Problems connected with the establishment and development of merchant marine in Senegal

El Hadji Tobe

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THE PROBLEMS CONNECTED WITH THE ESTABLISHMENT
AND DEVELOPMENT OF A MERCHANT MARINE IN SENEGAL
IN THE LIGHT OF THE NEW INTERNATIONAL MARITIME ORDER

by

El Hadji Tobe

Senegal

November 1985

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

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

Signature: [Signature]

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CIF  Cost, insurance, freight
COSEC  Conseil Sénégalais des Chargeurs
COSENA  Compagnie Sénégalaise de Navigation
COSENAM  Compagnie Sénégalaise de Navigation Maritime
DMF  Droit Maritime Français
DMM  Direction de la Marine Marchande
DWT  Deadweight tons
ECOWAS  Economic Community of West African States
FOB  Free on board
GT  Gross tonnage
GRT  Gross register tonnage
IDREM  Institut de Documentation de Recherches et d’Etudes Maritimes
IMCO  Inter-Governmental Maritime Consultative Organization
IMO  International Maritime Organization
JMM  Journal de la Marine Marchande
LDC  Less developed countries
MINICONMAR  Ministerial Conference of West and Central African States on Maritime Transport
NIMO  New International Maritime Order
OCAM  Organisation Commune Africaine et Mauricienne (but from 1965 up to 1974 – Organisation Commune Africaine et Malgache)
OMVS  Organisation pour la Mise en Valeur du Fleuve Sénégal
PAD  Port Autonome de Dakar
Ro-Ro  Roll-on/roll-off
SENAM  Société Sénégalaise de Navigation Maritime
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INTRODUCTION

A GENERAL CONSIDERATIONS

There is a self-evident truth to assert that for coastal states, maritime transport constitutes the lung of their economy.

The importance of sea transport is shown by the fact that about 95% of all goods worldwide are carried by ships. Besides, it is one of the oldest means for the carriage of international trade in the world.

A great part of the recognition of the utilization of the sea for the external trade of a country is justified by the fact that this means of carrying goods offers conditions clearly more advantageous than those offered by other kinds of transport. For instance, among all the rates offered in the field of international transport, those applying to maritime freight are the most favourable. That is why ocean shipping played a critical and essential role in the world economy and world trade, and this importance is still preserved. Powerful maritime nations, since they earlier understood the contribution of maritime services to national development, tried very hard to monopolize them for their own benefit.

At the present time, shipping ownership is concentrated, to a great degree, in the hands of the developed countries who in 1981 owned 79.7 percent of total deadweight tonnage, while the developing countries' tonnage was only 12.5 percent. The result of this situation is a marginal participation of the developing countries in the world seaborne trade which, however, is vital for their economic and social development. Although they are the main countries which generate the

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1 See Table 1, p. 15: Distribution of world DWT by groups of countries of registration, 1970, 1981 and 1982.
freight, these countries paid inadequate attention to matters related to the shipping industry. Therefore they have been greatly and dangerously dependent for their maritime services on those provided by the powerful maritime nations.

International shipping continues to be characterized by dominance and dependence in the sense that nowadays some leading economic powers (USA, Japan and some Western European countries) control international shipping by different strategies, i.e. registration under flags of convenience, national cargo-oriented policy, subsidy schemes, etc.

The main consequence of the previously mentioned facts is that today the Third World, almost as a whole, has neither an industrial nor a maritime background. This deficiency doubtless seriously handicaps the establishment and/or expansion of any maritime industry in Southern countries.

Besides, traditional maritime nations deny the right of the Third World countries to master their own sea traffic. Additionally, developing countries are suffering from the abuses of the liner conferences which regularly increase freight rates in a discriminatory way. The Third World continues to bear the weight of Western shipowners who alone decide freight rate levels.²

There is no doubt that this practice of developed countries has obstructed the legitimate demand of the Third World for a real independence, not only politically, but also economically.

² See Table 2, p. 16: Estimate of total freight costs in world trade in 1971, 1980 and 1981.
Because of the numerous negative effects of such a situation, which accentuates the worsening of the international exchange terms to the detriment of developing countries, those nations decided to react. In union, these countries which for a long time were not organized in a close and coherent body, joined in a cooperative effort to oppose the injustice done to them. Gathered together in the so-called Group of 77, they took positive action to obtain the reform of the sector of international transport by sea, which would allow them to take their rightful place in this vital area which has always been an impenetrable citadel of the industrialized countries.

Representatives of the Third World met in Algiers in October 1967 in a preparatory conference at ministerial level to coordinate a united front for UNCTAD II. In the field of shipping, the Charter of Algiers asserted the need to stop the increase of freight rates and demanded that provisions be made for promotional rates and that discriminatory practices be abolished and carriers from LDCs be accepted as full and equal members in conferences.

It is worth emphasizing the fact that the reform claimed by the Third World is inspired by the general movement against the traditional law of the sea, a movement which has also been initiated and led by under-developed countries.

In fact, this contestation perfectly renders the wish of those countries for the materialization of "North-South dialogue", the objective of which, from the point of view of the South, would essentially consist of, on the one hand, modifying the fundamental rules that until now regulated the international relations and on the other hand, of elaborating new instruments for more tight and fair international co-operation between the members of the international community. Prompted by their shipping ambitions, the
Southern countries maintain the opinion that the revision of the law of the sea is one of the elements of the process of building a new world economic order in which relations between developing and developed countries will be fairer.

