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THE WORLD MARITIME UNIVERSITY

MALMÖ, SWEDEN

THE PERSPECTIVE DEVELOPMENT OF MARITIME ACTIVITIES IN
A SMALL ISLAND STATE;
THE CASE OF THE REPUBLIC OF HAITI

By

MARIE CARMEL OSCAR


HAITI

November 1985

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A paper submitted to the Faculty of the World Maritime University
in partial satisfaction of the requirements for the award of the
Master of Science (MSc) in GENERAL MARITIME ADMINISTRATION COURSE.

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

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ABREVIATIONS

APN	Autorité Portuaire Nationale
B/P	Balance of Payments
CCT	Co-ordinated Caribbean Transport
COC	Code of Conduct
COLREG	Collision Regulation Convention
CS	Classification Societies
DDT	Direction des Transports
EEC	European Economic Community
FRG	Federal Republic of Germany
GATT	General Agreement on Trade and Tariff
ILO	International Labour Organisation
IMO	International Maritime Organisation
LCOC	Liner Code of Conduct
LOADLINE	Loadline Convention
LOSC	Law of the Sea Convention
MARPOL	Marine Pollution Convention
MOU	Memorandum of Understanding
MSA	Maritime Safety Administration
MSC	Maritime Safety Committee
MSD	Maritime Safety Division
MSL	Merchant Shipping Legislation
NAMUCAR	Naviera Multinacional del Caribe
NWG	National Working
OECD	Organisation for Economic Co-operation and Development
SEMANAH	Service Maritime et de Navigation d'Haiti

ABBREVIATIONS cont'd

SOLAS Safety of Life at Sea Convention

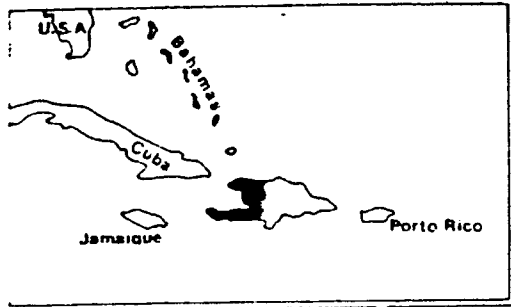
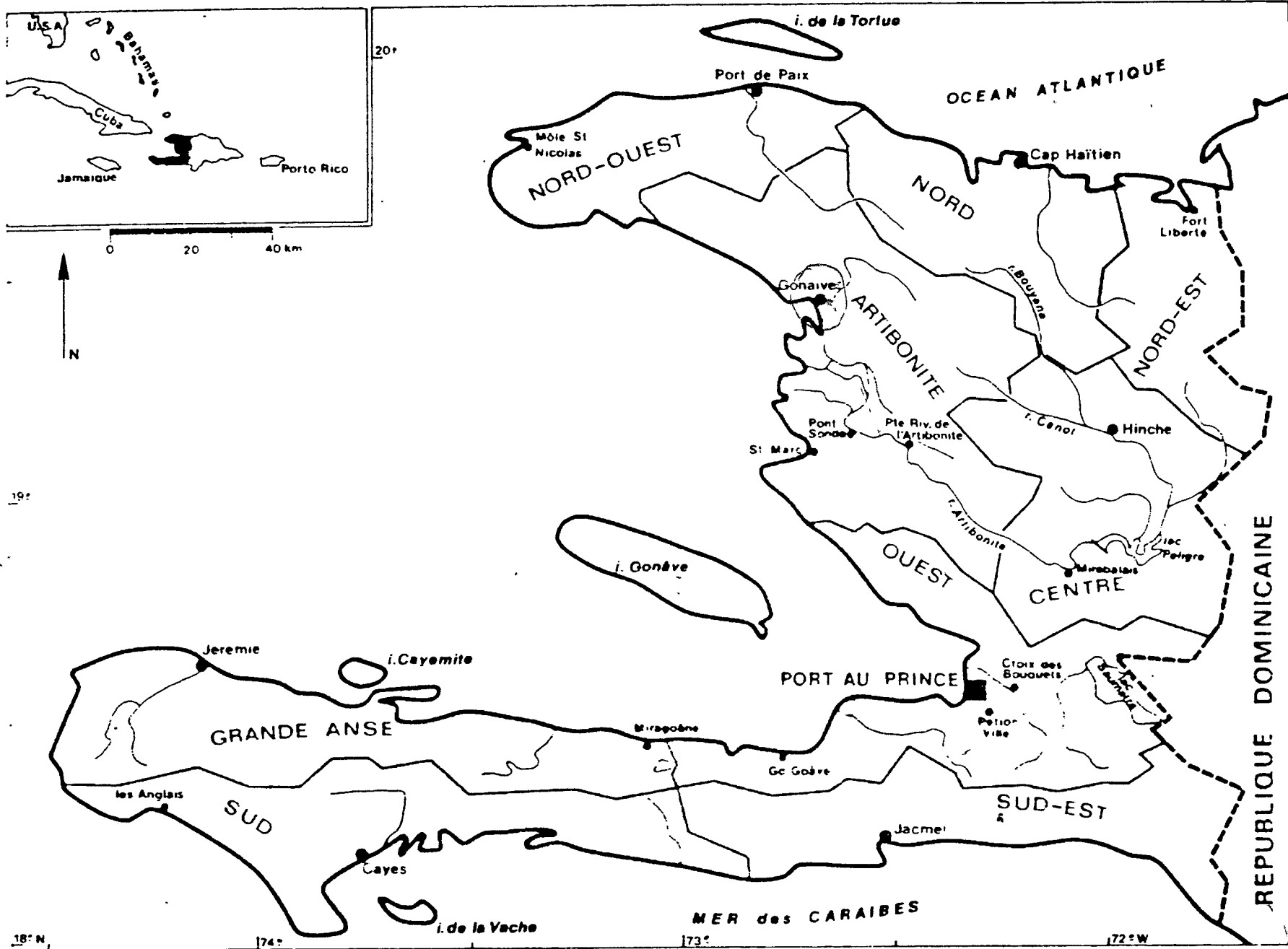
STCW Standards of Training, Certification and Watchkeeping
 for Seafarers

UNCTAD United Nations Conference on Trade and Development

WISCO West Indies Shipping Corporation

WMU World Maritime University

HAIÏTI



- frontière nationale
- limites de département
- capitale
- grande ville
- ville moyenne



19°

18° N

174°

173°

172° W

FIG. 1

INTRODUCTION

Most often considered as the Queen of the Caribbean Isles, Haiti looks like a giant crab whose two incisors are two big mountainous peninsulas which embrace the Gonave Gulf.

The Republic of Haiti, as it is called since its independence, is located at the 1/3 occidental part of the Island. Its surface area is about 27 750 km² (square kilometers) with about 6 million inhabitants.

Haiti is bounded to the north by the Atlantic Ocean and to the south by the Spanish Main (Caribbean Sea). The Republic extends to the Tortuous Island (Ile de la Tortue) in the north and the capital is isolated by the Gonave Island (Ile de la Gonave)^{1/} The entire periphery is surrounded by abundant masses of coralline mountains. Haiti comprises today more than 10,000 square miles including a stubby (50 mile long) northern peninsula separated from Cuba at its extremity (Mole St Nicolas) by the 70 mile wide Windward Passage, and a long peninsula on the south pointing 150 miles towards Jamaica, 130 miles west-south west^{2/} (fig 1)

In the 16th, 17th, 18th centuries, the Island, St Domingue at that time, had acquired an intense maritime activity: Spanish ships (galleons) - which were utilized for transporting gold, silver and other precious goods - slave ships, man-of-war, etc, were crossing the Spanish Main (Caribbean Sea) which was the natural and necessary communication link among colonies of the New World and the metropolies,

particularly Spain and France. It became an international route after the Panama Canal had been put into service in 1914^{3/}.

In prosperous years, as many as 80 000 seamen and 700 ships were employed to move products to the Mother country, France in particular, whose foreign commercial interests of approximately two-thirds (2/3) she supplied.^{4/} Sugar cane became the principal export product supplying the need of all Europe, and also coffee, indigo, cacao, cotton and bananas were exported.

However, by the revolution of the slave population and struggles for independence, plantations were destroyed. Haiti became independent in 1804, the "First Black Republic". Consequently civil war broke out economic blockade and the scene of the political era in Haiti. And in such a case, a new page was turned in the annals of Haiti which affected all sectors of administration and even the Haitian Maritime Affairs.

At the early stage of independence, Governments after governments wanted to set up again the potentialities of export products, but administrations were not stable and also there was a lack of administrative techniques. At that time, people in the new nation were not trained to manage the heavy tasks left by the former metropolies. The lack of financial resources was also a very significant problem for the country to maintain trade relations with other countries. And the result of that has had an effect on the shipping development of the country. Till now the situation seems problematic for Haiti who has not too much

to export and who is relying on foreign carriers for the transportation of its foreign trade.

This project is just a succinct analysis of the present and for the years to come of the prospective development of the Haitian maritime activities. What do maritime activities cover?

When discussing in general the desirability for and the possibility of development of maritime activities which cover the most extensive spectrum of services needed by the international shipping industry, one should have in mind the magnitude both of the tasks and also of the possible benefits^{2/}

Development of maritime activities of a country can be defined in its broadest sense as shipping development. The latter covers not only the foreign trade and the sea transport of the country concerned, but also the use of the sea as a whole.

Sea transport is involved in the commercial use of the sea. Then it requires shipping services such as ships, cargo, port facilities, shipbuilding, shiprepairing, banking, insurance, shipping companies, all matters governing transport activities. From that objective trickles the desire and the need of a country to establish its own national merchant marine.

The sea also has its economic purposes. States are involved in exploration and exploitation of the natural resources of the marine space such as fish, oil, gas and mineral resources. Such objectives

to be achieved require new management, scientific knowledge and expertise.

Therefore, there is a need for new attitudes and better understanding from the part of the Government and the officials concerned. They should bear in mind that the very survival of a country does not fundamentally depend on the shipping trade if the export trade of the country is not sufficient. Then the Government has to be clear as to its strategy and policy by choosing the more profitable means of improving the country's economic level, whether to establish a national merchant fleet and/or to invest in the exploration and exploitation of the resources of the marine space; because according to the change in the world marine affairs, shipping trade can only be very difficult for a small Island State to carry on the economic development process.

Saying that, it should be emphasized very strongly that the above suggestions require adoption of new policies, skilled personnel, new National Legislation in conformity with the international standards set up by the international organisations concerned such as IMO, ILO, UNCTAD, GATT, and the Law of the Sea requirements and above all financial resources. Hence one could better determine the role, functions and primary importance of a competent Maritime Administration in a country, Haiti in this case, which is the one to deal with matters governing maritime activities.

From the foregoing, it is quite clear that there is a need

for a study of maritime activities in Haiti as a way of assessing the maritime sector's contribution to the country's maritime development. The scope of this study is planned to generally cover the development of the maritime sector.

To meet the objectives of the study, I am going to, first of all, define the problems encountered in the already-existent maritime administration infrastructure. This is covered in chapter I. The second chapter of this paper deals exclusively with shipping development which embraces the study of the foreign trade of Haiti which leads to consider the view of the establishment of a National Merchant Fleet and the Law of the Sea. From the aforesaid, then it is obvious and even essential to propose the structure of the future maritime administration in Haiti.

References

- 1/ Rodman, Selden, Haiti, The Black Republic, page 5, USA 1970.
- 2/ Ibid. page 5.
- 3/ Brocard, Geneviève, Le Statut Juridique De La Mer Des Caraibes,
page 43, France 1979.
- 4/ Rodman, Selden, Ibid. page 5.
- 5/ Georgandopoulos, El. A., Development of Maritime Infrastructure
page 10, lecture notes, WMU, Malmö, 1984.

CHAPTER I

MARITIME ADMINISTRATION INFRASTRUCTURE

I- STATEMENT OF THE PROBLEMS:

HAITI like many other developing maritime nations has a maritime administration which, since its inception, has been described as inadequate. HAITI being a small Island State in a developing area, the reasons for the inadequacy have been attributed to the bureaucrats who have received little or no formal training in the handling of maritime matters or have had little experience in solving maritime matters through the hard and expensive method of trial and error.

Maritime policies therefore covering maritime activities in HAITI are improperly defined and have given rise to basic problems which have been stated as follows:

- 1- Inadequate awareness of the basics problems themselves
- 2- Non-involvement in the evolution of the international standards and consequential problem of having to deal with them in isolation
- 3- Out-dated maritime legislation
- 4- Inadequate infrastructure as regards organisation and personnel for insuring:
 - a)- Proper standards of maritime safety on board ships and prevention of pollution from ships which cover not only the ships themselves but also the personnel manning them
 - b)- Maritime development in general and

- c)- Attention to allied maritime matters
- 5- Shortage of marine officers and technical manpower with the needed qualifications and experience
- 6- Lack of training facilities for marine officers and seamen.1/

1- Aims and Competences of the Maritime Administration

Any administration in any particular country has objectives to pursue, in order to improve the level of its organisation whether at national, regional or international basis. In order to achieve the set objectives, the organisation must comply with the National Legislation, on maritime policies, Merchant Shipping Act, of the country concerned, which must have as one of its bases the international instruments so as to be in conformity with the standards set at international levels. There are some other factors which are of greater importance to be considered by any administration such as adequate personnel, people with legal knowledge, etc., for the setting up of a maritime legislation as it has to be done.

The aims the Maritime Administration in Haiti therefore could be broadly put in the following categories:

- 1- To ensure that all vessels flying national and foreign flags entering Haitian waters meet all shipboard safety requirements;
- 2- To ensure that all vessels engaged in both home and foreign trade keep the environment clean from any major form of marine pollution.

These two broad categories of goals define the scope of tasks under which the Administration shall act. From the point of view of competency, the Haitian Maritime Administration does not form an administrative entity. The coast surveillance is under the responsibility of the "Marine Haitienne" meaning "Haitian Marine" whose tasks also cover search and rescue, together with all forms of inspection yet with the tasks being performed by three or four persons. Thus the personnel carrying out such enormous duties can neither be described as effective nor adequate.

The annual tonnage traffic on the average entering the Haitian waters is about 800 vessels 2/. This therefore means that if inspection is limited to asking for the year of build of any particular vessel and the checking of the certificates then the above mentioned personnel is adequate and competent. However, on the other hand if the vessels flying Haitian and foreign flags are to be requested to carry out mandatory, intermediate and annual surveys, then the personnel is not only inadequate but also incompetent because of the poor initial on the job training received.

This situation therefore jeopardises the aims of the Maritime Administration. Because of the quality of trained Haitian personnel, all forms of inspection, certification of ships and seagoing personnel have been given to Lloyd's Register of Shipping (LRS), Germanischer Lloyd's and Bureau Veritas with no delimitation in responsibility between the maritime administration and the Classification Societies.

1.1- Legislation

Being a former French colony, Haiti has a national legislation based on the French system.

The existing umbrella Laws i.e. the Maritime Laws comprise of Acts of Parliament and decrees which have been promulgated to regulate maritime activities and create a number of institutions to deal with them. Some of these institutions are - the Ministry of War and Marine, the Organisation for Coastal Trade, Customs and Bail of foreign ships.

Government after government since the independence have revised the Acts of Parliament and decrees. Those more important are the followings:

- a)- Preferential tariff for national ships and coastal trade movements (1822);
- b)- Naturalisation and navigation of seagoing vessels (1843);
- c)- Marine Police regulations (service and surveillance of roadsteads);
- d)- Ports and Wharves;
- e)- Lighting of ships and security measures at sea (1885) 3/

The above decrees were created with the objective of developing the Haitian Merchant Marine.

At the end of the 19th century and the early 2000s, other Acts and decrees were enacted for establishing regulations related to customs, modifications on tariffs, fees of wharfage, freight rates, etc.,

till the 28th of August 1962 when the Docteur Francois Duvalier Code on customs was adopted.

In the history of the Haitian Legislation, one should not forget to mention the creation of the " Haitian Maritime Commission" which was established in 1960 but unfortunately lasted till 1965 and was assigned the tasks of organizing and controlling the Haitian Merchant Marine. On the 20th of August 1964, another Act of Parliament was promulgated to take care of ships registration and striking of ships.

However, it is astonishing that, in the previous Legislation, no decree has been stated regarding the social security of seafarers and their registration, prevention of pollution, prevention of collisions, casualty investigations, etc., which are from an administrative point of view, important tasks to be carried out by any Administration.

The more recent text in the present legislation is the creation of the SEMANAH (Service Maritime et de Navigation d'Haiti) to which has been entrusted all duties and tasks concerning the Haitian Maritime Affairs. That decree and all the revised ones are in such a condition that Haiti today needs an updated maritime legislation which would be in conformity with international instruments governing maritime activities.

1.2- Registration of Ships

Registration of ships is usually the prerogative of the Director of the Maritime Safety Administration/Division in any State.

Nevertheless in most former colonies, the functions of registration of ships were undertaken by the Administration of customs as mere exercise of collecting revenues for the use of that country's flag.

The shortcomings of such a system are that the vessel plan approval and inspection of buildings are not carefully monitored to ensure that the buildings are in conformity with the laid down principles of the Merchant Code. This is so because, unlike a Maritime Safety Administration in which a whole division is delegated the responsibility of overseeing such an important process, in a Port and Customs Administration, such a function may be given to an officer who does not even have the faintest idea of ship safety.

1.3- Safety of Ships - Classification Societies - Delegation of Functions

Today's shipping requires the putting of ships in different classes as according to a Classification Society's class system. This therefore means that such an important function would have to be delegated to a recognized C.S. with the primary objective of ensuring that all vessels, save those made of primitive build, would have to meet the standards of a chosen C.S.. Then the Society to which such responsibility is delegated would be the watchdog in all shipyards whenever and wherever a ship is to be built to fly Haitian flag.

Lloyd's Register of Shipping (LRS) of Great Britain, Bureau Veritas of France, Germanischer Lloyd of the Federal Republic of Germa-

ny and probably the American Bureau of Shipping of USA, are currently carrying out classification functions on behalf of the Haitian Government. The system is a commendable one if the stated C.S. are properly briefed of their functions and responsibilities.

The C.S. LRS, has complete authority, granted to it by the Haitian Government, to undertake surveys and to issue appropriate certificates regarding:

- a)- Cargo ship safety construction
- b)- Cargo ship safety equipment
- c)- Passenger ship safety
- d)- Load Line
- e)- Tonnage Measurements
- f)- Radio (see page 15)

As far as Tonnage Measurements are concerned, LRS has a degree of authorisation and has acted on behalf of the Haitian Government.

The above stated C.S. are no doubt recognized ones. Therefore their class notations are acceptable to all national administrations, be they Port State Controllers or mere Flag Administrations. This therefore means that a proper delegation of responsibility would have to be undertaken between the proposed Maritime Administration and the C.S.



