Droit de la mer, Cadre Institutionnel et Milieu Marin, Les structures maritimes francaises, 1979


Bibliography


51- A.A. Monsef, Optimum maritime transport for developing countries, 1980.


53- The Canadian Merchant Shipping Act.

54- The Norwegian Shipping Legislation.

55- Code de la Marine Marchande du Senegal.

56- Code de la Marine Marchande du Benin.

57- Presidential Decree creating the SEMANAH, March 1982.

58- Goupe NEDECO, Assistance technique à l'établissement du SEMANAH, rapport final, conclusions et recommendations, 1984.
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