In saying so, the Third World raised the question of the New International Maritime Order (NIMO), which is the prerequisite of the New International Economic Order (NIEO).

What is the meaning of the concept of NIMO?
To Mr. Lamine Fadika, "The New International Maritime Order is first of all the total complex of the legitimate claims and main objectives of the developing countries in the direction of 'improved existence' and 'extended existence' in the maritime sphere. It is also a catalogue of concrete, just and effective measures and actions which will enable the under-developed countries to restructure the essential conditions of their sea traffic on a basis of equilibrium in order to consolidate their economic independence..." 3

In other words, the NIMO means the rupture with the unfavourable maritime situation to developing countries which has prevailed until now; it is the possibility given to those countries to either create or develop their own merchant marines in order to secure for them an increasing and fair participation in the world maritime tonnage.

"The new order has one fundamental aim, namely to ensure that each country may master its own sea traffic, and this involves three essential sub-aims:

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

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

3 freedom for each country to improve sea traffic in its own national territory in a reasonable manner and on a just basis.4

As far as liner shipping is concerned, the above-mentioned aim of the NIMO will be achieved through the Code of Conduct of Liner Conferences which was adopted at Geneva in 1974 and came into force on 6 October 1983.

With the passing of the years, the concept of NIMO, under the pressure of the newly independent nations, has been very much developed and its objectives, thus, have been widened.

Indeed, because of the lack of adequate investment capital needed for building and/or buying vessels abroad, the Third World likens the NIMO with the possibilities for:

- having access to credits and commercial bank loans and/or financing houses located in the developed countries, for vessel purchase; and

- having assistance from developed countries that will enable them to obtain ports which meet the requirements of the conditions in shipping.

4 L. Fadika, Ibid p.46
Furthermore, developing countries, as shippers’ nations struggling to develop their fleets, are interested in the modification of the regulations for the carriage of goods by sea. They argue that the existing international maritime laws were adopted in an earlier economic and historical phase of society and essentially reflect attitudes of maritime nations and shipowners. For this reason they denounce the Hague Rules 1924, as modified by its Protocol of Visby 1968, which they consider very protective of the maritime carrier.  

Under their pressure, the international community convened a Conference in Hamburg in 1978 and adopted a new maritime transport convention. This Convention, called the "Hamburg Rules", strengthens the protection of the shippers in the sense that it gives heavy responsibilities to the shipowners. Unfortunately, because of opposition from the maritime nations, the "Hamburg Rules" are not yet in force. Nevertheless, the present condition of the shipper, compared with the previous situation, slightly improved.

To the writer, the last vital matters, the solution of which must be seen as an important step towards the New International Maritime Order (NIMO), are related to human resources. It goes without saying that the gap between the North and the South has been worsened by the scarcity of well-trained and qualified maritime personnel. Aware of such a situation, the Southern countries asked for assistance from the maritime nations to give the former the opportunity to train and educate the required skilled manpower, maritime experts who will efficiently run their infant maritime administrations, man their fleets in accordance with the

---

requirements of maritime safety and effectively manage their ports and shipping companies.

As far as personnel training is concerned, one should acknowledge the remarkable efforts of the International Maritime Organization (IMO) during these recent years in order to help the Less Developed Countries (LDCs) to get qualified maritime experts to fill an immediate need. To do so, IMO reached two major, historical achievements in the field of maritime education and training, namely: the ratification of the 1978 STCW IMO Convention and the establishment of the World Maritime University (WMU) in 1983.

The work of IMO in favour of LDCs is summarized by Professor Vanchiswar, as follows:

"In order to enable developing maritime countries to overcome the aforesaid problems and to attain the required standards which now generally prevail in world shipping, IMO has for many years operated a Technical Assistance Programme which now forms a major part of the Organization’s activities. IMO has developed a wide network of technical co-operation and is assisting developing countries in a number of ways.

The main areas of technical assistance provided by IMO hitherto could be broadly categorized as follows:

- maritime safety matters
- maritime safety administration
- maritime legislation
- maritime training
- safety of navigation
- ports and harbours technical administration and operations
- marine pollution matters
- facilitation of maritime traffic
- effective implementation of IMO Conventions."
Further, IMO has also appreciated the fact that the developing countries have a special need for advanced training for their own nationals in order to take on the various expert maritime tasks themselves and reduce, and eventually their dependence on foreign experts; hence the creation of "The World Maritime University".  

As concluding remarks on the attempt to build a NIMO, I have to stress the fact that some considerable attainments have been reached, and the movement in favour of a new fairer order grows stronger every day, even in the maritime nations. However, the Third World must not rest on its laurels. On the contrary, LDCs have to remain more vigilant because even if the NIMO becomes a reality, the powerful maritime countries can, at any time, disrupt it and impose their laws on the Southern weaker nations.

The Third World is really aware of the fact that if no change in the actual international division of labour is achieved (the existing situation being very disadvantageous to it), it will be perpetuated in its peripheral situation. Consequently, it is no wonder that the hope of a coming New International Maritime Order has encouraged a great number of coastal developing countries towards the establishment or the expansion of national merchant marines which will enable them to participate significantly in ocean transportation. In this respect, it is encouraging to notice that in spite of the strong opposition of developed nations, this participation becomes more effective and more important.