Lloyd's Register of Shipping

AUTHORISATIONS GRANTED BY GOVERNMENTS TO LLOYD'S REGISTER OF SHIPPING
TO UNDERTAKE SURVEYS AND ISSUE CERTIFICATES

CARGO SHIP SAFETY CONSTRUCTION CARGO SHIP SAFETY EQUIPMENT PASSENGER SHIP SAFETY LOAD LINE TONNAGE MARPOL RADIO NATIONAL GOVERNMENT						CARGO SHIP SAFETY CONSTRUCTION CARGO SHIP SAFETY EQUIPMENT PASSENGER SHIP SAFETY LOAD LINE TONNAGE MARPOL RADIO NATIONAL GOVERNMENT						CARGO SHIP SAFETY CONSTRUCTION CARGO SHIP SAFETY EQUIPMENT PASSENGER SHIP SAFETY LOAD LINE TONNAGE MARPOL RADIO NATIONAL GOVERNMENT								
	*	○	■	*	○		*	○	■	*	○		*	○	■	*	○			
U.A.E. (U.A.E.)	*	*	*	*	*	Hong Kong		○	■	*		*	Philippines	○	*	○	*	○	○	○
Algeria	*	*	*	*	*	Hungary	■			○	■	*	Poland			○				
Angola	○			○	○	Iceland				■		*	Portugal			■	*		○	
Australia				*	*	India		*	○	*		■	Qatar	*	*		*	*	*	
Austria	*		○	*	*	Indonesia	○		○	*	○	*	Romania			○				
Bahamas	*	*	*	*	*	Iran	*	*	*	*	*	*	St. Vincent and the Grenadines	*	*	*	*	*	*	
Bahrain	*	*	*	*	*	Iraq	*	*	*	*	○	*	Saudi Arabia	*	*	*	*	*	*	
Bangladesh		*	*	*	*	Irish Republic			○	*	*	*	Saudi Arabia	*	*	*	*	*	*	
Barbados	*	*	*	*	*	Israel	○		○	*	■	○	Senegal	*	*	*	*	*	*	
Belgium				*	■	Ivory Coast	*	*	*	*	*	*	Seychelles	*	*	*	*	*	*	
Benin						Jamaica						*	Sharjah	*	*	*	*	*	*	
Bermuda	○	*	*	*	○	Jordan	*	*	*	*	*	*	Sierra Leone	○	*	○	*	○	○	
Bulgaria			○			Kenya	*	*	*	*	*	*	Singapore	*	*	*	*	*	*	
Burma			○	*		Korea			○	○	*	○	Somalia	*	*	*	*	*	*	
Burundi	*			*	*	Kuwait	○	*	*	*	○	○	South Africa	*	*	*	*	*	*	
Cameroon				○		Lebanon	■	*	*	*	■	■	Spain				○			
Canada		○	■	*		Liberia	*	*	*	*	*	*	Sri Lanka	*	*	*	*	*	*	
Cayman Islands	*	*	○	*	*	Libya	*	*	*	*	*	*	Sudan	*	*	*	*	*	*	
Cile			○	○		Madagascar				*	*	*	Surinam	*	*	○	*	*	*	
China	○		○	○	○	Malaysia	*	*	○	*	■	*	Sweden	*	■	*	*	*	*	
Colombia	*	*	*	*	*	Malawi						○	Switzerland	*	*	*	*	*	*	
Costa Rica		○	○	*		Maldives	*	*	*	*	*	*	Syria	*	*	*	*	*	*	
Cuba	*	○	○	*	○	Malta	*	*	*	*	○	*	Tanzania	*	*	*	*	*	*	
Cyprus	*	*	*	*	*	Mauritius	*	○	*	*	*	*	Thailand		○	○	*	*	*	
Czechoslovakia	*	*	*	*	*	Mexico							Tonga	*	*	*	*	*	*	
Denmark		○	*	*	■	Monaco				*			Trinidad & Tobago	*	*	*	*	*	*	
Dominican Republic	*			*	○	Morocco	*	*	○	*			Tunisia		*	*	*	*	*	
Dubai	*	*	*	*	*	Mozambique	*	*	*	*	*	*	Turkey	○	*	○	*	○	○	
Ecuador	○		○	○	○	Nauru	*	*	*	*	*	*	Uganda	*	*	*	*	*	*	
Egypt		*	○	*	■	Nepal	*	*	*	*	*	*	United Arab Emirates	*	*	*	*	*	*	
Ethiopia	*	*	*	*	*	Netherlands	■	■	■	■	■	■	United Kingdom	■	■	*	*	*	■	
Finland	*	■	*	*	*	New Zealand				*	*	*	Uruguay			○	○			
Fed. Rep. Germany					○	Nicaragua	*	*	○	*	*	*	U.S.A.				○			
Ghana			*	*		Nigeria	*	*	*	*	*	*	U.S.S.R.	○	*	○	○	○	○	
Gibraltar	*	*	*	*	*	Norway	*	*	*	*	○	■	Vanuatu	*	*	*	*	*	*	
Greece	*	*	*	*	■	Oman	*	*	*	*	*	*	Venezuela		*	○	*			
Guinea				*	*	Pakistan	*	*	○	*	■	*	Vietnam	*	*	*	*	*	*	
Guyana	*	○	*	*	*	Panama	*	*	*	*	*	*	Yemen Dem. Rep.	*	*	*	*	*	*	
Honduras	*	*	*	*	*	Papua New Guinea	*	*	*	*	*	*	Yugoslavia	○		○	○	○	○	
						Paraguay				○			Zaire	*	*	*	*	*	*	
						Peru				○			Zambia	*	*	*	*	*	*	

- * Society has complete authority to survey and issue appropriate certificates.
- Society has some degree of authorisation and has acted on behalf of Government.
- Society has some degree of authorisation and has acted on behalf of Government
- Certificates issued by National Administration

1.4- MARITIME TRAINING

Seagoing personnel on all ships all over the world today require training of some sort to meet the challenges of their various functions on board vessels and for the satisfaction of the Port State Control requirements wherever such vessels may call.

HAITI currently has a maritime training institution responsible for the training of only ratings, whilst all seagoing officers, above the ranks of the category of ratings, are trained outside the country. Considering the country's level of maritime development, it is to be proposed that such a system be continued if a study is undertaken at the moment to evaluate the financial outlays of training such seagoing personnel outside HAITI.

What must not be overlooked however is the fact that all outside trained personnel should be trained on syllabuses as required by and which are drawn in the STCW convention. Appropriate certificate will be giving to such seagoing personnel after successful completion of their various courses of study.

1.5- SEAFARERS

The standards of examination for various grades of seafarers (ratings and officers) and their appropriate certification in a country are intended to establish and provide proof of the competence of the respective seafarers concerned for the levels at which they have to perform duties and operate on ships^{4/} as laid down in national regulations or legislation or in the international conventions on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. These therefore constitute the first element which determine the standards of safety and efficiency at which the ships of the country operate.^{5/}

While on the one hand the Haitian institution is training ratings, on the other hand the manning pattern deserves to be such as to provide employment for such trained ratings. Therefore the size of the crew on board Haitian vessels would have to be determined through a properly stated national policy of HAITI regarding the scales of manning on board Haitian registered vessels.

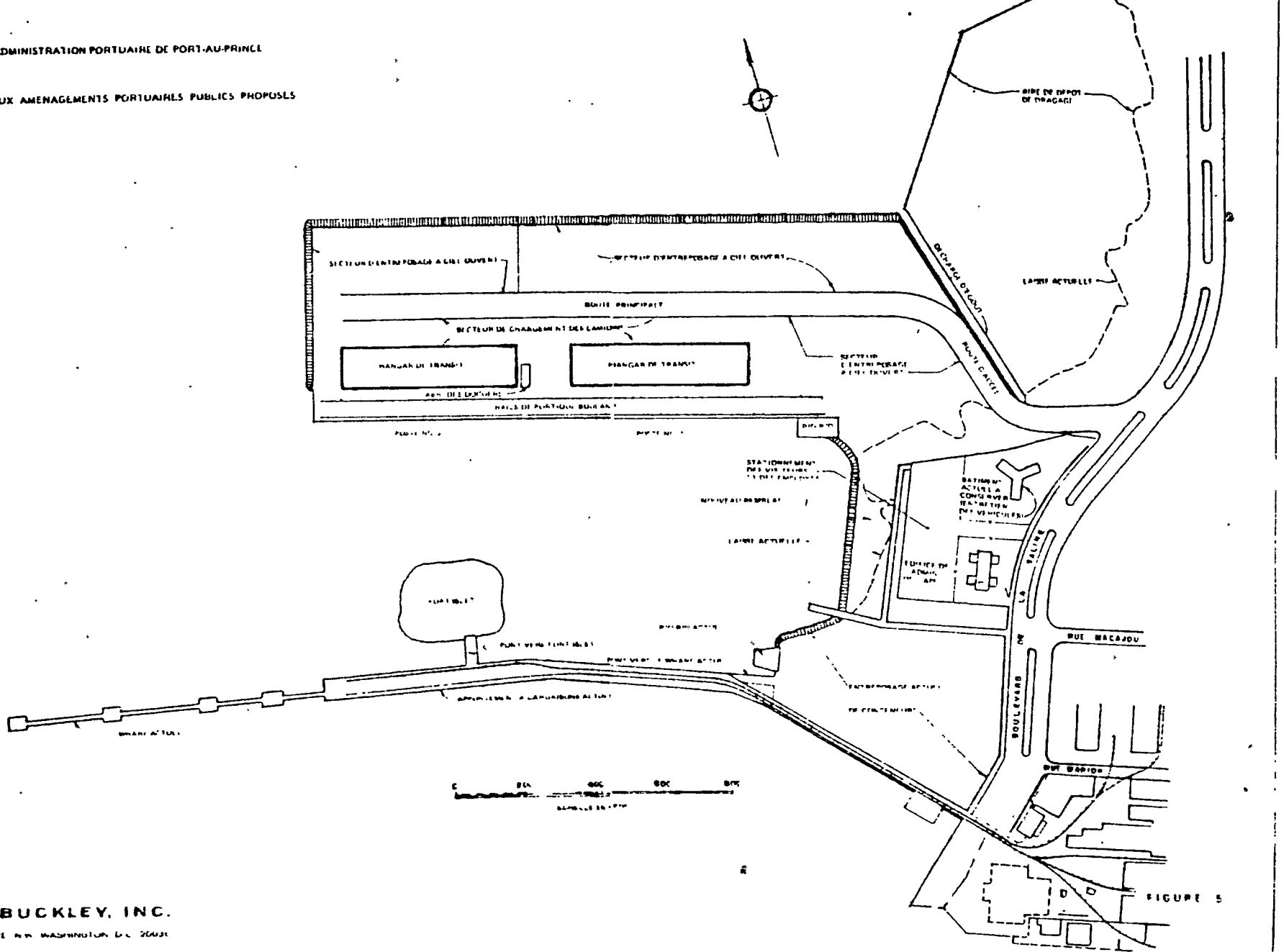
In this context, it is considered important to point out that, it is the role and function of the Maritime Administration to take care of the working environment of the seafarers as regards their wages, conditions of service (general conditions of employment), the social security and also the registration of such seafarers. It is known that in many developing maritime countries, HAITI in particular, there is no legislation relating to the social security of seamen or if it exists, the human factors and their interests are not protected as it is required in the international conventions of the International Labour Organisation (ILO). This is also the tasks of the Maritime Administration to take under its responsibilities the medical standard prescribed for any person intending to be a seaman. The International Labour Organisation has also evidently been very much concerned for many years regarding alleged malpractices in many developing nations. 6/

1.6- PORTS

Ports primarily have an important role to play in any country's economy.

It is generally known that a port is an important link in a transportation network and port operations are the basic key-activities in the transport chain from source to client. In any port various modes of transport meet: seaborne from one side and inland shipping, road and/or rail from the other. Ports are therefore nodal points in the transportation networks. 7/

NOUVEAUX AMENAGEMENTS PORTUAIRES PUBLICS PROPOSES



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TABLE 1 - Container port traffic of developing countries and territories,
1980 and 1981

Country or territory	Container traffic 1981 in TEUs	Container traffic 1980 in TEUs	Per cent change 1981/1980
Hong Kong	1,559,819	1,464,961	7
Singapore	1,064,504	916,989	6
Saudi Arabia	913,622	818,816	12
Republic of Korea	802,632	672,380	10
Philippines	552,473	437,220	26
United Arab Emirates	439,630	339,753	29
Nigeria	279,029	211,106	32
Cyprus	252,117	87,646	188
Thailand	241,500	189,430	28
Kuwait	223,226 a/	170,796 a/	30
Malaysia	204,644	171,693	19
India	203,761	145,670	40
Brazil	201,079	158,395	27
Jamaica	183,680	179,009	3
Ivory Coast	168,111	133,858	25
Argentina	152,230	122,655	24
Indonesia	140,157	87,110	61
Panama	130,192	130,360	0
Bahrain	121,621	60,196	102
Pakistan	89,512	60,170	49
Chile	82,200	48,932	68
Trinidad and Tobago	77,018	72,026	7
Jordan	76,844	41,765	84
Syrian Arab Republic	72,872	61,956	18
Honduras	71,027	56,231	27
Egypt	70,001	69,111	1
Sri Lanka	59,496	41,834	40
Papua New Guinea	55,487	56,870	-3
Netherlands Antilles	55,296	33,440 a/	65
Morocco	53,674	56,643	-5
United Rep. of Cameroon	45,403	35,363	29
Kenya	44,048	30,586	42
Mexico	40,900 a/	35,790 a/	14
Lebanon	36,410	57,333	-37
Haiti	34,692 c/	32,451	9
Guatemala	34,472	42,759	-21
Peru	30,150	21,679	36
Colombia	27,035	23,349	17
Mozambique	26,656	16,314	69
Ecuador	24,715	18,124	39
Mauritius	22,474	20,554	5
Bahamas	20,874	23,260	-10
Barbados	20,634	18,587	11
Others reported b/	260,275	193,247	35
Total reported c/	9,266,192	7,666,417	21
World total reported	40,220,073	37,163,242	8

Source: Containerization International Yearbook, 1983.

a/ Incomplete data.

b/ Comprising 23 developing countries where less than 20,000 TEUs were reported.

c/ Certain ports did not respond to the background survey; none is particularly large, so their omission should not be significant.

TABLE 2 - Port of Port-au-Prince - Container traffic Import/
Export during the period 1982-1984 (in TEU)

TRAFFIC	1982	1983	1984
IMPORT			
Loaded units	16,659	16,900	17,618
Empty units	1,036	927	1,031
Tonnage	190,130	181,850	195,289
EXPORT			
Loaded units	8,231	8,930	9,009
Empty units	9,417	8,609	9,464
Tonnage	48,289	58,789	56,216
TOTAL Container handle	35,343	35,366	37,122
TOTAL Containerized tonnage	238,419	240,639	251,505

Source : Statistics of World ports, 1985

Haiti, whose almost 90% of the entire Import/Export of goods is carried by sea, owns 25 ports. Only 4 of them are of major importance : Port-au-Prince, Cap-Haitien, Jérémie and Port-de-Paix. The first two stated ports are the major ones. Traffic of slight importance passes through the ports of Les Cayes, Gonaives, Fort-Liberté and Miragoane or through the medium of whatever facilities offered by few companies for importation and exportation of products. But most of those ports are deficient in infrastructure and sometimes with no connection between the ports and the hinterland.

In the field of maritime transport, Port-au-Prince and Cap-Haitien are, in reality the only ports which offer facilities to meet the requirements for all ships calling them. But 90% of all the trade passes through the port of Port-au-Prince. This is so, because most of the commercial activities are centralized in Port-au-Prince, the capital.

In the light of the new technology and particularly containerisation, the port of Port-au-Prince has been modernised to receive containers from all over the world and in particular from the United States of America (USA). The container traffic in Port-au-Prince has developed at a fast pace from 0 (zero) container throughput in 1970 to 6 579 containers in 1974 and now to 37 122 containers in 1984. Container services were introduced first by Sea-Land Service Inc. late in 1970 in Haiti. By the end of 1973 practically, all of the trade between

Haiti and USA (United States of America) was moving in containers, either on roll-on/roll-off vessels, container ships or conventional vessels handling 20 foot containers. Nowadays, the port is served by many other lines such as, Norwegian Caribbean Line (NCL), Carol, Hapag Lloyd (HL), NedLloyd, Compagnie Générale Maritime (CGM), Concorde, Kirk, Saguenay, Caribbean Overseas Lines (COL) and others. This increase in container services is due to the fact that the port of Port-au-Prince has adequate facilities for fast port operations of ships and cargo handling.

A very hard and onerous work has been carried out in the port of Cap-Haitien which serves not only cargo ships but most of the Passenger vessels. To stimulate the development of the coastal trade, plans are afoot to improve some 12 or 13 ports on the littoral.

Besides that, as far as safety of navigation is concerned, pilotage is compulsory and the use of pilots is mandatory for all vessel movements within the port, excluding movements alongside the pier. A jetty is provided to protect the port against any ground-swell.

In the port, the Port Authority has taken complete responsibility for all cargo handling operations including storage facilities. Such duties are also carried out with the assistance of the Customs Office.

2- Existing Structures

When analysing the present structure of the Haitian Maritime Administration, it is very difficult for anyone to find one's way. If transport is considered as a whole, whether road, air or seaborne transport, then the Ministry of Transports is the one which would be directly involved and would have to deal with such matters pertaining to them. Indeed, in Haiti, the Ministry of Transports, Public Works and Communications is concerned with the work conducted by the Maritime Affairs, but its responsibilities are vaguely stated and not clearly defined.

As it was said previously, the functions supposed to be carried out by the Maritime Affairs Department, are spread over various Ministries. The Haitian Government, aware of the problems of the maritime activities in the country, has created the SEMANAH (Service Maritime et de Navigation d'Haiti), in order to face the urgent need of national regulations, to enhance the commercial standards of the Home and Foreign Trade, and to facilitate the development of the Haitian Shipping. The overall activities which concern the maritime field are assigned to the SEMANAH which has full and complete responsibility for matters related to the sea transport. The scope of its functions is as follows :

- 1- Preparation of Bills of the Merchant Marine and strengthening of the regulations;

- 2- Safety organisation related to :
 - a)- Periodical inspections and endorsement of ships certificate;
 - b)- Ships construction and repair;
 - c)- Ships crew, qualification of labour force and granting of licence to skilled personnel;
- 3- Relation with the Haitian Marine for
 - a)- Inspection and application procedures for safety organisation;
 - b)- Navigational aids, coastal and foreign trade in the territorial waters;
- 4- Meteorological and maritime conditions of the Haitian waters;
- 5- Participation in international conferences on maritime transport, vulgarization of technical and operational information, offer services in port safety, training of personnel, in order to promote the development of the Merchant Marine;
- 6- To settle and regularise Acts and tariffs for coastal trade;
- 7- To plan and organise the Government assistance in the maritime transport sector by controlling ships construction, inspection and certification of seaworthiness of small boats, installation and manning of equipment of navigation, the promotion and the modernisation of the national fleet;

- 8- To collect fees and commissions for services provided by SEMANAH;
- 9- Planning of required studies for the establishment of a National Merchant Marine Act and the elaboration of a code, the size and the nature of the vessels, the fixing of their routes and the conditions of the Shipping Trade;
- 10- Regulations regarding delivery of licence to the coastal boats, ships inspection, seaworthiness and for obtaining ship insurance and freight;
- 11- Verification of the shipyard industry in Haiti, the fixing of minimum standards, request of facilities for sailships and motor boat financing;
- 12- Promotion of good relationship with international organizations in the field of maritime transport and maritime law;
- 13- To provide and operate the meteorological services, safety, rescue, etc.;
- 14- To keep contact with foreign shipping companies which are operating in the country.8/

It is really very heavy work to be carried out by those responsible for the smooth running of the administration. The SEMANAH is headed by a General Director assisted by a Deputy Director responsible for the management of the new system including a secretariat and a C.C.