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6 See lecture of Professor P.S. Vanchiswar on "Establishment/Administration of Maritime Affairs in Developing Countries", Volume I, p.141, in the World Maritime University, Malmö, Sweden, 1984.
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6 See lecture of Professor P.S. Vanchiswar on "Establishment/Administration of Maritime Affairs in Developing Countries", Volume I, p.141, in the World Maritime University, Malmö, Sweden, 1984.
In the above statements, the writer has tried to point out firstly how LDCs are becoming progressively but unwaveringly interested in shipping matters, and secondly their legitimate struggle for a "sharing of the sea", a "sea of development and peace for all", a sea that will actually come under the rule of law and equality and will be a witness of fraternity among all the people of the world, and finally, how this development was dreaded by states which would have preferred maintaining the status quo and the "free play of the market forces", that is to say the "laisser-faire" principle.

In the following statements, the writer would like to emphasize some of the main elements that might justify the establishment of a shipping industry in a developing country. Shipping may have economic and social implications on the development of the investing country. Besides, it can pursue political and strategic objectives.

a) Impact on the economic sector

Because of the relative price elasticities of demand and supply in their export and import trades, LDCs are supposed to bear the burden of the costs of the carriage of their trades. Such a situation leads to reduced incomes and also to increased prices in the domestic markets.

Investing in shipping might give LDCs the possibility of reversing these negative effects in the sense that it is generally accepted that shipping development will tend to promote the export trade of the investing

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7 See L. Fadika, op.cit., p.45.
8 See: Lecture on "The establishment of a national shipping industry in a developing country", p.54-55, Dr. A.A. Monsef, WMU, 1984.

country, thus increasing its currency earnings. On the other hand, the participation of a national line in a shipping conference can influence the level of the freight rate a great deal, which will lead to a reduction of the freight costs in terms of foreign currencies. Furthermore, in order to be successful, a wide range of services and supporting activities are needed. Shipping development can substantially contribute to the diversification of the economies of the countries concerned. Its virtual impact on other economic sectors includes ship construction and ship repair, ship classification, ships' supplies and equipment, marine insurance, training facilities for sea-going personnel and shore-based personnel, telecommunications, etc.

b) Social impact

Shipping development and the connected auxiliary industries may constitute employment opportunities, thus helping to partly absorb the unemployment that tends to become chronic in LDCs and constitutes one of the main challenges these countries must take up today. Maritime experience can be gained from shipping activities that will, in the long run, facilitate the training of maritime personnel.

c) Political and strategic reasons, such as prestige and defence purposes. Developing countries have relied exclusively on foreign-flag shipping for the handling of their deep-sea export and import trade. By owning their national flag fleets, LDCs can lessen if not remove this danger of economic dependence on foreign shipping services which is real, specially at times of wars or world crises.

It is also worth noting that if LDCs control a substantial tonnage of the world transport services, this will give them stronger bargaining power in liner conferences.
Besides the above impacts of shipping on the development of a country, there is another important factor that might encourage LDCs towards investing in shipping, mainly in shipping liners, that is to say the actual division of labour in shipping. Indeed, since some few years, the centre of gravity of world shipping is gradually moving towards the Third World. This tendency must be seen as a great chance for the building of a shipping industry in the Southern nations.

To conclude this paragraph A, the writer observes that the will of the Third World to master its own sea traffic is now manifest. In this respect, one has to notice that a lot of efforts towards the establishment of national merchant marines have been made in LDCs. Better, the developing country fleets recorded a remarkable increase between 1980 and the middle of 1981 of 13 million DWT.9

To illustrate strongly how LDCs are making vigorous attempts to promote their fleets, the writer would like to take Senegal’s maritime policy as a case of study. However before talking widely about the aspect of ocean transport in Senegal and the course followed, or viewed to be followed, an attempt will be made in paragraph B to outline the history of the main stages of the establishment of a Merchant Marine in Senegal.

B HISTORY OF THE MAIN STAGES OF THE ESTABLISHMENT OF A MERCHANT MARINE IN SENEGAL

1 The situation before Independence

It seems that maritime transport began to be developed in Senegal in 1819, at which date the first bureau of maritime registration was established in Saint Louis. Later a similar one was established in Gorée.

In 1858 the first work on the creation of the port of Dakar started, while the first jetty was achieved in 1864.  

In 1950, a Directorate of Merchant Marine of French West Africa, which covered the maritime districts of the different territories within the Federation, was created in Dakar. By December 1959 this Direction had vanished and then the Directorate of Dakar became autonomous. Three minor ports were also created in Saint Louis, Koalack and Ziguinchor.

2 The situation after Independence

As soon as Senegal became Independent, firstly within the Federation of Mali, and then alone after the break-up of this Federation, Senegal became one of the first African countries to show concern about the establishment of its own merchant marine.

In 1962, the Marine Directorate of Senegal, which headed the maritime district of Dakar and the division of minor ports, was organized. After 1964 two important and outstanding events occurred in the Senegalese maritime policy:

- the creation of a shipping company called "Compagnie Sénégalaise de Navigation" (COSENA), publicly owned, and

- the transformation of the Senegalese local private societies that in future flew the national flag. Among these societies, one can name the "Messageries du Sénégal, "l'Union des Remorqueurs de Dakar", "Petromer-Sénégal", etc.  