The SEMANAH initially comprises 4 divisions :

- 1- The Maritime Safety Division

- 2- The Maritime Services Division
- 3- The Administrative Division
- 4- The Division of the Maritime Promotion.

The range of activities of the 4 Divisions as spelt out in the decree creating the SEMANAH are:

- 1- The Maritime Safety Division is responsible for the study and application of standards and regulations for construction and inspection of vessels flying Haitian flag. It is also taking care of the licence and certificate of seaworthiness of the crafts' and ships' equipment and the issuance of certificate in favour of the Merchant Marine personnel. It is also assigned the task of setting up regulations in the Haitian territorial waters. The division is assisted by the Haitian Marine at any time.
- 2- The Maritime Services Division is in charge of the execution of such standards and regulations related to navigation in the territorial waters. It may organise a system of radio communication and radar on the littoral, search and rescue and the publication of meteorological information and warning in collaboration with the Haitian Marine.
- 3- The Administrative Division provides services for the Administration and financial services required by SEMANAH. As far as statistical, economic, technical or financial inquiries are concerned, the SEMANAH has recourse to public or private institutions and organisations.
- 4- The Division of the Maritime Promotion is in charge of the responsibility of conducting studies and elaboration of codes of conduct for the Haitian Mercantile Marine. It has to

determine the requirements and fix the schemes in favour of the development of the Haitian Fleet, and to seek the financing of a national plan for ship construction.^{9/}

The SEMANAH, in its present structure, is administered by a board of Directors which is composed of 6 members who are Statemen:

- 1- The Minister of PWTC, as president of the board
- 2- The Home and Defence Secretary of State
- 3- The Foreign Secretary
- 4- The President of the Board of Trade and Industry
- 5- The Secretary of State of Fianance and Economic Affairs
- 6- The General Director of the SEMANAH. 10/

The Board's function is to deal with matters of policy, co-ordinate planning and strategy and also to deal with such matters which can not be delegated to the day to day decision making of any one department and to approve the budget and investment of the SEMANAH. That national policy of maritime transports and navigation is defined by the Conseil des Transports meaning National Council of Transports and the Board decides the application measures of such policy.

The Conseil National des Transports was created in 1978 to formulate the national policy of transports, air, road or sea transport. The members are : The Secretaries of State of PWTC, Finance and economic Affairs, Agriculture and natural resources.

2 - APN - National Port Authority

Each country has its circumstances that make its port administration different from any other country. In that perspective one can find different types of port administrations : public controlled ports, locally controlled ports, self-governing ports and a national port authority.11/

In Haiti, as in several other countries, the ports are controlled or governed by a national port authority. The APN has been created to supervise all port activities in Port-au-Prince and in particular the management and the functioning of the port installations, including the port of Cap-Haitien. The APN has been authorized to fix taxes, tariffs and standards of services for the day to day port operation. It is also assigned the task to take care of the Maritime Police, to control and organize the going to and fro in the port and in Haitian internal waters, the navigational aids and sometimes the Port Administration undertakes ships inspections themselves. The other ports of the Island are under control of the APN Coastal Trade Department.

The APN is self-supported financially. It is directed by a board of Directors composed of :

- The Secretary of State of Finance and economic Affairs
who is the president of the board
- The Minister of PWTC
- The President of the Board of Trade and Industry
- The President and General Director of the National Bank
- The General Director of the APN.

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HAITI's Foreign Trade

The sea in HAITI's domestic trade is usually used for transportation of goods and passengers to and from the related small islands within the country to the main commercial place which is Port-au-Prince, the capital. Some more than 15 motor-boats are employed for such a system of carriage and some more than 400 sail ships made of primitive build are also used for the coastal trade (see table 3). National and " international coastal trade is important for the country's economy for the reason that there is a genuine link between HAITI and the rest of the Caribbean Isles on a sub-regional basis.

The most important concern for the country's maritime transport economy is the condition of its present foreign trade. The expression " Foreign Trade " is usually understood as both Import/Export of the country concerned. To visualise the problems confronting the foreign trade in Haiti, let us do a careful analysis, by using the related figures from 1974/1984 , of the country's Imports/Exports (see table 4), the country's Balance of payments from 1978/ 1982 (see table 5), the trend - increase/decrease - of the seaborne transportation as well as the existing trading arrangements, the external shipping lines services involved and their operations. Such study possibilities will also be of paramount importance to determine whether the establishment of a National Merchant Shipping would help the country to improve its level of national maritime economy - the national income/revenue as a whole - and to have an enviable position in the international^{IONAL} seaborne transportation.

TABLE 3- Evolution of coastal trade in Port-au-Prince during
the period 1974 - 1981

TRAFFIC	PASSENGERS	FREIGHT (2)	TOTAL
74 - 75	43 800	25 500	7 900
75 - 76	36 200	32 100	7 400
76 - 77	45 200	32 000	7 300
77 - 78	34 800	37 300	5 500
78 - 79	34 600	34 500	4 700
79 - 80	34 000	35 000	3 500
80 - 81-E ⁽¹⁾	41 500	35 800	5 300

Source : APN (Autorité Portuaire Nationale)

(1)- estimation.

(2)- Freight (tons)

TABLE 4- Port of Port-au-Prince - Cargo traffic Import/Export during the period 1974 - 1984 (in t/m)

TRAFFIC	IMPORTS	EXPORTS	TOTAL
74 - 75	501 000 (1)	119 000	620 000
75 - 76	539 000 (1)	152 000	691 000
76 - 77	707 000 (1)	201 000	908 000
77 - 78	634 000 (1)	168 000	802 000
78 - 79	681 000 (1)	125 000	806 000
79 - 80	658 691 95	134 054 67	792 746 62
80 - 81	723 912 09	85 024 23	808 936 32
81 - 82	674 949 75	140 684 19	815 633 94
82 - 83	811 537 15	162 395 08	973 932 23
83 - 84	811 080 18	171 277	982 357 18

Source : NPA (National Port Authority)

APN (Autorité Portuaire Nationale)

(1)- extended figures.

TABLE 5- HAITI's Balance of Payments during the period
1978 - 1982

YEAR	EXPORTS	IMPORTS	DEFICITS
1978	154,7	209,0	54,3
1979	138,0	229,8	91,8
1980	215,8	319,0	103,2
1981	151,1	357,9	206,8
1982	164,3	460,7	296,4

Source : South American handbook 1985, Rand, Mc Nally, Encyclopedia
of the Nations, Americas, 6th edition.

The above table shows HAITI's trade performance (in millions of dollars),
calculated on a balance-of-payments basis.

When one thoroughly examines the exportation data of the country shown on table 4 of the previous page, the Haitian exports have been fluctuating from year to year. During the period of 1976-1977, there has been an increase in exports and from that time it has been decreasing till 1980-1981. A very marginal increase has been registered last year, but it might be considered as stable. The result is really catastrophic due to the insufficiency of the supply of agricultural production and particularly from the coffee production which is the main export product of the country and also due to the market fluctuations.

Haiti's exports, on a general basis, is acquainted with an instability in prices which seem to dominate the economic life of all the maritime activities. The country is primarily an exporter of agricultural products, mineral, forest and handicraft products. Industrial products exported by the country are made from local raw materials and imported raw materials. The major export is coffee which accounts for 29% of the total export 1/. The leading trade partner of Haiti's exported goods is the United States of America (including Puerto Rico); goods are also exported to Canada and some European countries.

The figure shows that the Haiti's imports since 1974- and there is no doubt about it - are only increasing, till last year. The volume of goods imported from abroad is about four (4) times more than the volume of exported goods. Major imports are machinery, electrical apparatus, transport equipment, fish, wheat, textiles, paper and pharmaceuticals 2/. The main supplier of Haiti are the USA, Japan, France and the Federal Republic of Germany 3/.

From the point of view of the Balance of payments, the country has registered a deficit of 296.4 million dollars for the year 1982 (see table 5). This means that there is a significant drain of foreign exchange in the country. Haiti has never participated in the carriage of its foreign trade; imports/exports are left to the hands of foreign shipping companies services. Therefore freight payments to foreign lines represent, as mentioned before, a significant drain on the country's foreign exchange and that affects the country's economy. It is then important to state the foreign Shipping Lines carrying our trade :

- 1- CAROL - participants
 - NedLloyd Lines
 - Hapag Lloyd
 - Compagnie Générale Maritime
 - Harisson Line

container service between Europe Northwest Continent/U.K. and the Caribbean/East Coast Central America.

- 2- Norwegian Caribbean Line
- 3- Kirk Line
- 4- Saguenay
- 5- Concorde
- 6- Mar Caribe (CCT: Coordinated Caribbean Transport)
- 7- Zim - American Israeli Shipping Co.
- 8- Sea-Land Company.

Almost all these foreign lines whose vessels are predominantly container vessels maintain regular services with Haiti. The most intensive traffic is maintained between Haiti and USA, besides feeder services from San Juan (Puerto Rico) and kingston (Jamaica).

So great is the significance of seaborne transportation in any country's economy, it is obvious, nay even essential, for the country to retain control of transportation systems and their development since these constitute integral part of the foreign trade process. As said before, some of the shipping companies carrying Haiti's foreign trade are liner shipping companies which could be an already open-door for the country when establishing its Merchant Fleets to enter within the framework of one of these international consortia and pools and to carry 40% of its trade besides other advantages provided by the Code of Conduct for Liner Conferences. This code being regarded as the mechanism for the promotion of the developing national maritime merchant fleets. Liner conferences being a dominating sector in the Haitian Shipping Services, it is justifiable that, if the country steps into the liner market, its economy will improve as well as employment and other sector of activities. And that will urge the export industry and foreign investment in the country. That was why, Peter E. Evelyn, vice president of the Caribbean Division, CCT, said that she was optimistic about the future of traffic volumes to the U.S. from Haiti, Jamaica and the Dominican Republic, largely because of the expansion of assembly plants in those Islands 4/. Therefore it is of paramount importance to define the advantages offered by establishing Merchant Marines in any country.

ESTABLISHMENT OF NATIONAL MERCHANT FLEET

General View

International Trade plays a matchless intensive role in any contribution to any country's economic development.

During the first and the second world wars, every country without a merchant fleet, felt crippled as a result of being deprived of its sea trade routes, and most of the non-maritime countries were convinced that a substantial merchant fleet was essential to their future security^{6/} And it has been the same for many developing countries which have for many years relied exclusively on foreign flag shipping for handling their deep-sea export and import trade. Considering the fundamental importance of foreign seaborne trade to the economy of the developing countries, it is natural and even necessary for them to reduce their dependencies on foreign shipping lines for the transportation of their trade. For many years it has been the desire of these countries to establish their own National Merchant Marines in order to carry part of their trade and therefore actively participate, as developed countries do, in International Shipping. The envy of establishing National Merchant Fleets has a number of reasons:

- 1- Contribution to the Balance of Payments of the country
- 2- Promotion of the country's foreign trade
- 3- Promotion of other related activities to shipping such as insurance , banking, ship repair, container repair, forwarding, etc...
- 4- The UN Code of Conduct, the 40:40:20
- 5- Strategic and political reasons.

All these factors stated above are interrelated, but they have to be examined separately according to their importance.

1- Contribution to the Balance of Payments

Little or no attention had been paid by developing nations, whether at national or international level, to the importance of foreign exchange deficits which had led to an out of the total Balance of Payments deficits. This is due to the fact that the freight costs of goods being transported, whether imports or exports, by foreign shipping lines were to be paid in foreign currency and that has been profitable only to foreign carriers. The critical problem of the B/P is very delicate and gives rise to consider more carefully its impacts on the country's economy. The consideration of the effects of the B/P in the long run is one of the decisive measures.

Now, it should be mentioned that developing countries attach great importance to the effects of shipping operations on their B/P because of the B/P's influence on both services item and on their visible trade exports and imports alike. The entry of developing countries into Merchant Shipping will strain them to get involved vigorously in earning and saving foreign currency by reducing freight costs and increasing participation in the carriage of their foreign trade, in order to reduce financial risks in the transport sector. It becomes more significant when considering the gross foreign exchange earnings or saving which corresponds to the total freight paid to national shipping lines for the country's foreign trade.

The gross revenue earned by the national shipping lines carrying direct trades on the one hand is a benefit to the country's Balance of Payments. This is so, because freight costs for imports/

exports by national shipping lines will be paid respectively in national and foreign currency and therefore this leads to a saving and earning of foreign exchange.

It is also a source of gaining foreign currency, even when national ships are in cross trades - services between two countries other than the home country. But, for national ships on cross-trades the spending in foreign exchange will be doubled compared to ships engaged in direct trade as their time will be spent between foreign ports while they will not enter national ports. Their expenditure then will equal in effect to ships engaged in direct trades from the point of view of B/P.

2- Promotion of country's Foreign Trade

The shipping companies of developed countries, in the operation of their existing services and when planning new routes, concentrate on securing participation in already existing cargoes. Very seldom do they actively assist in the promotion and development of trade in developing countries. National fleets are more linked with the economic and commercial interests in their countries than foreign carriers. Then the risks to a country's foreign trade are minimize.

Shipping is not only running ships and world shipping services trying to develop according to the requirements of trade and shipping needs. Then, developing nations by expanding their exports will increase their participation in the transport of their foreign trade. As shipping is considered a risky business, they - developing countries - have to be wise when choosing the more suitable means of improving the organisation of the supply of shipping services under fixed and re-

liable conditions.

Thus, this explains the desire of those nations to seek membership in liner conferences^{8/} which transport most of their foreign trade. A liner operation because of the nature of the service offered requires an extensive organization of the shipping operation. Then, national shipping lines must be able to organize their operations^{9/} to be able to operate under commercially reasonable and profitable terms. This means that, according to the number and types of ships operating, they would try to optimize their operations and minimize their costs factor. The effect of participation of the national flag vessels is to strengthen the conference control over the trade.

Shipping development in the liner sector tends to promote the export of the country concerned. The existence of a substantial national liner tonnage might further promote the export trade of the country concerned, by influencing the overall availability and adequacy of liner services linking that country with overseas markets and exerting a pressure upon the levels of freight rates at which the national trade is carried to-date ^{10/}.

If a country controls substantial tonnage in relation to the transport services needed in a particular trade and provided it is determined to withdraw if necessary from the respective conferences, it has a quite strong negotiating and bargaining position vis-a-vis the conferences^{11/}. Traditionally the liner sector is considered as the most important one for the economy of developing countries. This can easily be understood when taking into consideration the past status of these countries as former colonies; their production and trade were dictated

by their mother country's power and also the location of needed raw materials, fuels and consumption markets of finished products^{12/}.

Bulk shipping provides the transport for essential imports of a large number of raw materials for the steel industry. Then similar observations can be made with regard to the bulk cargo sector which would also be beneficial for the Third World Nations by increasing their shipping earnings and reducing their freight costs in terms of foreign exchange. However, for a small island state like Haiti, the bulk market is not a commendable one, because the country is not strong enough to compete in that market. That is the reason why the liner market is more attractive and more suitable for less developed maritime countries.

3- Promotion of other related activities to Shipping

Shipping is an industry characterized by a great complexity and by a magnitude of interests and activities^{13/}. Then, it can contribute to the diversification of the economies of the country establishing a merchant fleet by a wide range of services and supporting activities.

Economic benefits from national investment in shipping depend significantly on the extent to which maritime activities are integrated with the economic development of the country^{14/}. Investment in shipping may, in appropriate cases, create further employment and output in related sector. The extent of the economic linkages will depend largely on how far shipping is planned as an integral part of the economy and can draw on, and provide service for, other sectors of the economy^{15/}.

The main economic linkages between shipping and other sectors of the economy, apart from the employment of crew and onshore personnel, could be shiprepair and shipbuilding and their supply industries (e.g., iron and steel, various equipment and machinery industries, etc.) as well as marine insurance, container repairs, banking, maritime training institutes,16/ etc, to state only those. All these stated activities give economic, technological and social benefits and restrain the outflow of foreign exchange from the country.

Transportation being an international growth industry with every prospect of accelerating development and expansion, ports and inland transportation can be developed and advanced, and resources will not be misused. Capital can be channelled to developing domestic industries which will manufacture many of the products imported from abroad.17/ The dependency on foreign goods will decrease and the balance of payments will improve.18/

4- Strategic and political reasons

For a country the questions of security of services blend into national defence. Then a country, when provided shipping services to carry part of its foreign trade, foresees against all eventualities such as war or other emergencies. Whether developed or not, many nations such as USA, Korea, Israel,19/ etc, felt that their political and national interests had inspired their envy to develop national mercantile marines. The latter enable also the developing countries to

- a.- reduce economic dependency from abroad and particularly from their former metropolies
- b.- develop economic and trade relations with nations at regional and international level
- c.- protect their merchant fleets from their start, the-

refore securing their supplies from and their links with overseas countries in times of emergency 20/

d.- strengthen political position of their countries, their national prestige and identity. 21/

5- The UNCTAD Code of Conduct

The United Nations Convention on the Code of Conduct for liner conferences was born in 1974 after years of tremendous efforts on the part of the developing countries and the shipping division of UNCTAD. 79 countries have participated in the relevant deliberations.

This code then rose a lot of conflicts of interest between some developed and developing countries. When the convention was opened for signature, countries which have found their interests jeopardised have immediately defined their attitudes towards it. Particularly the EC countries and the United Kingdom, in the Brussels Package, advance that the convention on the code of conduct for liner conferences was a compromise between the traditional maritime nations which did not want a code at all and the developing maritime nations which wanted specific regulatory rules and procedures based balanced rather than unilaterally imposed considerations. 22/ On the other side, the United States is totally opposed to the cargo sharing principles and the central economic planning and the Americans

believe that free competition among shipping lines benefits trade interests. We consider that cargo sharing schemes, like most other forms of economic protection, no matter how attractive in the short run, are of long term detriment to those protected. We believe that economic development benefits from commercial negotiation in a way not always foreseeable or capable of planning 23/.

Then for the Americans, the international seaborne transportation is not as free as it was before and even the carriers and the shippers are not free to operate. What is the idea behind it?

It has been said that the code of conduct for liner conferences is to facilitate the development and expansion of Third World Fleets and is for developing nations the alternative ways of achieving their desired objectives. However, when taking into consideration the article 1 and 2 of the convention which deal exclusively with membership and participation in trade including the cargo sharing provisions, the convention on the code of conduct is likely to encourage conference membership by developing nation lines and generally strengthen the conference system through increased use of pooling agreements as one way of implementing cargo sharing principles^{24/} (see annex 7 page 1,2,3 and 4).

According to the LDC and ODCD countries, the purpose of the Brussels package is to reduce to a minimum the damage to international trade caused by the code's cargo sharing provisions.^{25/} The result will be such as the ODCD countries acceding to the code will disapply its cargo sharing provisions in order to increase chances in cargo reservation. Nevertheless, cargo reservation is also a way to reduce dependency on foreign carriers for developing countries . When developing nations develop their own fleets in trades which are already adequately covered by other carriers, only Governmental cargo reservation can secure cargo for national fleets^{26/} And considering nowadays their position in the United Nations agencies, they will strengthen it more and more to protect their interests. This cargo sharing provisions are in their favour as long as they are able to carry 40% of their foreign trade and even more.