10 See E. Tobe, op.cit. p.113.

11 See Table 3, p.17: Ships registered in Senegal. Source: PAD
To support the expansion of this infant fleet, both administrative and legal reception facilities were established. That is why before, and/or in a parallel direction to the creation of this national flag fleet, some tests have been issued.

Since 22 March 1962 a Maritime Code was promulgated. This Code defines the competency area and the organization of the Maritime Administration and regulates the duties and the rights of the shipowners and the seamen. It also fixes the general provisions of the sea-borne trade.

Many decrees have been adopted later in order to precisely define the status of the ship and the seafarer. (Refer Part I, Chapter 1, p.20)

Furthermore, Senegal ratified and also implemented some international conventions,¹² in particular those affecting the safety of navigation or the legal status of ships.

Some privileged agreements have been concluded mainly with France, in the field of welfare of seamen.

The adoption in Senegal of the UNCTAD Code of Conduct for Liner Conferences has led to the creation of other shipping companies (SENAM - Société Sénégalaise de Navigation Maritime, 1976; EXPRESS-Navigation in 1977; COSENAM - Compagnie Sénégalaise de Navigation Maritime - in 1979; and more recently, la Société des "Salins du Sine-Saloum"; la SOMARSEN - la Société Maritime Sénégalaise; la SIIMAR; la SOMICOA Shipping Liner..."

The adoption of the UNCTAD Code has also led to the emergence of a protectionist maritime policy based on:

¹² For more details, see Part I, p. 21.
- reservation of traffic and flag discrimination;
- build-up of an efficient national fleet;
- creation of a shippers' council (1975); and
- bilateral agreements on cargo sharing according to the 40/40/20 principle.

This is, briefly, the history of the maritime policy in Senegal.

Following these general considerations, the writer would like, in the following pages, to deal with:

- the current situation of the Senegalese Merchant Marine (Part I);
- the analysis of the obstacles that cause difficulties to the development of a real shipping industry in Senegal (Part II);
- the suitable strategy for setting up a national shipping industry with regard to the New International Maritime Order (NIMO) (Part III);
- general conclusions.
<table>
<thead>
<tr>
<th>Flags of registration in groups of countries</th>
<th>Tonnage and shares (in parenthesis)</th>
<th>Increase in tonnage (million dwt)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>In grt (million)</td>
<td>In dwt (million)</td>
</tr>
<tr>
<td>1. World total</td>
<td>217.9 (100.0)</td>
<td>415.2 (100.0)</td>
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<tr>
<td></td>
<td>688.8 (100.0)</td>
<td>693.5 (100.0)</td>
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<td>2. Developed market-economy countries</td>
<td>141.8 (65.1)</td>
<td>213.0 (51.3)</td>
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<td>352.4 (51.1)</td>
<td>344.9 (49.7)</td>
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<td>3. Open-registry countries</td>
<td>40.9 (18.8)</td>
<td>105.1 (25.3)</td>
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<td>197.1 (28.6)</td>
<td>198.7 (28.7)</td>
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<td>4. Total 2  3</td>
<td>182.0 318.1</td>
<td>315.5 282.2</td>
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<td>5. Socialist countries of Eastern Europe and Asia</td>
<td>19.5 (8.9)</td>
<td>40.4 (9.7)</td>
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<td></td>
<td>52.0 (7.5)</td>
<td>50.7 (7.4)</td>
</tr>
<tr>
<td>Of which:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>in Eastern Europe</td>
<td>18.6 (8.5)</td>
<td>32.2 (7.8)</td>
</tr>
<tr>
<td></td>
<td>38.4 (6.2)</td>
<td>39.0 (5.6)</td>
</tr>
<tr>
<td>in Asia</td>
<td>0.9 (0.4)</td>
<td>8.2 (1.9)</td>
</tr>
<tr>
<td></td>
<td>12.3 (0.4)</td>
<td>13.0 (1.8)</td>
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<tr>
<td>6. Developing countries</td>
<td>14.5 (6.7)</td>
<td>54.8 (13.2)</td>
</tr>
<tr>
<td></td>
<td>85.9 (12.5)</td>
<td>94.5 (13.6)</td>
</tr>
<tr>
<td>Of which:</td>
<td></td>
<td></td>
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<tr>
<td>in Africa</td>
<td>0.8 (0.5)</td>
<td>5.0 (0.5)</td>
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<tr>
<td></td>
<td>7.2 (0.5)</td>
<td>7.3 (0.5)</td>
</tr>
<tr>
<td>in America</td>
<td>6.4 (3.6)</td>
<td>13.2 (3.6)</td>
</tr>
<tr>
<td></td>
<td>19.7 (3.6)</td>
<td>21.2 (3.6)</td>
</tr>
<tr>
<td>in Asia</td>
<td>7.3 (3.6)</td>
<td>36.3 (3.6)</td>
</tr>
<tr>
<td></td>
<td>58.5 (3.6)</td>
<td>65.2 (3.6)</td>
</tr>
<tr>
<td>in Europe</td>
<td>- 0.2</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>0.6</td>
<td>-</td>
</tr>
<tr>
<td>in Oceania</td>
<td>- 0.1</td>
<td>0.1</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7. Other - unallocated</td>
<td>1.2 (0.5)</td>
<td>1.9 (0.5)</td>
</tr>
<tr>
<td></td>
<td>2.7 (0.5)</td>
<td>3.4 (0.5)</td>
</tr>
</tbody>
</table>