The CoC recognizes the right of member lines to use chartered tonnage to fulfill their conference obligations (see annex 7, article 2, para 11). Then developing countries will establish private and/or public shipping line(s) to serve part of the foreign trade by using time chartered or lease liner or bulk ships or such vessels acquired or hire-purchase basis whereby, at the end of the charter or lease period, they become the property of the national shipping line. Korea, for instance, has partly used this latter approach; of the total shipping tonnage operated by Korean shipowners in April 1979, 64% was owned, 24% involved bareboat charter with option to buy and 12% was time chartered.^{27/}

2- Regional Co-operation and the establishment of Merchant Fleets

Shipping is generally considered a risky business. Then from a country's point of view, regional co-operation is another case in which developing countries can develop national fleets economically and participate in the carriage of their foreign trade. In regions like the Caribbean and Latin America, where WISCO and NAMUCAR - two liner companies which include respectively Trinidad-Tobago, Antigua, Barbados, Dominica, Grenada, Guyana, Jamaica, Montserrat, St Kitts, St Lucia and St Vincent, Costa Rica, Cuba, Jamaica, Mexico; Nicaragua, Trinidad-Tobago and Venezuela^{28/} regional co-operation is very important when considering the overall tonnage of the region's merchant fleets (see annex 6) compared to the world tonnage. Haiti, with a small amount of foreign trade could join one of those liner companies and would benefit from their knowledge, their experience and financial resources.

Then such a co-operation will ease the burden of developing the fleet since it will be spread among many nations. Therefore that will improve a number of aspects of shipping policy through negotiations with shipping conferences, regional shippers council, regional institutions for maritime training to a regional shipowners association, regional shipbuilding and ship repair.29/

HAITI AND THE LAW OF THE SEA

" The ocean is a great neutralizing element, but one that has seen equality in its uses."^{30/}

Edgar Gold.

Facing acute problems on account of the new technology in the shipping world which leads to a change in the world marine affairs, the small Islands States, Haiti in particular, have a great effort to make in order to meet the shipping challenge. Small Islands States, since their former colonial regime, rely their economies on land products which constitute the greatest part of their exportations and which seem for them the safest way to share the international seaborne trade. Indeed, agricultural products contribute to a country's export and therefore to the country's development and economy.

Maritime shipping as a whole does not consist in the use of the sea as a waterway, it is an activity having for its purpose also the exploitation of natural resources of the marine space. Hence, when considering the sea itself and the possibilities and advantages it offers such as fishing, oil and gas development, mineral resources that have been profitable for many years to developed countries, small island states should take advantage, particularly for the time being where living and non-living resources are becoming scarcer and of increasing value. According to the evolvement of the new LOSCs, the limitation of the Haitian waters from which is derived the extension of its coastal state responsibilities for new resources, requires from

the Officials concerned a new management. A new concept of the sea, a new policy should be adopted by the Haitian Government and also by many other developing countries to overcome such difficulties.

Nevertheless, is Haiti capable of managing all the area for living and non-living resources under its jurisdiction? For the time being, Haiti is not in position to do the necessary research for the conservation and management of these resources which require scientific knowledge, skilled personnel and moreover outside assistance.

Haiti's land resources being limited, the country has to seek other possibilities. It is in that perspective Haiti has extended its territorial sea to 12 miles, and has claimed for 15 miles of fisheries zone 31/. Of course, Haiti has signed the Geneva Convention on the Law of the sea 1958 on the territorial sea and the contiguous zone, and the Geneva Convention of fishing and conservation of biological resources on the High Seas. The country is also a party to the new LOSC.

As many experts think, Haiti is geographically disadvantaged as far as living resources on the sea are concerned. This idea may be wrong. Fishing possibility is not limited for the country. There is a migration of fish and other seafood between Haiti and Cuba and between Haiti and Venezuela. Fishery resources are also abundant in the small ponds and in the Artibonite river. But the sole problem is that the commercial fishing industry is not developed. It is said that if a fishery source was not fully exploited it would in some sense be "wasted" 32/. The article 51 of the Single Negotiating Text part II provides that the living resources in the EEZ must be fully exploited 33/. The article 62 (see annex 2) of the new LOS also provides that the coastal states shall promote the objective of optimum utilization of the LR in the EEZ (ex-

clusive economic zone) and that it shall determine its capacity to harvest the living resources. It also provides that the coastal state does not have the capacity to harvest the entire allowable catch, it shall through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations give other States access.....(see annex 2) without prejudice to article 61 which provides that coastal State shall ensure through proper conservation and management measures for the maintenance of the living resources in the Exclusive Economic Zone (see Annex I).

Haiti as an island State could produce more fish and other seafood needed of its own resources, instead of importing them from abroad.

The country is also totally dependent on imports for obtaining petroleum products. Hence petroleum reserves no doubt exist in Haiti, but their extent is not known^{34/} and there is a lack of technical expertise and financial resources. There has been a marginal or a slight exploration in the " Plateau Central^{35/} and in the Exclusive Economic Zone of the country, which could not determine the potentialities in the area of oil and gas development. That is why the country needs technological expertise for oil discoveries and development. This independence can be very fruitful and even successful for the country's activities and objectives such as national security, economic and social development, employment etc. The wealth of the sea can be an effective basis for economic progress of a small island.

As far as marine scientific research (see Annex 3) on the area is concerned only regional co-operation among States in Latin-America and the Caribbean could be beneficial as it is going on in

the area concerning marine pollution since every state has a duty to protect and preserve the marine environment and furthermore, to prevent pollution in protected area where living resources are located. Marine pollution (see annex 4) being an important matter to take into consideration, it is further agreed that States should ensure that its national legislation provides adequate sanctions against those who infringe on existing regulations 36/.

However, what one could understand is that relations among States in the Caribbean, particularly the bigger ones, are not on good terms. The main problem is not that of language which could be easily resolved, but the reasons are primarily of political nature. From my point of view, up to that time, it is not impossible to dream of setting up such a regional co-operation in the Caribbean concerning living, non-living resources and marine scientific research in the area, but it can be difficult. What can States in the region expect from the regionalisation of the Law of the Sea?

a)- Coastal States in the area can pool together financial and technological capabilities to explore and exploit living resources of the area under their jurisdiction

b)- Coastal States, by doing so, will look at the living resources on a regional basis which will bring enormous benefits and result in positive economic integration in the area

c)- Taking into account the very complicated subjects related to the Law of the Sea issues, it has been said that some developing countries don't delegate appropriate diplomats to deal with them 37/. The latter have little or no experience in the field. Then that could be considered as a waste of time and money to delegate such diplomats to

the Law of the Sea conferences. Whoever, lawyers or other diplomats, before representing a country in any conference should be aware of the problems of the country in order to discuss effectively as experts from develop countries do. Nevertheless, if coastal States pool together knowledge and experience, they will be able to select a group of expert to represent the region as a whole in the Law of the Sea issues.

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CHAPTER III

STRUCTURE OF MARITIME ADMINISTRATION ORGANIZATION

1- Introduction

Developed and developing countries alike have, in their various stages of building institutions as state organizations, tended to structure institutions based on prevailing conditions at the time of the creation of the institution.

In developed countries, such institutions are not left in their original forms of inception, but are adapted to incorporate not only present situations, but situations yet to come in the most immediate future.

Developing countries, on the other hand, are the complete opposite of what happens to the institution building process in developed countries. Maritime administrative organizations in most developing countries can not be pinpointed per se as unified single institutions. This is so because during various stages of their colonial dependency, institutions like Maritime Administration were not given the priorities they deserved or they were considered by the administrators of colonies as being expensive structures, whose costs more than anything else outweighed their benefits. Therefore, the level of the Maritime Administration has been translated into a general lack of purpose and efficient guidance 1/. The quality of administrative performance is lowered by a lack of appropriate administrative techniques and routines 2/. Hierarchical levels and other chains are only insufficiently defined and sometimes the administrative works are improvised with no accura-

cy and clarity with respect to objectives. This therefore, as earlier stated in the first chapter, gave rise to the diffusion of maritime activities over various institutions.

In view of the development of trade and technology, and as Shipping is becoming riskier, Governments in all parts of the World pay a great deal of attention to their maritime administration organization. Each country regarding its needs and interests, has set up its own maritime administration to deal with such complicated matters in one way or another. Some traditional seafaring nations, such as Norway and Denmark, have left the tasks to their Ministry of Commerce, while in most developed and developing countries the same tasks are the responsibilities of the Ministry of Transport.

However, there is no doubt that, in those countries (developed), the Maritime Administration has a long tradition and is well-established. Therefore, one may view the system of organizing or setting up maritime administrations as a pattern for an efficient maritime administration.

Furthermore, it is in that perspective in the midst of the United Nations, a specialized body named IMO dealing with matters pertaining maritime activities and more particularly with the technical aspects and another named ILO taking care of the social welfare and economic security of seafarers have been created. Since their inception, many conventions have been drafted and ratified by many maritime nations, developed or not, which want to keep their place in or to enter the international shipping and their national legislation to be up-to-date with the international conventions requirements.

2- The Set-up and Functions of the Maritime Administration
in the NETHERLANDS

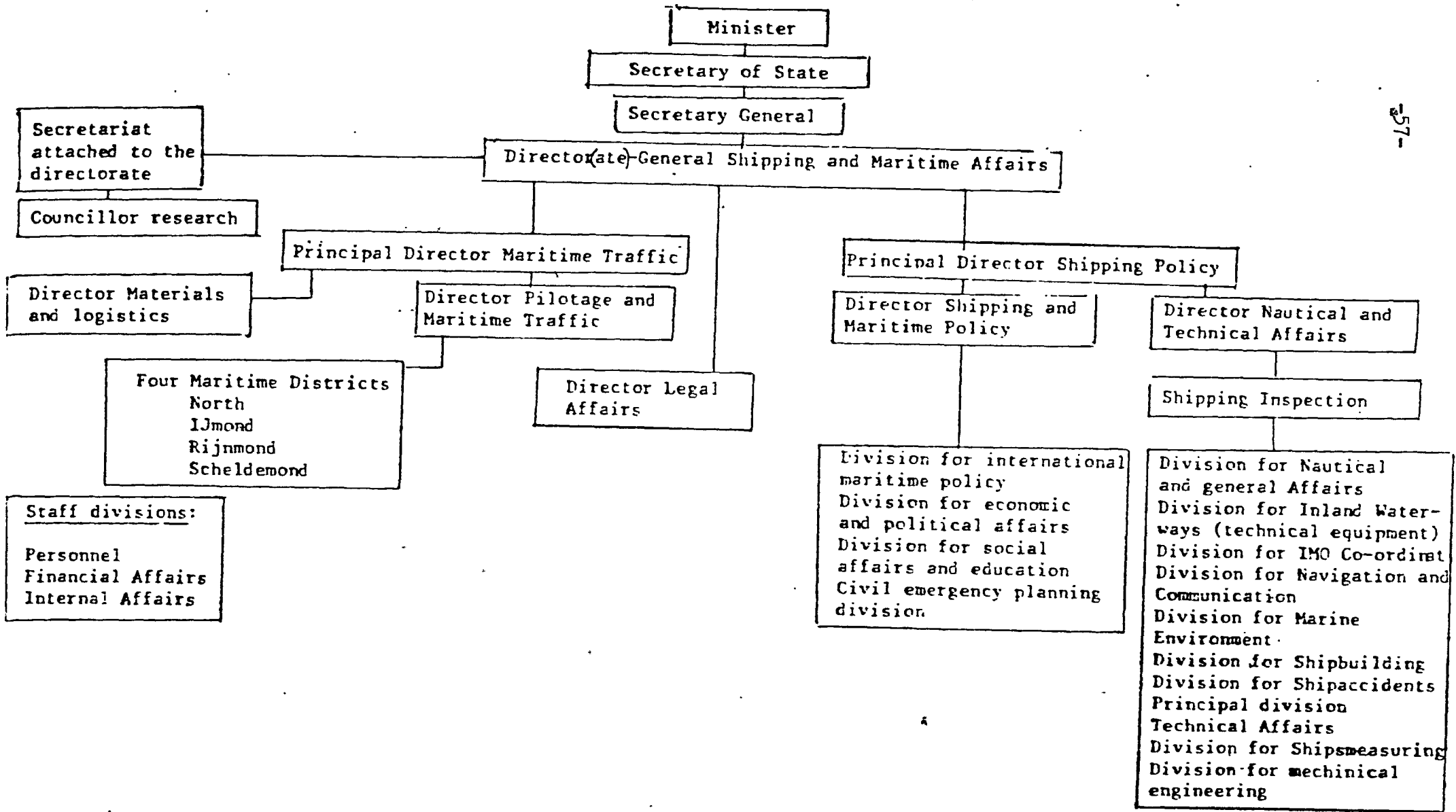
The present structure of the Dutch Maritime Administration is the outcome of the early 1980s move to bring together various Government Departments representing the Netherlands as a traditional seafaring nation and also as a port state. The Directorate of Shipping and Maritime Affairs is under the Ministry of Transport and Public Works responsible for activities which go back centuries, while at the same time it seeks solutions to problems arisen in the present time.

The Directorate of Shipping and Maritime Affairs is assigned the task to achieve unified administration in maritime matters. It is carried out at the international level wherever the Netherlands is involved and entails promoting the interests of all shipping under Dutch flag.

The Directorate of Shipping and Maritime Affairs operate through two major Chief Directorate responsible respectively for shipping policy and shipping traffic:

a) The Directorate of Shipping policy has responsibility for vessels under Dutch flag and for social and economic questions affecting their crews. It is engaged in international consultations aimed at improving safety at sea and the employment conditions of crews and is involved in crew training. It is also responsible for the safety of ocean-going and waterway vessels.

Ministry of Transport and Public Works



In order to improve safety, the Shipping Inspectorate which is part of the Directorate of Shipping policy has the tasks to enforce regulations laid down in the Dutch Legislation and in the international conventions for the prevention of accidents involving vessels.

b)- The Directorate of Shipping Traffic deals broadly with the environment in which vessels and their crews operate. It is responsible for pilotage service in order to assist ship masters in navigating safely into and out of Dutch seaports. Buoys, beacons, light-houses and the coast guard service are also under the supervision of this Directorate. It also plays an important role in dealing with accidents and carrying out rescue work at sea.

2.1- Classification Societies and their statutory functions

In Holland there is no national Classification Society or Bureau. Within the Directorate of Shipping and Maritime Affairs, it is mainly the Directorate of Nautical and Technical Affairs and Shipping Inspection which are maintaining relations with the Classification Societies.

The works carried out by the Classification Societies are somewhat technical in the area of construction and at surveys and certification. The Classification Societies come into the picture when they have to perform duties such as inspections and surveys and also to issue certificates regarding Load Lines, Solas, Marpol and Tonnage Measurements Conventions. The Classification Societies also provide information on data related to ships, casualty investigation of ships, etc....

The Classification Societies recognized by the Dutch Administration are the followings:

- Lloyd's Register of Shipping (LRS)
- Bureau Veritas (BV)
- Det Norske Veritas (DNV)
- American Bureau of Shipping (ABS)
- Germanischer Lloyd (GL)
- Registro Italiano Navale (RIN)
- Nippon Kaiji Kyokai (NKK)

Notwithstanding the delegation of power given by the Dutch Administration to the C.S., the Administration assumes full responsibilities with regards to inspections and surveys thus carried out and to certificates thus issued.

2.2- The Dutch National Maritime Legislation and the International Conventions

In the Netherlands, like in many other countries, it has not been very difficult to incorporate international instruments and conventions into the Dutch Legislation. The Dutch Public Law is the one in which all international conventions with regard to subjects such as safety of ships, pollution by ships, manning, measurements, are inserted. As any one knows, the public law is made by IMO (International Maritime Organisation) related to SOLAS, MARPOL and STCW Conventions and also the ILO (International Labour Organisation) Conventions.

Before any convention is ratified, a law to implement conventions shall be made by the Dutch Lawyers for a previous approval by

the Parliament. There is also a need for a separate law in most cases before obtaining that approval. The implementation of a convention must fit in the Dutch National Law system. After the approval by the Parliament, the Netherlands becomes party to the conventions and the Administration asks for the approval for future amendments to the technical regulations. Then it can be easily for the Administration to adopt the Dutch Legislation to the latest international amendments.

2.3- National Co-operation

The National Working Group

The Dutch Government and International Organisations such as IMO and ILO, are connected to the Dutch Maritime Administration under the Ministry of Transport and Public Works. Decisions - decisions regarding maritime matters -for the Dutch Government are passed through the National Working Group who has the responsibility of discussing any new convention or amendments to conventions.

The NWG is composed of a civil servant who is the chairman and other members from Industry and Trade Unions. The members are not permanent because, depending on the matter to be discussed, different experts are required. All proposals from IMO are sent to the NWG by the Maritime Administration and the reverse is done after the outcome of collective discussions and the result is communicated to IMO.

To safeguard the interests of the Nation, all international issues are handled with competency and efficiency by the National Working Group.

2.4- Regional Co-operation

The Memorandum of Understanding (MOU)

In order to improve maritime safety in European ports, some 14 European countries have found that there was a real need to co-operate and to work on a joint policy. This is the reason why the Memorandum of Paris; the so-called MOU, in which all member countries follow the same system for the Port State Control under the MOU arrangements has been created.

The 14 States adopted MOU because of the following reasons:

- Most of the sea area surrounded by the States is of heavy sea traffic, therefore the possibilities for danger to environment and life and property at sea is quite of high magnitude. The best way of minimizing the danger was to be through a joint effort though.

- The European Atlantic Coast though it might look relatively short, has many different port states.

- MOU is a harmonized way of implementing international conventions. (see annex 9)

Port State Control in the Netherlands is done under MOU arrangements. Port state control by MOU members give fair competition among ports and also among shipowners, due to the fact that all states follow the same procedures for all foreign ships. As far as inspection is concerned, costs for member states are reduced/minimized, because generally ships are inspected after every six months. MOU avoids discrimination according to flag.

2.5- Conclusion

Regardless of the difference in the level of development between the Netherlands and Haiti, matters such as the National Working Group and the Memorandum of Understanding are of paramount importance as long as they are involved in the protection of interests of a nation and of a community as a whole. For a nation/country to be able to have smooth implementation of maritime policies, a mobilisation of competent and skilled personnel from various industries is very necessary from the very early stages in the formulating of such policies. The National Working Group of the Netherlands is the collection of these competent and skilled personnel.

The role of the NWG is expressed not only for domestic/national matters but also for international ones; which directly or indirectly affect the country. The Netherlands is represented in international conferences and meetings by a team of experts in various fields. In doing so, they are able to participate effectively and also to protect their national interests. We, in Haiti, still need such a stable National Working Group to take care of the international conventions as well as the country's shipping policy.

In the Caribbean for example, a sub-regional Memorandum of Understanding can be formed for a better control of foreign vessels calling our ports, for improving safety in our area and to protect the marine environment.

3- Proposed Maritime Administration in Haiti

As mentioned in the first chapter of this paper, the Maritime Affairs in Haiti are the responsibilities of the SEMANAH, an institution which has been created within the framework of the Service Autonome des Transports now Direction des Transports (DDT), meaning Directorate of Transports. This Directorate is a branch of the Ministry of Public Works, Transports and Communications. The overall responsibilities have been spelt out in the first chapter. In my point of view, the designation of such an institution like SEMANAH (Service Maritime et de Navigation d'Haiti) does not have any significance for the type of tasks it carries out and does not fit in with the great extent of its responsibilities. The SEMANAH has had a good start. Nevertheless, such a maritime service and navigation should be assigned the task of regulating navigation in the Haitian waters in co-operation with the Haitian Marine, including navigational aids, radio-communication, together with the National Port Authority (APN), under the auspices of a proper Directorate of Maritime Affairs or Shipping Affairs.