## Table 2
Estimate of total freight costs in world trade in 1971, 1980 and 1981

<table>
<thead>
<tr>
<th>Year</th>
<th>Country group</th>
<th>Estimate of total freight costs on imports (in $US million)</th>
<th>Value of imports (c.i.f.) (in $US million)</th>
<th>Freight costs as percentage of value of imports</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>1. World total</td>
<td>25,211</td>
<td>324,911</td>
<td>7.76</td>
</tr>
<tr>
<td></td>
<td>2. Developed market-economy countries</td>
<td>19,331</td>
<td>267,354</td>
<td>7.23</td>
</tr>
<tr>
<td></td>
<td>3. Developing countries' total</td>
<td>5,880</td>
<td>57,557</td>
<td>10.22</td>
</tr>
<tr>
<td></td>
<td>Of which:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>in Africa</td>
<td>1,333</td>
<td>12,131</td>
<td>10.99</td>
</tr>
<tr>
<td></td>
<td>in America</td>
<td>2,065</td>
<td>19,279</td>
<td>10.71</td>
</tr>
<tr>
<td></td>
<td>in Asia</td>
<td>2,358</td>
<td>25,100</td>
<td>9.39</td>
</tr>
<tr>
<td></td>
<td>in Europe</td>
<td>16</td>
<td>157</td>
<td>10.19</td>
</tr>
<tr>
<td></td>
<td>in Oceania</td>
<td>108</td>
<td>890</td>
<td>12.13</td>
</tr>
<tr>
<td>1980</td>
<td>1. World total</td>
<td>123,264</td>
<td>1,856,834</td>
<td>6.64</td>
</tr>
<tr>
<td></td>
<td>2. Developed market-economy countries</td>
<td>79,514</td>
<td>1,441,080</td>
<td>5.52</td>
</tr>
<tr>
<td></td>
<td>3. Developing countries' total</td>
<td>43,750</td>
<td>415,754</td>
<td>10.52</td>
</tr>
<tr>
<td></td>
<td>Of which:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>in Africa</td>
<td>10,432</td>
<td>77,757</td>
<td>13.42</td>
</tr>
<tr>
<td></td>
<td>in America</td>
<td>10,929</td>
<td>123,495</td>
<td>8.85</td>
</tr>
<tr>
<td></td>
<td>in Asia</td>
<td>21,979</td>
<td>211,089</td>
<td>10.41</td>
</tr>
<tr>
<td></td>
<td>in Europe</td>
<td>92</td>
<td>936</td>
<td>9.83</td>
</tr>
<tr>
<td></td>
<td>in Oceania</td>
<td>318</td>
<td>2,477</td>
<td>12.84</td>
</tr>
<tr>
<td>1981</td>
<td>1. World total</td>
<td>120,137</td>
<td>1,831,207</td>
<td>6.56</td>
</tr>
<tr>
<td></td>
<td>2. Developed market-economy countries</td>
<td>73,606</td>
<td>1,370,190</td>
<td>5.37</td>
</tr>
<tr>
<td></td>
<td>3. Developing countries' total</td>
<td>46,531</td>
<td>461,017</td>
<td>10.09</td>
</tr>
<tr>
<td></td>
<td>Of which:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>in Africa</td>
<td>9,873</td>
<td>91,423</td>
<td>10.80</td>
</tr>
<tr>
<td></td>
<td>in America</td>
<td>11,383</td>
<td>129,319</td>
<td>8.80</td>
</tr>
<tr>
<td></td>
<td>in Asia</td>
<td>25,102</td>
<td>236,805</td>
<td>10.60</td>
</tr>
<tr>
<td></td>
<td>in Europe</td>
<td>86</td>
<td>873</td>
<td>9.85</td>
</tr>
<tr>
<td></td>
<td>in Oceania</td>
<td>334</td>
<td>2,597</td>
<td>12.86</td>
</tr>
</tbody>
</table>

**Note:** The estimate for the world is not complete since data for countries that are not members of IMF are not included.

**Source:** UNCTAD, Review of Maritime Transport, 1982. TD/B/C.4/258, Table 23, p.39
### SHIPS REGISTERED IN SENEGAL

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of ships</td>
<td>Tonnage (GRT)</td>
<td>Number of ships</td>
<td>Tonnage (GRT)</td>
<td>Number of ships</td>
<td>Tonnage (GRT)</td>
<td>Number of ships</td>
<td>Tonnage (GRT)</td>
</tr>
<tr>
<td>Deep sea ships</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cabotage international</td>
<td>6</td>
<td>6,021 t</td>
<td>5</td>
<td>4,133 t</td>
<td>4</td>
<td>2,817 t</td>
<td>4</td>
<td>2,817 t</td>
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<tr>
<td>Coastal traffic</td>
<td>9</td>
<td>690 t</td>
<td>9</td>
<td>706 t</td>
<td>8</td>
<td>636 t</td>
<td>7</td>
<td>535 t</td>
</tr>
<tr>
<td>Fishing</td>
<td>21</td>
<td>1,064 t</td>
<td>19</td>
<td>323 t</td>
<td>25</td>
<td>448 t</td>
<td>32</td>
<td>573 t</td>
</tr>
<tr>
<td>Harbour ships</td>
<td>31</td>
<td>4,193 t</td>
<td>29</td>
<td>3,720 t</td>
<td>21</td>
<td>1,688 t</td>
<td>21</td>
<td>1,688 t</td>
</tr>
<tr>
<td>Tugs</td>
<td>12</td>
<td>1,119 t</td>
<td>10</td>
<td>1,003 t</td>
<td>6</td>
<td>829 t</td>
<td>7</td>
<td>1,164 t</td>
</tr>
<tr>
<td>Pleasure</td>
<td>55</td>
<td>151 t</td>
<td>60</td>
<td>160 t</td>
<td>44</td>
<td>119 t</td>
<td>51</td>
<td>138 t</td>
</tr>
<tr>
<td>Others</td>
<td>18</td>
<td>132 t</td>
<td>22</td>
<td>143 t</td>
<td>15</td>
<td>103 t</td>
<td>14</td>
<td>97 t</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>152</td>
<td>13,370 t</td>
<td>154</td>
<td>10,188 t</td>
<td>123</td>
<td>6,640 t</td>
<td>136</td>
<td>7,012 t</td>
</tr>
</tbody>
</table>
PART ONE
THE CURRENT SITUATION OF THE SENEGALESE MERCHANT MARINE

The aim of this first part is to show how the Senegalese shipping activities are at the present time. The main characteristics of these activities, as in most developing countries, may be summed up as follows:

- weakness of such maritime activities;
- lack of an efficient and suitable Maritime Administration and of adequate maritime legislation;
- shortage of highly qualified sea-going personnel as well as manager;
- dependence on foreign experts and on foreign fleets, etc.

However, earlier Senegal believed that it was indispensable for the country to acquire the means of an independent and realistic maritime policy that would be in accordance with its own interests, so the country tried to build up a national maritime industry, step by step. I will analyse the components of this industry as follows:

- from the legal point of view (Chapter 1);
- from the structural and organizational point of view (Chapter 2), and
- from the economic point of view (Chapter 3)

Chapter 1 - FROM THE LEGAL POINT OF VIEW

The Senegalese lawmaker, conscious of the fact that the success in economic and social development of the newly-independent nations depends largely on the efficiency of their shipping industry, legislated in the field of ocean transportation with the aim of, on the one hand,
helping Senegal to break the foreign hold on the national transport system, and on the other hand to control the shipping sector which is vital for Senegalese growth.

The action of the legislator consisted (A) in drafting a basic national shipping law, and (b) in implementing the requirements of the international maritime safety conventions.

(A) The national Merchant Shipping Law

1 The Merchant Maritime Code

On 22 March 1962, the first Maritime Code of Senegal was promulgated. It defines and/or regulates, among other things:

- the mission and the organization of the Maritime Administration;
- the status of shipowners and seafarers;
- the penal and disciplinary regime of seafarers;
- the territorial sea;
- the different zones of navigation;
- the status of ships;
- ship registration, securities and liens;
- legal aspects of navigation and safety at sea;
- the general provisions related to the carriage of goods and passengers at sea, etc.

Later, some decrees have been issued in order to precisely define the status of ships and seafarers, the limits of territorial waters and rivers in Senegal, the terms and conditions of tonnage of ships, the certificates

1 Law 62-32, 22 March 1962
of safety and the terms and conditions of surveys and inspections of ships, etc. The relevant decrees are the following:

- Decrees of 21 September 1962, Nos. 62.395 to 62.402;
- Decree of 31 July 1963, No. 63.546;
- Decrees of 30 June 1965, Nos. 65.456 to 65.462;
- Decree of 20 October 1966, No. 66.792;
- Decree of 30 November 1966, No. 66.956.

This basic legislation was widely inspired by the French Merchant Marine Law. However, while the latter has been changed many times to conform to the changes occurring in international maritime transportation law and practices, the former did not follow this evolution. As a consequence, much national legislation became out-dated and, therefore, inefficient. Only one minor modification has been incorporated in 1973 concerning Article 15 of the Code. This reform essentially lessened the possibilities for foreigners to have the right to fly the Senegalese flag.

**ii Other Rules and Regulations**

(a) On 19 May 1965, a law, the objective of which is to regulate the ports and harbours policy, was issued.\(^2\)

(b) Decrees related to the auxiliary professions of sea transport. The relevant texts are the following:

Decree 66.454 - 29 December 1966 - regulating the operations of loading/unloading, cargo handling and cargo movement within the ports and harbours;

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\(^2\) Loi 65-32, 19 May 1985, relative à la Police des Ports maritimes.
- 21 -

- Decree 68.714 - 21 June 1968 - regulating the conditions for the approval of the enterprises working totally or partly in the ports;

(c) Regulations in connection with the UNCTAD Code of Conduct for Liner Conferences:

- Law 75.51, 3 April 1975, on the creation of COSEC (Senegalese Shippers' Council);

- Decree 78.179 - 2 March 1978 - related to the regulation of the maritime traffic in Senegal. This Decree defines, among other things, how the cargo sharing, as a requirement of the Code of Conduct, will be carried out in Senegal under the control of COSEC;

- in 1978 Senegal also issued a Decree that penalizes ("port surtaxes") the lines applying "excessive freight rate increases".