In respect of today's maritime development and the needs to comply with international instruments, it should be unthinkable that a country like Haiti, in spite of the Government efforts, does not require a genuine maritime administration. The Administration of maritime activities therefore should be entrusted to a given Institution designated " Directorate of Maritime Affairs " or " Directorate of shipping Affairs ". Such an institution will be a Department within the organisation structure of the Directorate of Transports with

the tasks of overcoming difficulties encountered till now by the Officials in making legislation and handling maritime matters, of adopting a new policy for maritime transport and co-ordinating all actions taken by the Government in the maritime field.

For the smooth running of the Administration, there will be a need for qualified personnel, such as Master Mariners, Extra Masters, Chief Engineers, Nautical and Technical Naval Architects, also those graduated from the WMU(World Maritime University). Unfortunately in Haiti like in many developing maritime nations, there is a lack of higher staff and generally the staff, if existent, is somehow misused. Moreover, the name and functions of the institution responsible for the handling of maritime activities will be enacted in the National Legislation, including the level of qualification of the personnel to be recruited and employed and the works they have to perform.

As stated earlier in the first chapter, the two broad categories of goals which define the scope of tasks under which the Administration shall act are and I repeat:

- 1- To ensure that all vessels flying national and foreign flags entering Haitian waters meet all shipboard safety requirements;
- 2- To ensure that all vessels engaged in both home and foreign trade keep the environment clean from any major form of marine pollution.

To maintain and improve safety of international shipping and to protect the marine environment against grave dangers of pollution from ship-borne substances, particularly oil, the Interna-

tional Maritime Organisation(IMO) is the International Institution dealing solely with such technical maritime matters. The safety of Merchant Shipping is one of the main objectives of IMO. In this connexion, all approaches to safety matters have been considered as having priorities for the benefit of the worldwide community. In the light of the advanced technology in the world shipping industry, in order to assess safety , its causes and consequences, many factors should be taken into consideration. These factors are:

- 1.- The ship itself (construction, equipment , manning) in respect of the crew and cargo on board;
- 2.- Human factor with regard to the qualification of seafarers employed on board ships

It is in that perspective the Administration will carry out proper surveys and certification to each vessel entering national maritime boundaries and calling the Haitian ports.

Before going deeply into that part of the subject, it should not be in the way to state the relevant international instruments, their protocols, regulations, amendments, up to that time adopted by the International Institutions concerned, which have been very useful for many years to all maritime nations. Developed and developing countries alike who have ratified some or all of them, have found that such regulated conventions enabled them to minimize , reduce and even improve the risks at sea and consequently shipowners interests, marine industries interests and all concerned have been protected. Working jointly with ILO, the most important international conventions relating to the discussing matters and governing maritime administration are the followings:

- The international convention on Load Line, 1966
- The international convention for the safety of life at sea 1974 and 1978 SOLAS Protocol
- The international convention on Standards of Training, Certification and Watchkeeping for seafarers, STCW 1978
- The international convention on Collision Regulations, 1972 - COLREG
- The international convention on marine pollution, MARPOL 73/78
- The Merchant Shipping (minimum standards) convention 1976, ILO convention No 147
- ILO No 53
- ILO No 68
- ILO No 73
- ILO No 92
- ILO No 134
- ILO No 138

None of the above stated conventions have been ratified by Haiti. This therefore constitutes a big obstacle to our maritime development.

3.1- National Legislation

The importance of having updated maritime legislation in this connexion is a real need for Haiti so, the Directorate of Maritime or Shipping Affairs is the one with the functions of overcoming such problems in organisational terms and of administering such mari-

time matters efficiently and effectively. Therefore the preparation of the National Legislation/Merchant Shipping Act, both primary and subsidiary, is essential for the maritime development of Haiti. To stretch out such a National Legislation, qualified maritime technicians/experts are required to examine and discuss the texts of the conventions which are the bases of any maritime Legislation/Merchant Shipping Act. Therefore from their experience and their knowledge in the field they would spring advice on what conventions the Government should adopt and how they should be ratified, implemented, and enforced, in order to make the maritime Legislation in compliance with the international Laws/instruments, regulations, resolutions etc., which would lead to a greater understanding of improving the safety of life at sea and the protection of the maritime environment. All regulations should be applied not only to seagoing vessels but also to all ships used for economic purposes.

In doing so, it becomes clear how to define the work of the Maritime Administration and also the level of the administrative personnel for maximum efficiency and productivity.

3.2- Registration of Ships

According to the Law of the Sea Conventions which lay down the principles of the exclusive jurisdiction of the Flag State over ships on the High Seas (see annex 10), it is obligatory that a ship should have a nationality i.e, should be registered in a given country whose flag it is entitled to fly. Rules and regulations will be enacted in the National Legislation to that effect. The ship must comply with the National Legislation of the country concerned. It is for

these reasons the process of registration of ships should be performed by a competent maritime safety administration or division in every country.

Rules and regulations of the National Law related to the registration of ships shall be adopted, implemented and enforced by the maritime safety division to overcome its duties in due form. In general, it will be sketched out in the Merchant Shipping Legislation the basic international instruments the ship must comply with such as construction, standards, ships equipment, crew qualification, etc..., and the functions of the maritime safety division regarding registration of ships whenever the ship may call.

It would be quite understandable that Haiti should adopt a good policy to attract shipowners to register their ships in the country. The Government of Haiti will give more consideration to such shipowners for the maritime development and for the promotion of the Merchant Marine .

It is also important to register the fishing vessels. To promote the fishing industry in the country, all equipment on board fishing vessels and the certification of the fishermen should be examined carefully. Whenever Haiti has a regional agreement with one or several islands in the region to fish in their jurisdictional waters then it is obvious that the fishing vessels engaged for that commercial purpose will show their flag.

3.3- Surveys and Inspections of ships - Classification Societies -
Delegation of responsibilities.

Surveys and inspections of ships would be conducted by the maritime safety division as there is no port state control in Haiti. Annual, periodical and intermediate surveys should be carried out in accordance with the relevant rules and regulations laid down in the international conventions so as to overhaul ships equipments, manning seaworthiness, load line and other matters pertaining to ship safety and which involve safety of life at sea and the protection of the marine environment. Rules and regulations may be accurately defined in the National Legislation with respect to surveys and inspections.

Inspection of ships is a tremendous amount of work which can not be done by the administration and the Government surveyors themselves. Then the administration will delegate certain aspects of inspection to the C.S. recognized by the Haitian Government. If the administration has a shortage of manpower, the work will be carried out only by the C.S. The American Bureau of Shipping, Bureau Veritas, Det Norske Veritas, Lloyd's Register of Shipping, and Germanischer Lloyd are for many years/generations already involved in that type of job and are performing their duties in a worthy manner. Carrying out their work on behalf of the maritime administration, the contracted C.S. will issue the class certificates to ships for insurances purposes and also load line and tonnage measurement certificates. Initial surveys on the design and the construction of ships is also done by the C.S. during the building in the

shipyards. Such delegation to C.S. can be limited if the Government is consciously convinced that a number of nationals should be trained in this field in order to reduce the cost of surveys.

3.4- Safety of Ships and International Conventions

As stated earlier, the Maritime Safety Division is the responsible for safety matters related to the ship and her crew and to the marine environment protection. Hence, practicable standards in matters concerning maritime safety and efficiency of navigation should be adopted as soon as possible by the Haitian Government. It is also the role and functions of the Maritime Safety Division to convince the Government of the adoption and ratification of the international instruments. The SOLAS convention is the most important international instrument related to the protection of human life at sea and ship safety. 3/

The provisions thereupon are:

- Chapter I : General provisions
- Chapter II-1 : Construction - Subdivision, Stability, Machinery and electrical installations
- Chapter II-2 : Construction - fire protection, fire detection and fire extinction
- Chapter III : Life-saving Appliances
- Chapter IV : Radio-communications, Radio-telegraphy and Radio-telephony
- Chapter V : Safety of navigation, carriage of shipboard navigational equipment

Chapter VI	: Carriage of grain
Chapter VII	: Carriage of Dangerous Goods
Chapter VIII	: Nuclear ships
Appendix	: Survey and Certification. 4/

3.5- Maritime Training

Maritime activities are not only running ships. Of course, it is necessary depending on the importance it has on the economic life of a country. But a matter of importance is the training of seamen. The availability of well educated and/or trained management personnel, also of seagoing personnel is of crucial importance for the Merchant Marine development. Managerial staff with professional qualifications and seagoing expertise are required for many reasons 5/. Not only the staff such as maritime consultants will be needed in the Head Office, but also surveyors, inspectors, etc... Education and training policies should deal with such problems of education, training at sea, certification, examination and legislation in integration.

The STCW of the IMO conventions is the first international legal instrument for maritime training to deal with seafarers knowledge. It is specified in the STCW that all seagoing officers on board seagoing vessels should carry appropriate certificates of competency in respect of the work they have to perform.

STCW has not yet been ratified by the Haitian Government. The Haitian school is training only ratings - many of them are under Liberian flag - with a system of education based on the French one, but there is no facility of training seagoing officers due to lack of

teaching staff, As for the running of a training institute a huge investment is required, the Haitian finances are in a bad state and can not afford such heavy investment. The best solution would be that Haitian officers continue to be trained overseas. However they can be educated in one of the regional institutes, in Jamaica for example, on a regional agreement.

3.6- Seafarers

There is a liaison between IMO and ILO which is still dealing with matters related to training, examinations and certification of seafarers including the working conditions on board ships, social security and so on.

Seafarers, as we know, are involved in the safety of ships and the protection of the marine environment. Many accidents have occurred in the past due to human error. Then the standards of seafarers may be checked on behalf of the maritime safety administration who will set up a good system of examination and certification in accordance with the requirements of the STCW conventions. Seamen engaged by both national and foreign shipowners enjoy the same priorities in respect of conditions of employment, social security etc. It is the duty of the administration to take under its responsibilities all matters relating therein, including registration and classification of seamen. Since 1920, the International Labour Organization (ILO) has adopted a number of rules, regulations and conventions which should be included in the national legislation (see annex 11)

3.7- Contingency Planning

The amount of oil transported by sea during the year 1983 was more than 1,700 million tons. 6/. The highest priority should be accorded to the implementation by States of the international standards and regulations for better prevention and control of pollution in the marine environment. Some developed countries due to the fact that their coastal areas have been affected by grave marine pollution from ships such as Torrey Canyon and Amocco Cadiz, have expounded a system of combatting oil pollution. But the consequences are greater for developing countries which have fewer or no resources for dealing with oil pollution, especially when currents move oil slicks. 7/ to such an extent that even the coastal areas are affected.

National contingency plans are to be drafted by the country through its maritime safety administration as it is very necessary for Haiti in view of the importance of tourism and the concentration of maritime oil transportation in the Caribbean region. The port of Port-au-Prince has to be provided with reception facilities for oil residues from tankers. The maritime safety should send experts to attend the MSC meetings in order to be up-to-date with the work conducted on marine pollution.

To eliminate the problems, IMO has adopted measures for the mutual benefits. Furthermore, IMO is encouraging developing countries by assisting them technically in projects related to the marine environment protection pursued at global, regional and national levels, by organizing conferences, regional and national seminars, symposium and training course.

States are involved in regional activities dealing with co-operation in combatting marine pollution in cases of emergency and for each region there is a regional marine pollution adviser or assistant regional marine pollution adviser or an inter-regional consultant in marine pollution.

MARPOL is the international convention which lays down regulations related to the prevention, control and methods of combatting oil pollution.

3.8- Inquiries and Investigation into Shipping Casualties

Inquiries and investigation into shipping casualties are held in case of accidents occurring in the contracting state's coast and in its ships, as laid down in the Chapter I, Part C, Regulation 21 of the international convention on Safety Of Life At Sea (SOLAS). Accidents can be defined as collision, grounding, fire and explosion on board ships which involve serious pollution, death or injuries 8/. Inquiry will be requested by the Maritime Safety Administration through the Directorate of Maritime Affairs for investigation of the circumstances and causes of the accident. Under the MSL, an officer who will possess necessary expertise in the field for this purpose will be appointed to properly conduct the preliminary inquiry 9/. The appointed officer will go on board the ship for interrogation of witnesses, to control the equipment, relevant documents, etc..., and a suitable report should be submitted to the Administration for further examination. 10/ Based upon this report, the Administration will decide whether or not a formal investigation is to be held. 11/

When preliminary inquiry is considered insufficient and when safety of life at sea and marine pollution are involved and attract public interest, a more legal inquiry 12/ which is a public one, may be held, usually by a Court assisted by the Officials responsible of the MSD with a very competent and experienced lawyer as chairman. The duty of the MSA should be mandatory.13/

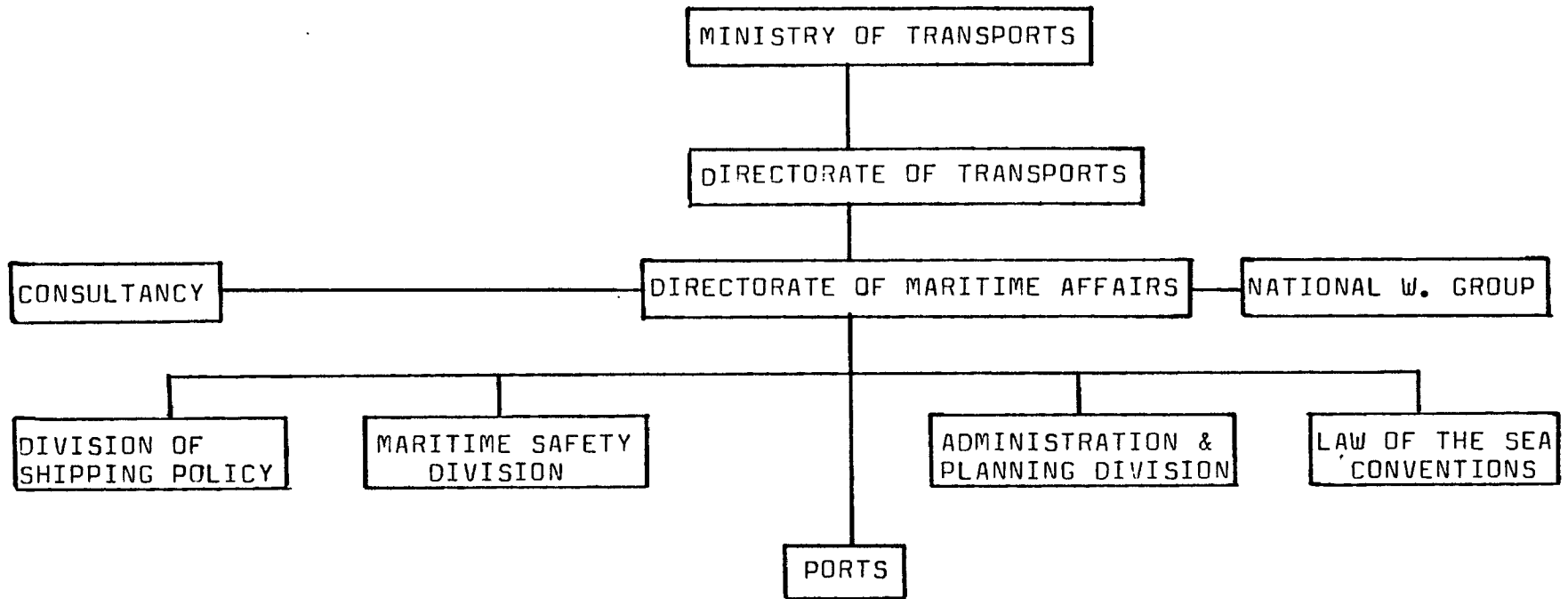
Maritime Policy as regards port development and port safety

Maritime activities lead to development of ports of the country concerned, Haiti in this case, whose only two ports are of great importance. Port development is very important for Haiti. The concentration of 90% of the maritime activities in Port-au-Prince creates a retardment in the progress and the development of the other ports of the country. The policy should be to proceed very quickly to a decentralization of activities in favour of the other ports which have been before utilized for shipment.

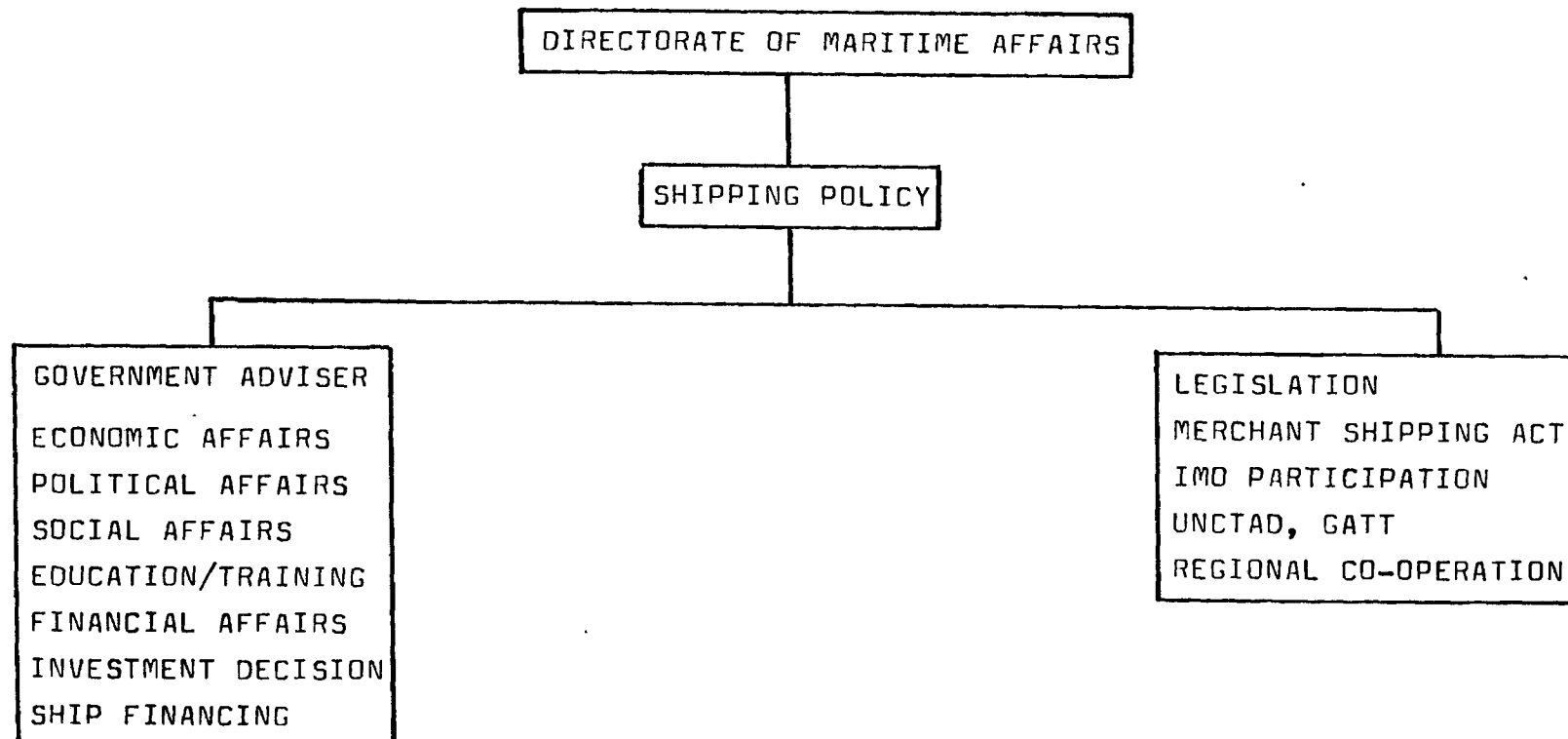
So, it will be cheaper to use the local manpower and it will be easier to carry out a strict control by establishing in each port concerned an office whose Director will provide information to the central office in Port-au-Prince. Then if there any inspection, survey to be done, then the central administration will send appropriate surveyors for better control in the port area or there will be a permanent surveyor in the office.