(B) The implementation of the requirements of the international maritime safety conventions and other international conventions

1 Ratification and accession

- Convention of the International Maritime Organization, 1946;


- International Convention for the Prevention of Pollution of the Sea by Oil, 1954;

- SOLAS 1960;

- International Convention on Civil Liability for Oil Pollution Damage, 1969;

- International Convention relating to Intervention on the High Seas in the case of Oil Pollution Casualties, 1969;
Senegal undertook to establish an administrative machinery, capable of advising the Government on the adoption and the implementation of the national legislation and other regulations required for developing and operating the national maritime programme and on the other hand in compliance with the international conventions. The following chapter will be concerned with the structural and organizational aspects of the Senegalese Merchant Marine.

Chapter 2 - STRUCTURAL AND ORGANIZATIONAL ASPECTS

The Directorate of the Merchant Marine, the Senegalese Shippers' Council, the shipping companies, the maritime transport auxiliaries, and the training institute are the main pillars of the maritime transport sector in Senegal. Matters relating to shipping companies will be dealt with in a separate chapter.

(A) The Maritime Administration and the Maritime Safety Administration

In fact, there is only one body to which all the matters connected with the maritime machinery are allotted, which is the Merchant Marine Directorate (MMD).
Organization

The Ministry responsible for maritime matters in Senegal is the Ministry of Equipment, which has a General Directorate of Transport (GDT). This GDT comprises three directorates: the Merchant Marine Directorate; Terrestrial Transports Directorate; and Air Transport Directorate.

Before 1979, there was only a Division of Merchant Marine that became a Directorate from 1979. The present MMD is composed of three Technical Divisions:

- Division of Seafarers and Maritime Labour;
- Division "Survey and Safety", which effectively undertakes the role of Maritime Safety Administration;
- Division of Secondary Ports and Waterways;

and also two Bureaux:

- Bureau of Administrative and Financial Affairs;
- Bureau of Legal and Economic Affairs.

The MMD and the Divisions, apart from the Secondary Ports and Waterways Division, are headed by an Administrator of Maritime Affairs. The Secondary Ports and Waterways Division is headed by a Chief Engineer.

Functions and activities in shipping development

- Adviser to the Government in the field of maritime policy;
- Supervision of the execution of this maritime policy as defined by the Government;
- Management of the subsidiary ports;
- Management of seafarers;
- Maritime safety administration;
- Economic and technical studies in the field of shipping development and fishing;
- Trusteeship on the auxiliary professions of maritime transport;
- Work on the implementation of the International Conventions relating to maritime affairs, in collaboration with the Ministry of Foreign Affairs.

(B) The Senegalese Shippers' Council (COSEC)

Created on 3 April 1975, its scope of intervention can be summed up as follows:

It is responsible for the definition and the promotion of a protective policy in the interests of the national shippers. In this respect, it plays a primordial role in cargo sharing, in the application of freight rates in order to make them fair and bearable for the Senegalese economy and also in the improvement of the sea transportation conditions.

In other words, the mission of COSEC would consist of facilitating the national control of the shipping services to and from Senegal, which will lead to the rationalization of the Senegalese maritime traffic.

(C) The other elements of the maritime infrastructure in Senegal

i The Ports

Senegal has only one port which deals with international traffic, called the Autonomous Port of Dakar. This port is one of the oldest and most important ports along the West African coast. Its impact on the national economy remains determinant. (Refer Annex 4: Statistics of the PAD.)
Apart from the international Port of Dakar, three minor ports exist at Saint Louis, Koalack and Ziguinchor. They are essentially aimed at supporting coastal traffic. However because of lack of equipment and dredging problems, their activities are very limited today.\(^3\)

ii The shiprepairing industry
i.e. Dakar-Marine

Dakar-Marine is a joint venture created in 1971 between Senegal, SCAC (Société Commerciale d’affrètement et de combustibles) of Paris and a Belgian company, La Société Beliard-Murdoch d’Anvers. With its dockyard and other new equipment, and also highly-skilled manpower, Dakar-Marine is capable of repairing ships of 60,000 deadweight capacity. It will certainly contribute to increasing the traffic through the international Port of Dakar, because it is well appreciated by the users.

In addition to Dakar-Marine, Manutention Africaine plays an important role in the Senegalese shiprepairing industry, thanks to new and adequate technological means.

iii The National Maritime Training Institute, created in 1964

For the moment, only seafarers of medium-level, primarily employed on fishing vessels, are trained in this Institute. Therefore there is a serious lacuna in this vital field for the promotion of the Senegalese shipping industry.

Chapter 3 - ECONOMIC ASPECTS

In this chapter, the writer will deal with shipping fleets participating in the maritime services to and from Senegal.

\(^3\) See Table 4: Evolution of maritime traffic (cargo) in Senegal, p.24. Source: PAD
See also Annex III, p.96.
(A) The national shipping companies

The current situation of the Senegalese flag fleet bears no relationship to the shipping ambitions of Senegal. Even though several shipping companies exist, their own vessels are very few.

i SOTRAMAR

This company is specialized in the carriage of oil and oil products. However it owns only one small tanker, the "Petro-Mbao" which, apart from Senegal, also carries oil products to Mauritania.

ii La Société Nouvelle des Salins du Sine-Saloum

This company has two small vessels, i.e. the "Kamatane" and the "Saloum", particularly devoted to the carriage of salt and timber within the sub-region of the West African coast.

iii Express Navigation

This is a private company, which was established in 1977. Its vessel, "Le Tamba", with a capacity of 6600 DWT, is equipped to carry refrigerated, liquid bulk and also general cargoes.