That is why there should be a closer link between the administration (the proposed maritime administration) and the port authority in carrying out tasks related to safety matters. The port of Port-au-Prince which handles most of the cargo including the dangerous goods has to be provided with a special storage for that purpose and the administration should provide special training for the dockers in this connection.

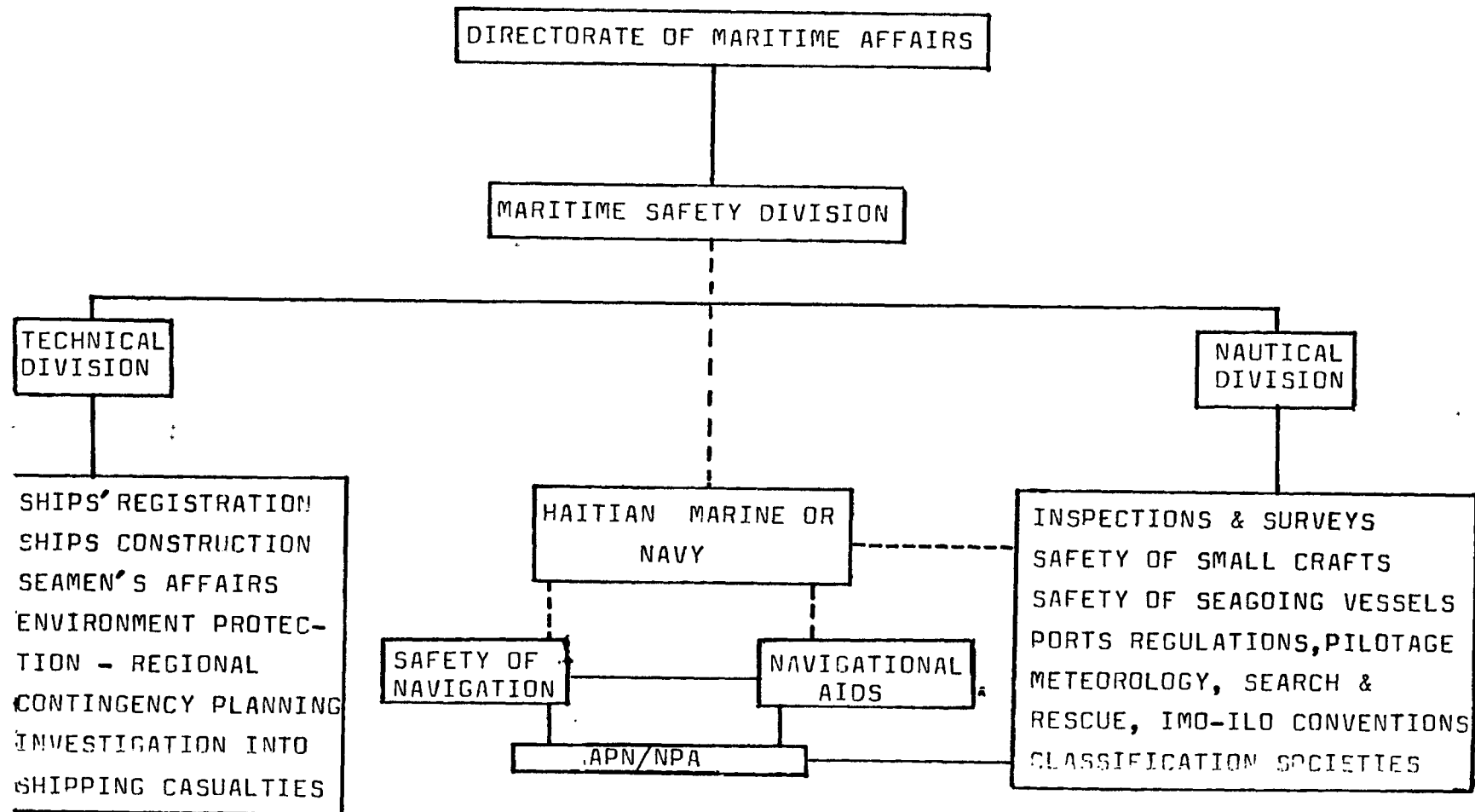
PROPOSED MARITIME ADMINISTRATION ORGANISATION CHART.



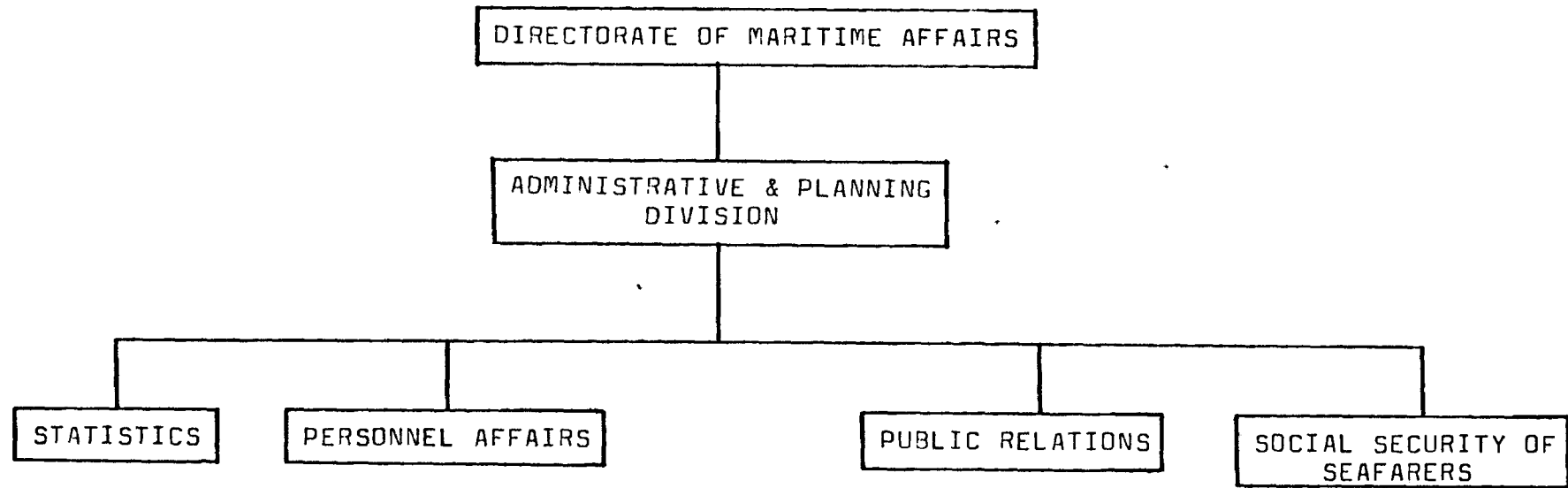
DIVISION OF SHIPPING POLICY ORGANISATION CHART.



MARITIME SAFETY DIVISION ORGANISATION CHART.



ADMINISTRATIVE & PLANNING DIVISION ORGANISATION CHART.



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CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

In this paper, I have been touching a lot of points which are momentous for a country's maritime development. As soon as maritime activities include all sectors directly connected to the national interests of the country, one should take into consideration all aspects which play an important role in its development and management.

To alleviate B/P problems, Haiti need to promote its exports products, so as to obtain a place in international shipping. The establishment of national flag shipping could help to reduce freight costs paid to foreign carriers and to promote Haiti's foreign trade and therefore benefits could be achieved. An investment in shipping should not be looked upon in isolation, but as a part of maritime strategy or policy that is linked closely with general foreign trade and economic development strategy of the country 1/. That is why before any investment, appropriate feasibility studies are essential in order to test the shipping sector. It is in this perspective that one of the main aims of UNCTAD Code of Conduct for liner conferences is to secure full conference membership for merchant fleets of developing countries 2/. Once developing countries have free access to liner conferences, according to the code regulation of the cargo sharing principles of 40:40:20, which could better stimulate them to establish their own national merchant marines.

Of course it is a good idea. Nevertheless, establishing a merchant fleet needs a great capital to build or to buy ships and to obtain shore establishments. With due regard to shipping finance for the country's national fleet, the main methods of financing on suitable conditions are:

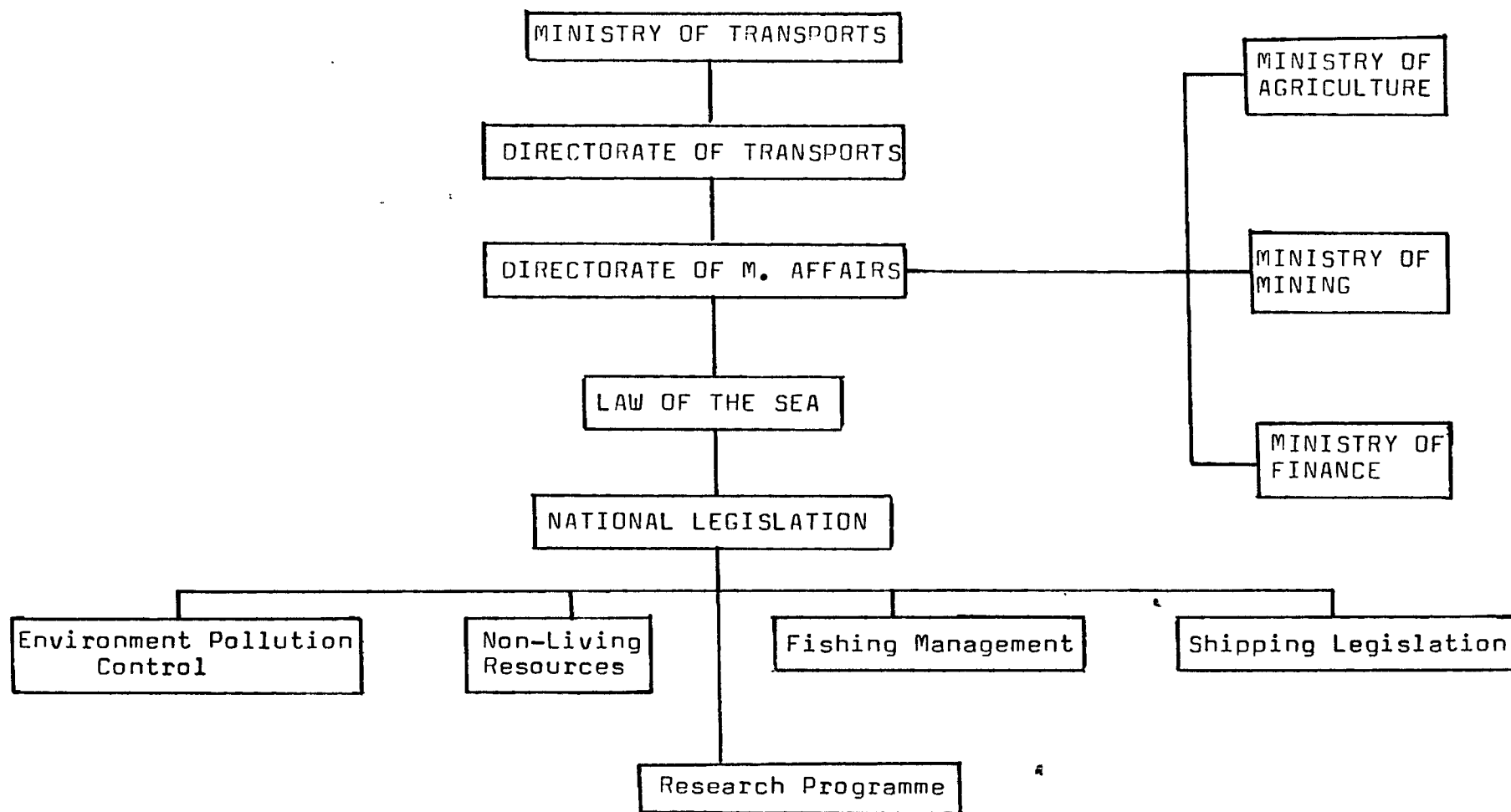
- 1- Bilateral agreement or
- 2- Through international financial institutions or
- 3- Joint Ventures. ^{3/}

Firstly, increasing efforts are being made on the part of developing countries to obtain bilateral agreement for the establishment of their merchant marines.^{4/} But such bilateral assistance is more likely to be available for acquisition of new ships from the donor country and less likely for purchase or acquisition of second hand vessels.^{5/} Secondly, as far as it is known, loans from regional development institutions such as the Asian Development Bank, the Caribbean Development Bank, has not been significant.^{6/} And even loans from the World Bank, appears to have been modest.^{7/} However, one of the most appropriate ways of finance for establishing national fleets is clearly joint ventures. Joint ventures between developed and developing countries, as well as among developing countries, offer considerable possibilities to acquire vessels as well as management and operational expertise.^{8/} The joint venture affords the maximum opportunity to control and develop a structure which is consistent with a clearly stated purpose.^{9/} It is truly one of the most flexible arrangements.

The third part of chapter II has been dealing with the Law of the sea. The sea offers possibilities, but Haiti has no necessary infrastructure to exploit the marine resources of the ocean spaces surrounding it. Fisheries, oil and gas, mineral resources are vital elements for the economic development and the national security of Haiti. When one takes into consideration the future of shipping, the ocean resources are the only other way for Haiti to survive. Even a small discovery of oil or a small development of other energy sources in the 200 EEZ could materially reduce dependency on oil imports to the country. Sea resources therefore require the creation of an effective national management system under the Law of the sea conventions and governed by the national legislation of Haiti. I must also stress at this point that the Maritime Affairs, the Ministry of Agriculture, Natural Resources, and the Mining Ministry, should work in joint co-operation to achieve the set objectives (see fig ^{next p} 3)

The last chapter deals exclusively with the structure of maritime administration. The proposed maritime administration in Haiti will contribute towards operational efficiency of the ships, crew competency/efficiency as well as reduction in costs of maintenance and repair of ships and marine insurance premia. The establishment of a proper maritime administration should constrain the country to delegate appropriate representatives to IMO meetings, seminars or conferences and especially in the MSC works - particularly works conducted on marine pollution prevention - ILO, UNCTAD and other international organisations dealing with maritime matters, for a better understanding of the international standards, to promote the country's maritime development in the new international economic order.

PROPOSED ORGANISATION OF MANAGEMENT OF OCEAN RESOURCES.



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ANNEX I

Article 61

Conservation of the living resources

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.
2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organisations, whether subregional, regional or global, shall cooperate to this end.
3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global.
4. In taking such measures the coastal State shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.
5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organisations, whether subregional, regional or global, where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone.

ANNEX 2

Article 62

Utilization of the living resources

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of the article 69 and 70, especially in relation to the developing States mentioned therein.

3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, inter alia, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of the articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate, inter alia, to the following:

- (a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
- (b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
- (c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;
- (d) fixing the age and size of fish and other species that may be caught;
- (e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
- (f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;
- (g) the placing of observers or trainees on board such vessels by the coastal State;
- (h) the landing of all or any part of the catch by such vessels in the ports of the coastal State;
- (i) terms and conditions relating to joint ventures or other co-operative arrangements;
- (j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability of undertaking fisheries research;
- (k) enforcement procedures.

5. Coastal States shall give due notice of conservation and management laws and regulations.

ANNEX 3

Article 143

Marine scientific research

1. Marine scientific research in the Area shall be carried out exclusively for peaceful purposes and for the benefit of mankind as a whole, in accordance with Part XIII.

2. The Authority may carry out marine scientific research concerning the Area and its resources, and may enter into contracts for that purpose. The Authority shall promote and encourage the conduct of marine scientific research in the Area, and shall co-ordinate and disseminate the results of such research and analysis when available.

3. States Parties may carry out marine scientific research in the Area. States Parties shall promote international co-operation in marine scientific research in the Area by:

- (a) participating in international programmes and encouraging co-operation in marine scientific research by personnel of different countries and of the Authority;
- (b) ensuring that programmes are developed through the Authority or other international organisations as appropriate for the benefit of developing States and technologically less developed States with a view to:
 - (i) strengthening their research capabilities;
 - (ii) training their personnel and the personnel of the Authority in the techniques and applications of research;
 - (iii) fostering the employment of their qualified personnel in research in the Area;
- (c) effectively disseminating the results of research and analysis when available, through the Authority or other international channels when appropriate.

ANNEX 4

Article 145

Protection of the marine environment

Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. To this end the Authority shall adopt appropriate rules, regulations and procedures for inter alia:

- (a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;
- (b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.

ANNEX 5

PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 192

General obligation

States have the obligation to protect and preserve the marine environment.

Article 193

Sovereign right of States to exploit their natural resources

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

Article 194

Measures to prevent, reduce and control pollution
of the marine environment

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.

2. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, inter alia, those designed to minimize to the fullest possible extent:

- (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;
- (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;
- (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;
- (d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operation at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention

5. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

Merchant fleets of the world by flag of registration, a/ groups of countries and types of ships, b/ in grt and dwt, as at 1 July 1982
(dwt figures are shown in parentheses)

	Total	Oil tankers	Bulk carriers c/	General cargo d/	Container ships	Others
World total e/	418 964 996 (693 460 988)	166 384 113 (324 547 668)	116 077 848 (206 000 999)	78 613 955 (113 978 040)	12 941 690 (13 181 486)	44 947 390 (35 752 795)
<u>Developed market-economy countries</u>						
Australia	1 875 316 (2 825 420)	391 747 (644 918)	980 389 (1 684 223)	244 909 (311 631)	92 508 (92 649)	165 763 (91 999)
Austria	101 020 (167 019)	-	62 535 (110 757)	32 488 (47 462)	5 997 (8 800)	-
Belgium	2 271 096 (3 588 176)	274 145 (478 793)	1 227 541 (2 231 451)	264 784 (373 412)	163 568 (158 822)	341 058 (345 698)
Canada	1 254 295 (1 142 537)	228 834 (357 823)	271 998 (558 114)	88 402 (103 302)	30 648 (31 198)	634 413 (92 100)
Denmark	5 214 063 (8 143 295)	2 557 088 (4 908 590)	480 855 (809 907)	743 678 (1 208 787)	833 185 (833 642)	599 257 (382 369)
Faeroe Islands	67 952 (39 872)	500 (1 221)	-	10 099 (19 458)	-	57 353 (19 193)
Finland	2 376 995 (3 597 336)	1 134 717 (2 103 445)	422 893 (686 692)	521 039 (673 035)	3 895 (4 837)	294 451 (129 327)
France	10 770 880 (18 727 257)	6 556 806 (12 992 636)	1 705 467 (3 043 792)	1 111 795 (1 520 178)	503 105 (534 059)	893 707 (636 592)
Germany, Federal Republic of	7 706 661 (12 354 826)	2 651 551 (5 197 956)	1 438 006 (2 498 799)	1 757 736 (2 981 764)	1 131 050 (1 152 690)	728 318 (523 617)
Gibraltar	15 708 (25 462)	-	-	15 303 (24 859)	-	405 (603)
Greece	40 035 204 (70 231 771)	13 175 229 (25 837 501)	16 841 334 (30 163 110)	9 013 800 (13 567 409)	94 178 (141 024)	910 663 (522 727)
Iceland	181 355 (168 171)	1 538 (2 651)	-	72 097 (118 316)	-	107 720 (47 204)
Ireland	239 085 (277 477)	15 123 (25 006)	101 464 (161 145)	49 807 (67 670)	4 956 (5 709)	67 735 (17 947)
Israel	676 295 (872 117)	763 (1 437)	231 878 (363 474)	125 300 (158 565)	312 866 (347 029)	5 488 (1 612)

	Total	Oil tankers	Bulk carriers g/	General cargo g/	Container ships	Others
Italy	10 374 966 (17 043 864)	4 128 175 (7 799 304)	3 885 524 (6 892 319)	914 296 (1 250 043)	252 014 (264 864)	1 194 957 (837 334)
Japan	41 593 612 (68 528 063)	17 295 636 (32 727 909)	13 714 225 (23 604 083)	3 797 343 (6 464 130)	1 703 704 (1 557 423)	5 082 704 (4 174 518)
Monaco	3 268 (4 959)	3 268 (4 959)	-	-	-	-
Netherlands	(5 393 104) (8 430 149)	2 180 986 (4 209 888)	639 031 (1 064 792)	1 443 408 (2 213 736)	368 058 (328 759)	761 621 (612 974)
New Zealand	250 208 (270 082)	52 309 (83 246)	-	94 756 (108 322)	42 276 (38 642)	60 867 (39 872)
Norway	21 861 635 (38 760 851)	11 697 770 (23 152 535)	6 240 669 (10 869 160)	1 082 581 (1 768 457)	52 196 (34 033)	2 788 419 (2 936 666)
Portugal	1 401 589 (2 220 853)	769 073 (1 465 309)	132 594 (222 097)	319 501 (423 575)	9 208 (12 020)	171 213 (97 852)
South Africa	776 153 (882 188)	37 597 (62 571)	185 295 (318 150)	125 944 (163 451)	285 907 (269 156)	141 410 (68 860)
Spain	8 130 693 (13 786 611)	4 919 047 (9 368 154)	1 205 536 (2 138 974)	1 074 530 (1 705 518)	77 882 (105 424)	853 698 (560 541)
Sweden	3 787 567 (5 793 918)	1 616 419 (3 151 251)	418 338 (679 424)	934 655 (1 246 638)	70 362 (57 480)	747 793 (659 125)
Switzerland	315 161 (468 281)	1 500 (2 500)	181 342 (287 405)	126 072 (166 627)	-	6 247 (11 749)
Turkey	2 127 921 (3 400 451)	709 288 (1 304 105)	758 309 (1 271 232)	509 236 (769 688)	-	151 088 (55 426)
United Kingdom	22 505 265 (35 989 889)	10 371 413 (19 347 316)	5 556 952 (9 769 391)	2 070 756 (2 865 497)	1 510 907 (1 415 520)	2 995 237 (2 592 165)
United States of America	15 292 673 (23 205 076)	7 850 793 (15 611 773)	311 249 (632 470)	1 622 392 (2 154 322)	2 039 363 (1 953 112)	3 468 876 (2 853 399)
Yugoslavia	2 531 506 (3 859 254)	231 357 (386 835)	907 639 (1 558 115)	1 287 166 (1 836 184)	35 743 (50 988)	69 601 (27 123)
Sub-total	209 131 246 (344 897 225)	88 852 672 (171 229 632)	57 901 063 (101 619 076)	29 453 873 (44 312 036)	9 623 576 (9 397 880)	23 300 062 (18 338 601)
<u>Open-registry countries</u>						
Bahamas	432 502 (568 231)	187 494 (302 052)	50 965 (85 767)	85 310 (120 033)	1 355 (1 162)	107 378 (59 217)

	Total	tankers	carriers c/	cargo d/	ships	Others
Bermuda	474 402 (710 787)	172 827 (320 046)	39 353 (59 102)	144 257 (207 654)	6 333 (8 718)	111 632 (115 267)
Cyprus	2 149 869 (3 361 056)	560 308 (1 026 020)	297 417 (498 626)	1 178 838 (1 763 482)	8 651 (12 070)	104 655 (60 858)
Liberia	70 718 439 (139 250 179)	41 223 229 (86 919 244)	22 922 480 (43 400 716)	3 155 713 (4 728 247)	362 230 (442 173)	3 054 787 (3 759 799)
Panama	32 600 278 (54 800 385)	8 722 754 (17 187 304)	10 808 592 (19 344 207)	10 080 268 (15 238 269)	750 490 (870 837)	2 238 174 (2 159 768)
Sub-total:	106 375 490 (198 690 638)	50 866 612 (105 754 666)	34 118 807 (63 388 418)	14 644 386 (22 057 685)	1 129 059 (1 334 960)	5 616 626 (6 154 909)
<u>Socialist countries of Eastern Europe and Asia</u>						
<u>Socialist countries of Eastern Europe</u>						
Albania	56 127 (79 940)	-	-	54 888 (79 940)	-	1 239 (-)
Bulgaria	1 248 210 (1 785 019)	338 120 (548 101)	477 271 (747 061)	314 618 (420 783)	-	118 201 (69 074)
Czechoslovakia	184 798 (271 154)	-	102 589 (165 427)	81 709 (105 727)	-	500 (-)
Democratic Republic of Germany	1 438 588 (1 816 326)	56 127 (99 887)	296 319 (463 298)	861 105 (1 118 862)	-	225 037 (134 279)
Hungary	81 536 (112 485)	-	-	81 536 (112 485)	-	-
Poland	3 650 615 (5 043 480)	547 485 (994 283)	1 261 742 (2 023 089)	1 419 815 (1 768 206)	-	421 573 (257 902)
Romania	2 203 317 (3 245 365)	383 720 (699 760)	871 882 (1 416 834)	707 844 (959 213)	-	239 871 (169 558)
Union of Soviet Socialist Republics	23 788 668 (26 626 875)	4 804 822 (7 342 989)	2 120 624 (3 350 635)	7 806 848 (10 187 815)	325 081 (338 102)	8 731 293 (5 407 334)
Sub-total	32 651 859 (38 980 644)	6 130 274 (9 685 020)	5 130 427 (8 166 344)	11 328 363 (14 753 031)	325 081 (338 102)	9 737 714 (6 038 147)
<u>Socialist countries of Asia</u>						
China	8 056 849 (12 188 215)	1 178 891 (1 975 788)	2 293 497 (3 940 876)	4 185 321 (5 877 362)	7 921 (13 156)	391 219 (381 033)

Democratic People's Rep. of Korea	278 922 (416 285)	58 761 (115 801)	34 269 (52 616)	146 310 (218 634)	-	39 582 (29 234)
Viet Nam	261 847 (382 651)	35 384 (58 615)	14 200 (23 706)	192 674 (291 355)	-	19 589 (8 975)
Sub-total	8 597 618 (12 987 151)	1 273 036 (2 150 204)	2 341 966 (4 017 198)	4 524 305 (6 387 351)	7 921 (13 156)	450 390 (419 242)
Sub-total Socialist coun- tries of Eastern Europe and Asia	41 249 477 (51 967 795)	7 403 310 (11 835 224)	7 472 393 (12 183 542)	15 852 668 (21 140 382)	333 002 (351 258)	10 188 104 (6 457 389)
<u>Developing coun- tries and territories of Africa</u>						
Algeria	1 364 709 (1 976 452)	595 327 (1 131 100)	80 988 (128 774)	202 543 (295 291)	-	485 851 (421 287)
Angola	90 428 (132 384)	2 052 (3 036)	-	80 122 (125 248)	-	8 254 (4 100)
Benin	4 450 (4 880)	-	-	2 999 (4 400)	-	1 451 (480)
Cape Verde	10 793 (17 428)	-	-	8 327 (15 432)	-	2 466 (1 996)
Comoros	977 (1 793)	-	-	977 (1 793)	-	-
Congo	7 962 (10 840)	-	-	-	-	7 962 (10 840)
Djibouti	3 395 (3 256)	-	-	1 780 (2 300)	-	1 615 (956)
Egypt	635 801 (804 792)	105 880 (175 169)	22 605 (38 300)	409 362 (535 927)	-	97 954 (55 396)
Equatorial Guinea	6 412 (6 700)	-	-	6 412 (6 700)	-	-
Ethiopia	28 518 (43 177)	3 368 (5 228)	-	23 967 (37 577)	-	1 183 (372)
Gabon	78 269 (143 594)	74 471 (141 162)	-	455 (630)	-	3 343 (1 802)
Gambia	3 390 (4 204)	-	-	1 597 (2 900)	-	1 793 (1 304)
Ghana	256 869 (297 321)	-	-	188 757 (254 133)	-	68 112 (43 188)

	Total	Oil tankers	Bulk carriers <u>g/</u>	General cargo <u>d/</u>	Container ships	Others
Guinea	5 667 (2 827)	-	-	210 (185)	-	5 457 (2 642)
Guinea-Bissau	3 787 (2 523)	-	-	1 075 (1 020)	-	2 712 (1 503)
Ivory Coast	152 384 (194 145)	-	-	136 278 (181 305)	-	16 106 (12 840)
Kenya	5 417 (3 164)	-	-	1 168 (1 590)	-	4 249 (1 574)
Libyan Arab Jamahiriya	912 024 (1 604 885)	796 586 (1 504 356)	-	70 407 (78 009)	-	45 031 (22 520)
Madagascar	77 102 (105 137)	8 358 (13 487)	-	60 896 (86 079)	-	7 848 (5 571)
Malawi	924 (100)	-	-	-	-	924 (100)
Mauritania	7 954 (3 282)	-	-	1 581 (1 964)	-	6 373 (1 318)
Mauritius	31 479 (42 013)	-	-	27 635 (41 330)	-	3 844 (683)
Morocco	393 979 (601 289)	113 375 (201 785)	58 605 (100 501)	78 753 (124 062)	-	143 246 (174 941)
Mozambique	40 859 (37 835)	6 549 (10 619)	-	14 102 (19 684)	-	20 208 (7 532)
Nigeria	463 395 (643 591)	146 635 (285 755)	-	283 956 (341 662)	-	32 804 (16 174)
Sao Tome and Principe	463 (427)	-	-	-	-	463 (427)
St. Helena	3 150 (2 264)	-	-	-	-	3 150 (2 264)
Senegal	39 907 (33 164)	3 620 (4 970)	-	11 158 (15 790)	-	25 129 (12 404)
Seychelles	1 160 (321)	-	-	-	-	1 160 (321)
Sierra Leone	4 467 (1 324)	-	-	-	-	4 467 (1 324)
Somalia	17 525 (15 827)	-	-	12 736 (12 322)	-	4 789 (3 505)

Sudan	93 203 (124 085)	-	-	91 483 (123 539)	-	1 720 (546)
Togo	25 714 (36 120)	-	-	25 002 (36 120)	-	712 (-)
Tunisia	136 352 (183 570)	27 030 (47 200)	20 157 (32 217)	55 227 (71 738)	-	33 938 (32 415)
United Republic of Cameroon	37 987 (55 495)	-	-	30 518 (51 377)	-	7 469 (4 118)
United Republic of Tanzania	58 624 (71 672)	3 646 (5 652)	-	40 799 (58 851)	-	14 179 (7 169)
Zaire	92 044 (133 256)	-	-	77 950 (118 513)	-	14 094 (14 743)
Sub-total:	5 097 540 (7 345 137)	1 086 897 (3 529 519)	182 355 (299 792)	1 948 232 (2 647 470)	-	1 080 056 (868 356)
<u>Developing coun- tries and territories of America</u>						
Anguilla	3 014 (4 191)	-	-	3 014 (4 191)	-	-
Antigua	559 (443)	-	-	147 (250)	-	412 (193)
Argentina	2 255 758 (3 247 081)	747 594 (1 235 009)	372 563 (618 625)	877 251 (1 205 465)	-	258 350 (187 982)
Barbados	44 967 (71 538)	-	40 003 (70 200)	748 (1 060)	-	4 216 (278)
Belize	620 (805)	-	-	620 (805)	-	-
Bolivia	15 129 (18 934)	-	-	15 129 (18 934)	-	-
Brazil	5 678 111 (9 410 370)	1 772 967 (3 270 555)	2 432 743 (4 159 434)	1 289 002 (1 792 765)	-	183 399 (187 616)
Cayman Islands	311 396 (461 607)	58 666 (110 439)	45 627 (75 852)	162 993 (249 749)	3 695 (5 564)	40 415 (20 003)
Chile	494 939 (768 624)	36 359 (62 628)	213 494 (413 863)	189 085 (258 535)	-	56 001 (33 598)
Colombia	313 904 (400 778)	30 744 (49 859)	29 296 (43 569)	244 716 (305 412)	-	9 148 (1 938)

	Total	tankers	carriers g/	General cargo g/	Other ships	Others
Costa Rica	23 490 (26 031)	-	-	14 790 (22 337)	-	8 700 (3 694)
Cuba	949 216 (1 206 900)	68 185 (102 980)	61 907 (100 039)	631 967 (848 168)	-	187 157 (155 713)
Dominica	698 (959)	-	-	698 (959)	-	-
Dominican Republic	34 812 (57 686)	674 (1 635)	9 420 (16 564)	24 333 (39 487)	-	385 (-)
Ecuador	354 443 (497 543)	164 238 (282 136)	-	163 772 (197 061)	-	26 433 (18 346)
El Salvador	2 925 (3 318)	-	-	-	-	2 925 (3 318)
Falkland Islands (Malvinas) f/	7 907 (4 125)	-	-	537 (630)	-	7 370 (3 495)
Grenada	226 (342)	-	-	-	-	226 (342)
Guatemala	28 353 (39 616)	-	-	27 876 (39 616)	-	477 (-)
Guyana	20 689 (19 518)	1 704 (1 769)	-	8 974 (13 006)	-	10 011 (4 743)
Haiti	2 123 (1 641) 742	-	-	840 (1 252)	-	1 283 (490)
Honduras	234 148 (323 545)	32 882 (62 289)	-	185 105 (248 998)	4 075 (4 685)	12 086 (7 573)
Jamaica	9 794 (13 988)	-	-	3 308 (5 813)	3 428 (5 110)	3 058 (3 065)
Mexico	1 251 630 (1 752 480)	564 976 (942 352)	128 603 (206 369)	174 225 (238 091)	-	383 826 (365 668)
Montserrat	1 010 (1 566)	-	-	1 010 (1 566)	-	-
Nicaragua	20 787 (29 464)	3 711 (5 883)	-	15 536 (23 581)	-	1 540 (-)
Paraguay	31 785 (37 456)	2 935 (3 880)	-	25 421 (32 661)	-	3 429 (915)
Peru	836 326 (1 115 744)	147 201 (237 702)	230 949 (400 246)	285 533 (410 400)	-	172 643 (67 396)
Saint Kitts, Nevis	256 (91)	-	-	-	-	256 (91)

Saint Lucia	2 377 (2 998)	-	-	2 020 (2 998)	-	357 (-)
Saint Vincent and the Grenadines	25 966 (33 889)	6 870 (7 849)	6 981 (8 959)	10 804 (15 898)	-	1 311 (1 183)
Suriname	15 222 (19 208)	208 (360)	-	11 441 (16 307)	1 343 (1 771)	2 230 (770)
Trinidad and Tobago	19 352 (12 116)	-	-	4 516 (6 016)	-	14 836 (6 100)
Turks and Caicos Islands	3 212 (4 857)	890 (1 450)	-	2 085 (3 407)	-	237 (-)
Uruguay	201 677 (312 574)	94 933 (169 081)	13 203 (22 165)	74 066 (105 098)	-	19 475 (16 230)
Venezuela	910 841 (1 279 822)	457 968 (744 449)	36 246 (64 684)	270 754 (394 968)	-	145 873 (75 721)
Virgin Islands (British)	7 359 (9 018)	818 (997)	-	4 943 (6 678)	-	1 598 (1 343)
Sub-total:	14 115 021 (21 190 866)	4 194 523 (7 293 302)	3 621 035 (6 200 569)	4 727 259 (6 512 061)	12 541 (17 130)	1 559 663 (1 167 804)
<u>Developing countries and territories of Asia</u>						
Bahrain	20 281 (22 624)	1 736 (2 532)	-	9 110 (15 166)	-	9 435 (4 926)
Bangladesh	411 282 (572 732)	47 640 (77 167)	55 752 (94 518)	276 229 (386 438)	-	31 661 (14 609)
Brunei	616 (498)	-	-	-	-	616 (498)
Burma	87 972 (101 762)	2 986 (4 739)	-	67 883 (91 502)	-	17 103 (5 521)
Democratic Kampuchea	3 558 (3 839)	-	-	998 (1 481)	-	2 560 (2 358)
Hong Kong	3 498 512 (5 678 835)	540 358 (967 152)	2 345 996 (4 023 547)	213 617 (286 623)	340 179 (372 429)	58 362 (29 084)
India	6 213 489 (10 058 546)	1 256 994 (2 200 432)	2 791 708 (4 892 662)	1 990 285 (2 848 630)	-	174 502 (116 822)
Indonesia	1 846 824 (2 632 655)	317 924 (517 300)	219 140 (365 607)	1 070 115 (1 545 211)	30 905 (42 252)	208 740 (162 285)

	Total	Oil tankers	Bulk carriers <u>g/</u>	General cargo <u>d/</u>	Container ships	Others
Iran	1 312 734 (2 024 275)	631 274 (1 173 662)	124 135 (213 822)	395 369 (554 509)	-	161 956 (82 282)
Iraq	1 521 491 (2 657 319)	1 140 953 (2 168 790)	-	248 746 (367 359)	14 405 (15 763)	117 387 (105 407)
Jordan	20 903 (30 355)	-	-	20 727 (30 355)	-	176 (-)
Kuwait	2 014 379 (3 251 218)	1 187 865 (2 171 711)	-	408 949 (609 795)	55 721 (64 414)	361 844 (405 298)
Lebanon	368 101 (536 402)	1 325 (2 031)	15 910 (26 559)	287 373 (430 622)	1 946 (1 543)	61 547 (75 647)
Malaysia	1 195 411 (1 634 068)	37 661 (72 963)	396 484 (681 542)	272 396 (367 198)	117 262 (134 208)	371 608 (378 157)
Maldives	218 415 (313 010)	1 399 (1 981)	34 754 (55 283)	177 980 (254 083)	-	4 282 (1 663)
Oman	8 934 (11 661)	-	-	3 156 (6 127)	-	5 778 (5 534)
Pakistan	597 817 (821 318)	43 429 (89 937)	11 950 (17 527)	505 211 (704 230)	-	19 227 (9 624)
Philippines	2 773 855 (4 405 412)	577 304 (1 101 389)	961 141 (1 691 596)	969 876 (1 414 544)	2 833 (4 293)	262 701 (193 590)
Qatar	233 873 (366 108)	73 217 (138 979)	-	120 545 (184 922)	20 658 (24 302)	19 453 (17 905)
Republic of Korea	5 529 398 (8 881 818)	1 104 065 (2 117 027)	2 675 109 (4 601 681)	941 507 (1 475 027)	299 817 (321 805)	508 900 (366 278)
Saudi Arabia	4 301 789 (7 768 780)	2 892 932 (5 745 811)	311 621 (545 982)	676 431 (947 331)	34 706 (40 035)	386 099 (489 621)
Singapore	7 183 326 (12 194 535)	2 582 871 (5 023 396)	1 866 161 (3 423 747)	2 013 190 (2 900 078)	553 461 (677 291)	167 643 (170 023)
Sri Lanka	124 536 (169 660)	21 939 (35 877)	-	93 768 (130 331)	-	8 829 (3 452)
Syrian Arab Republic	43 054 (61 942)	-	-	38 568 (56 992)	-	4 486 (4 950)
Thailand	441 949 (649 704)	140 470 (244 478)	-	270 040 (380 100)	7 278 (10 204)	24 161 (14 922)
United Arab Emirates	230 982 (351 421)	72 845 (149 521)	17 059 (27 743)	107 217 (143 610)	-	33 861 (30 547)
Yemen	3 091 (1 850)	-	-	1 260 (1 850)	-	1 831 (-)

Yemen (Democratic)	13 609 (13 881)	1 886 (3 185)	-	3 207 (4 768)	-	8 516 (5 928)
Sub-total:	40 202 181 (65 216 228)	12 679 073 (24 010 060)	11 826 920 (20 661 816)	11 183 753 (16 138 882)	1 479 171 (1 708 539)	3 033 264 (2 696 931)
Developing countries of Europe						
Malta	425 563 (613 858)	6 973 (10 751)	140 746 (218 179)	265 674 (383 227)	-	12 170 (1 701)
Sub-total:	425 563 (613 858)	6 973 (10 751)	140 746 (218 179)	265 674 (383 227)	-	12 170 (1 701)
Developing countries and territories of Oceania						
Fiji	23 784 (25 688)	4 440 (6 749)	-	5 154 (5 960)	-	34 190 (12 979)
Kiribati	2 272 (1 846)	-	-	1 701 (1 484)	-	571 (362)
Nauru	61 755 (84 621)	-	36 976 (59 321)	19 704 (22 857)	-	5 075 (2 443)
Papua New Guinea	24 699 (27 390)	2 435 (3 242)	-	10 754 (14 928)	-	11 510 (9 220)
Solomon Islands	4 630 (3 658)	-	-	1 933 (2 227)	-	2 697 (1 431)
Tonga	17 405 (23 233)	-	-	13 503 (20 595)	-	3 902 (2 638)
Tuvalu	526 (250)	-	-	353 (250)	-	173 (-)
Vanuatu	3 035 (3 613)	-	-	2 905 (3 410)	-	130 (203)
Samoa	4 995 (5 962)	-	-	3 838 (5 536)	-	1 157 (426)
Sub-total:	143 101 (176 261)	6 875 (9 991)	36 976 (59 321)	59 845 (77 247)	-	39 405 (29 702)
Sub-total: developing countries and territories	59 983 406 (94 542 350)	18 774 341 (34 853 623)	15 808 032 (27 439 677)	18 184 763 (25 758 887)	1 491 712 (1 725 669)	5 724 558 (4 764 494)
Other unallocated	2 225 377 (3 362 980)	487 178 (874 523)	777 553 (1 370 286)	478 265 (709 050)	364 341 (371 719)	118 040 (37 402)

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EXCERPT FROM THE CONVENTION ON A CODE OF CONDUCT
FOR LINER CONFERENCES

Chapter II

RELATIONS AMONG MEMBER LINES

Article 1

MEMBERSHIP

1. Any national shipping line shall have the right to be a full member of a conference which serves the foreign trade of its country, subject to the criteria set out in article 1, paragraph 2. Shipping lines which are not national lines in any trade of a conference shall have the right to become full members of that conference, subject to the criteria set out in article 1, paragraphs 2 and 3, and to the provisions regarding the share of trade as set out in article 2 as regards third-country shipping lines.

2. A shipping line applying for membership of a conference shall furnish evidence of its ability and intention, which may include the use of chartered tonnage, provided the criteria of this paragraph are met, to operate a regular, adequate and efficient service on a long-term basis as defined in the conference agreement within the framework of the conference, shall undertake to abide by all the terms and conditions of the conference agreement, and shall deposit a financial guarantee to cover any outstanding financial obligation in the event of subsequent withdrawal, suspension or expulsion from membership, if so required under the conference agreement.

3. In considering an application for membership by a shipping line which is not a national line in any trade of the conference concerned, in addition to the provisions of article 1, paragraph 2, the following criteria, inter alia, should be taken into account:

- (a) The existing volume of the trade on the route or routes served by the conference and prospects for its growth;
- (b) The adequacy of shipping space for the existing and prospective volume of trade on the route or routes served by the conference;
- (c) The probable effect of admission of the shipping line to the conference on the efficiency and quality of the conference service;
- (d) The current participation of the shipping line in trade on the same route or routes outside the framework of a conference; and
- (e) The current participation of the shipping line on the same route or routes within the framework of another conference.

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The above criteria shall not be applied so as to subvert the implementation of the provisions relating to participation in trade set out in article 2.

4. An application for admission or readmission to membership shall be promptly decided upon and the decision communicated by a conference to an applicant promptly, and in no case later than six months from the date of application. When a shipping line is refused admission or readmission the conference shall, at the same time, give in writing the grounds for such refusal.
5. When considering applications for admission, a conference shall take into account the views put forward by shippers and shippers' organizations of the countries whose trade is carried by the conference, as well as the views of appropriate authorities if they so request.
6. In addition to the criteria for admission set out in article 1, paragraph 2, a shipping line applying for re-admission shall also give evidence of having fulfilled its obligations in accordance with article 4, paragraphs 1 and 4. The conference may give special scrutiny to the circumstances under which the line left the conference.

Article 2

PARTICIPATION IN TRADE

1. Any shipping line admitted to membership of a conference shall have sailing and loading rights in the trades covered by that conference.
2. When a conference operates a pool, all shipping lines members of the conference serving the trade covered by the pool shall have the right to participate in the pool for that trade.
3. For the purpose of determining the share of trade which member lines shall have the right to acquire, the national shipping lines of each country, irrespective of the number of lines, shall be regarded as a single group of shipping lines for that country.
4. When determining a share of trade within a pool of individual member lines and/or groups of national shipping lines in accordance with article 2, paragraph 2, the following principles regarding their right to participation in the trade carried by the conference shall be observed, unless otherwise mutually agreed:
 - (a) The group of national shipping lines of each of two countries the foreign trade between which is carried by the conference shall have equal rights to participate in the freight and volume of traffic generated by their mutual foreign trade and carried by the conference;

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(b) Third-country shipping lines, if any, shall have the right to acquire a significant part, such as 20 percent, in the freight and volume of traffic generated by that trade.

5. If, for any one of the countries whose trade is carried by a conference, there are no national shipping lines participating in the carriage of that trade, the share of the trade to which national shipping lines of that country would be entitled under article 2, paragraph 4 shall be distributed among the individual member lines participating in the trade in proportion to their respective share.
6. If the national shipping lines of one country decide not to carry their full share of the trade, that portion of their share of the trade which they do not carry shall be distributed among the individual member lines participating in the trade in proportion to their respective shares.
7. If the national shipping lines of the countries concerned do not participate in the trade between those countries covered by a conference, the shares of trade carried by the conference between those countries shall be allocated between the participating member lines of third countries by commercial negotiations between those lines.
8. The national shipping lines of a region, members of a conference, at one end of the trade covered by the conference, may redistribute among themselves by mutual agreement the shares in trades allocated to them, in accordance with article 2, paragraphs 4 to 7 inclusive.
9. Subject to the provisions of article 2, paragraphs 4 to 8 inclusive regarding shares of trade among individual shipping line or groups of shipping lines, pooling or trade-sharing agreements shall be reviewed by the conference periodically, at intervals to be stipulated in those agreements and in accordance with criteria to be specified in the conference agreement.
10. The application of the present article shall commence as soon as possible after entry into force of the present Convention and shall be completed within a transition period which in no case shall be longer than two years, taking into account the specific situation in each of the trades concerned.
11. Shipping lines members of a conference shall be entitled to operate chartered ships to fulfill their conference obligations.
12. The criteria for sharing and the revision of shares as set out in article 2, paragraphs 1 to 11 inclusive shall apply when, in the absence of a pool, there exists berthing, sailing and/or any other form of cargo allocation agreement.
13. Where no pooling, berthing, sailing or other trade participation agreements exist in a conference, either group of national shipping lines members of the conference, may require that pooling arrangements be introduced, in respect of the trade between their countries carried by the conference, in

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conformity with the provisions of article 2, paragraph 4; or alternatively they may require that the sailings be so adjusted as to provide an opportunity to these lines to enjoy substantially the same rights to participate in the trade between those two countries carried by the conference as they would have enjoyed under the provisions of article 2, paragraph 4. Any such request shall be considered and decided by the conference. If there is no agreement to institute such a pool or adjustment of sailings among the members of the conference, the groups of national shipping lines of the countries at both ends of the trade shall have a majority vote in deciding to establish such a pool or adjustment of sailings. The matter shall be decided upon within a period not exceeding six months from the receipt of the request.

14. In the event of a disagreement between the national shipping lines of the countries at either end whose trade is served by the conference with regard to whether or not pooling shall be introduced, they may require that within the conference sailings be so adjusted as to provide an opportunity to these lines to enjoy substantially the same rights to participate in the trade between those two countries carried by the conference as they would have enjoyed under the provisions of article 2, paragraph 4. In the event that there are no national shipping lines in one of the countries whose trade is served by the conference, the national shipping line or lines of the other country may make the same request. The conference shall use its best endeavors to meet this request. If, however, this request is not met, the appropriate authorities of the countries at both ends of the trade may take up the matter if they so wish and make their views known to the parties concerned for their consideration. If no agreement is reached, the dispute shall be dealt with in accordance with the procedures established in this Code.

15. Other shipping lines, members of a conference, may also request that pooling or sailing agreements be introduced, and the request shall be considered by the conference in accordance with the relevant provisions of this Code.

16. A conference shall provide for appropriate measures in any conference pooling agreement to cover cases where the cargo has been shut out by a member line for any reason excepting late presentation by the shipper. Such agreement shall provide that a vessel with unbooked space, capable of being used, be allowed to lift the cargo, even in excess of the pool share of the line in the trade, if otherwise the cargo would be shut out and delayed beyond a period set by the conference.

17. The provisions of article 2, paragraphs 1 to 16 inclusive concern all goods regardless of their origin, their destination or the use for which they are intended, with the exception of military equipment for national defence purposes.

Note: As of January 14, 1980 the Convention had not entered into force--see para. 1.28 of the main text.

ANNEX 8-- Signatures and ratification of, or accessions to, the Convention on a Code of Conduct for Liner Conferences.

The countries, arranged in chronological order of signing, are:

Ghana	24 June 1975	r.
Chile	25 June 1975	s
Pakistan	27 June 1975	s
Gambia	30 June 1975	s
Sri Lanka	30 June 1975	s
Venezuela	30 June 1975	s
Bangladesh	24 July 1975	a
Nigeria	10 September 1975	a
Benin	27 October 1975	a
United Republic of Tanzania	3 November 1975	a
Niger	13 January 1976	r
Philippines	2 March 1976	r
Guatemala	3 March 1976	r
Mexico	6 May 1976	a
United Republic of Cameroon	15 June 1976	a
Cuba	23 June 1976	a
Indonesia	11 January 1977	r
Ivory Coast	17 February 1977	r
Central African Republic	13 May 1977	a
Senegal	20 May 1977	r
Zaire	20 July 1977	a
Madagascar	23 December 1977	a
Togo	12 January 1978	r
Cape Verde	13 January 1978	a
India	14 February 1978	r
Kenya	27 February 1978	a
Mali	15 March 1978	a
Sudan	16 March 1978	a
Gabon	5 June 1978	r
Ethiopia	1 September 1978	r
Iraq	25 October 1978	a
Costa Rica	27 October 1978	r
Peru	21 November 1978	a
Egypt	25 January 1979	a
Tunisia	15 March 1979	a
Republic of Korea	11 May 1979	a
Czechoslovakia	2 June 1979	app
Honduras	4 June 1979	a
Union of Soviet Socialist Republics	28 June 1979	acc
German Democratic Republic	9 July 1979	r
Sierra Leone	9 July 1979	a
Uruguay	9 July 1979	a
Bulgaria	12 July 1979	a
Guyana	7 February 1980	a
Morocco	11 February 1980	a
Jordan	11 March 1980	a
Yugoslavia	7 July 1980	r
Guinea	19 August 1980	a
Mauritius	16 September 1980	a
China	23 September 1980	a
Barbados	29 October 1980	a
Romania	7 January 1982	a
Lebanon	30 April 1982	a
Jamaica	20 July 1982	a
Congo	26 July 1982	a
Malaysia	27 August 1982	a
Federal Republic of Germany†	6 April 1983	r
Netherlands‡	6 April 1983	r
Trinidad and Tobago	3 August 1983	a

ANNEX 9

List of international instruments included in the MOU (Memorandum of Understanding) report on Port State Control.

- 1- SOLAS 1948
- 2- SOLAS 1960
- 3- SOLAS 1974
- 4- Protocol 78 (SOLAS 74)
- 5- MARPOL 73/78
- 6- Load Line 1966
- 7- COLREG 1972
- 8- STCW 1978
- 9- ILO No 7
- 10- ILO No 53
- 11- ILO No 68
- 12- ILO No 73
- 13- ILO No 92
- 14- ILO No 134
- 15- ILO No 147
- 16- Bulk Chemical
- 17- Gas Carrier
- 18- Gas Carrier (Existing)

Article 91
Nationality of Ships

1. Every State shall fix the conditions for the grant of its nationality to ships, for the Registration of Ships in its territory, and for the right to fly its Flag. Ships have the nationality of the State whose Flag they are entitled to fly. There must exist a genuine link between the State and the ship.
2. Every State shall issue to ships which it has granted the right to fly its flag documents to that effect.

Article 92
Status of Ships

1. Ships shall sail under the Flag of one State only and, save in exceptional cases expressly provided for in International Treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.
2. A ship which sails under the Flags of two or more States, using them according to convenience, may not claim any of the nationalities in question in respect to any other State, and may be assimilated to a ship without nationality.

Article 93
Ships flying the Flag of the United Nations, its Specialized Agencies and the International Atomic Energy Agency

The preceding Articles do not prejudice the question of ships employed on the official service of the United Nations, its Specialized Agencies or the International Atomic Energy Agency, flying the Flag of the Organisation.

Article 94
Duties of the Flag State

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its Flag.
2. In particular every State shall:
 - (a) maintain a Register of Ships containing the names and particulars of ships flying its Flag, except those which are excluded from generally accepted International Regulations on account of their small size; and
 - (b) assume jurisdiction under its internal law over each ship flying its Flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.
3. Every State shall take such measures for ships flying its Flag as are necessary to ensure safety at sea with regard, inter alia to:
 - (a) the construction, equipment and seaworthiness of ships
 - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments
 - (c) the use of signals, the maintenance of communications and the prevention of collisions.
4. Such measures shall include those necessary to ensure:
 - (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical Publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship
 - (b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship.

- (c) that the master, officers and, to the extent appropriate, the crew are fully conversant with, and required to observe the applicable International Regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.
5. In taking the measures called for in Paragraphs 3 and 4 each State is required to conform to generally accepted International Regulations, procedures and practices and to take any steps which may be necessary to secure their observance.
 6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the Flag State. Upon receiving such a report, the Flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation.
 7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its Flag and causing loss of life or serious injury to nationals of another State or to the marine environment. The Flag State and the other State shall co-operate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation".

While the registration of a ship in a State becomes thus obligatory under the rule of International Law, the Rules and conditions subject to which a ship is registered in a State are governed by the National Shipping Merchant Law of that State. The relevant provisions are expected to be covered by the Merchant Shipping Act of the State (see Part III of the frame-work of the Act indicated earlier) and the Registration Rules promulgated under the Act. (A model of the Registration Rules is provided separately).

ANNEX 11

ILO conventions and recommendations in the field of maritime labour

GENERAL

Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 No 107

Social Conditions and Safety (Seafarers) Recommendation, 1958 No 108

Employment of Seafarers (Technical Developments) Recommendation, 1970
No 139

Continuity of Employment (Seafarers) Convention, 1976 No 145

Continuity of Employment (Seafarers) Recommendation, 1976 No 154

Merchant Shipping (Minimum Standards) Convention 1976 No 147

Merchant Shipping (Improvement of Standards) Recommendation, 1976
No 155

TRAINING AND ENTRY INTO EMPLOYMENT

Placing of Seamen Convention, 1920 No 9

Seamen's Articles of Agreement Convention, 1926 No 22

Seafarers' Identity Documents Convention, 1958 No 108

Vocational Training (Seafarers) Recommendation, 1970 No 137

CONDITIONS FOR ADMISSION TO EMPLOYMENT

Minimum Age (Sea) Convention, 1920 No 7

Minimum Age (Trimmers and Stokers) Convention, 1921 No 15

Minimum Age (Sea) Convention (Revised), 1936 No 58

Medical Examination of Young Persons (Sea) Convention, 1921 No 16

Medical Examination (Seafarers) Convention, 1946 No 73

CERTIFICATES OF COMPETENCY

Officers' Competency Certificates Convention, 1936 No 53

Certification of Ships' Cooks Convention, 1946 No 69

Certification of Able Seamen Convention, 1946 No 74

GENERAL CONDITIONS OF EMPLOYMENT

Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958
No 109

Wages, Hours of Work and Manning (Sea) Recommendation, 1958 No 109

Paid Vacations (Seafarers) Convention (Revised), 1949 No 91

Repatriation of Seamen Convention, 1926 No 23

Repatriation (Ship Masters and Apprentices) Recommendation, 1926
No 27

Seafarers' Annual Leave with Pay Convention, 1976 No 146

Protection of Young Seafarers Recommendation, 1976 No 153.

SAFETY, HEALTH AND WELFARE

Food and Catering (Ships' Crews) Convention, 1946 No 68

Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews)
Recommendation, 1946 No 78

Accommodation of Crews Convention (Revised) 1949 No 92

Accommodation of Crews (Supplementary Provisions) Convention, 1970
No 133

Crew Accommodation (Air-Conditioning) Recommendation, 1970 No 140

Crew Accommodation (Noise Control) Recommendation, 1970 No 141

Ships' Medicine Chests Recommendation, 1958 No 105

Medical Advice at Sea Recommendation, 1958 No 106

Prevention of Accidents (Seafarers) Convention, 1970 No 134

Prevention of Accidents (Seafarers) Recommendation, 1970 No 142

Seamen' Welfare in Ports Recommendation, 1936 No 48

Seafarers' Welfare Recommendation, 1970 No 138

LABOUR INSPECTION

Labour Inspection (Seamen) Recommendation, 1926 No 28

SOCIAL SECURITY

Unemployment Indemnity (Shipwreck) Convention, 1920 No 8

Unemployment Insurance (Seamen) Recommendation, 1920 No 10

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936
No 55

Sickness Insurance (Sea) Convention, 1936 No 56

Social Security (Seafarers) Convention, 1946 No 70

Seafarers' Social Security (Agreements) Recommendation, 1946 No 75

Seafarers' (Medical Care for Dependants) Recommendation, 1946 No 76

Seafarers' Pensions Convention, 1946 No 71

INTERNATIONAL LABOUR STANDARDS APPLYING TO ALL WORKERS INCLUDING SEAFARERS

Freedom of Association and Protection of the Right to Organize Con-
vention, 1948 No 87

Right to Organize and Collective Bargaining Convention, 1949 No 98

Medical Care and Sickness Benefits Convention, 1969 No 130

Minimum Age Convention, 1973 No 138

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