Express Navigation has been admitted into the MEWAC Conference since 1978 and is entitled to totally exploit the share of trade allocated to Senegal on the route between the West African coast and the Mediterranéan.

By hiring some vessels, Express Navigation also participates in the carriage of oil, phosphates and oil-coke from Senegal to Mauritania, Mali and Gambia.
iv COSENAM (Compagnie Sénégalaise de Navigation Maritime)

Created in October 1979, it is a public-controlled company. It has been entitled to carry the Senegalese share of trade on the North Atlantic routes. However this company does not have any vessels and all its activities consist of space chartering.

v There are three other shipping companies which are private societies. None of them has its own fleet and they therefore have no activity. These societies are SOMARSEN, SIIMAR and SOMICOA shipping lines.

(B) The foreign vessels which participate in the Senegalese seaborne trade

Despite the willingness of the Government to build up a strong national fleet which would be able to provide at least 40% of the Senegalese maritime services, the dependence on foreign flags still remains to a great extent. Indeed, a number of foreign vessels, essentially registered in France which is the first commercial partner of Senegal, monopolize the ocean transportation to and from Senegal. Of course the effect of such a situation has important repercussions on the balance of payments of the country concerned, also on the overall economic development situation, since it leads to reduced incomes and to increased prices in the domestic markets.

From the above statements, the writer concludes that the maritime policy initiated during the earlier years of Independence did not bear the fruits the Government reckoned upon. A considerable number of obstacles, an analysis of which will occupy the second part of this thesis, arose while this policy was being executed.
Table 4

EVOLUTION OF MARITIME TRAFFIC (CARGO)
AND TRAFFIC OF MINOR PORTS IN SENEGAL

1 Autonomous Port of Dakar (PAD)

<table>
<thead>
<tr>
<th>Year</th>
<th>Cargo (Million Tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>4.7</td>
</tr>
<tr>
<td>1977</td>
<td>5.3</td>
</tr>
<tr>
<td>1978</td>
<td>6.6</td>
</tr>
<tr>
<td>1979</td>
<td>5.5</td>
</tr>
<tr>
<td>1982</td>
<td>4.5</td>
</tr>
<tr>
<td>1983</td>
<td>4.8</td>
</tr>
</tbody>
</table>

2 Minor ports

2a) Ziguinchor

<table>
<thead>
<tr>
<th>Year</th>
<th>Cargo (Tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962</td>
<td>103,420</td>
</tr>
<tr>
<td>1963</td>
<td>105,109</td>
</tr>
<tr>
<td>1977</td>
<td>66,000</td>
</tr>
<tr>
<td>1980</td>
<td>9,000</td>
</tr>
</tbody>
</table>

2b) Saloum traffic (ports of Kaolack, Diochane, Djifere, Lyndiane, etc.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Cargo (Tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1963</td>
<td>225,790</td>
</tr>
<tr>
<td>1977</td>
<td>244,000</td>
</tr>
<tr>
<td>1980</td>
<td>49,000</td>
</tr>
</tbody>
</table>

c) Saint Louis

<table>
<thead>
<tr>
<th>Year</th>
<th>Cargo (Tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>25,304</td>
</tr>
<tr>
<td>1962</td>
<td>21,756</td>
</tr>
<tr>
<td>1963</td>
<td>20,872</td>
</tr>
</tbody>
</table>

From 1970 the traffic of this port became insignificant.
PART TWO

ANALYSIS OF THE OBSTACLES THAT CAUSE DIFFICULTIES IN THE DEVELOPMENT OF A REAL SHIPPING INDUSTRY IN SENEGAL

The writer has already mentioned that Senegal belongs to the group of a few African countries which tried, in the first years of their Independence, to build up their own merchant marines.

Conscious of the fact that the greater part of its export and import trades are carried through ocean transportation, which makes its economy closely dependent on maritime transport, as much for its demand for manufactured goods as for the export of its raw products, Senegal laid the foundation of a maritime policy centered on bringing some logistic, legal and structural means. The willingness of the Senegalese Government to promote a national shipping industry was sustained by the fact that it had at its disposal some highly relevant factors contributing to the achievement of this goal, such as a privileged geographical situation,¹ an important commodity flow, the existence of a dynamic manpower.

However, even though Senegal showed real concern with shipping, the obstacles to penetrate this monopolized area were also very great, because of the resistance from the monopolistic powers, that is to say the traditional maritime nations which dreaded any shipping development in the newly independent nations and would have preferred to maintain the status quo.

Another major obstacle which LDCs as a whole faced is that they were insufficiently impregnated with maritime activities.

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¹ Length of coastline of Senegal, 720 kms
Following these preliminary remarks, the writer will, in the following chapters, analyse in detail the relevant obstacles which may justify the lack of development of real shipping activities in Senegal. Among these obstacles one can include the following:

- inadequate awareness of the basic problems connected with the maritime development, as well as non-involvement in the evolution of international standards (Chapter 1);
- outdated and inadequate maritime legislation (Chapter 2);
- inadequate infrastructure with regard to organization and manpower (Chapter 3);
- insignificant existing national fleet (Chapter 4);
- lack of training facilities that leads to a shortage of shore-based personnel and shipboard personnel with the necessary skills (Chapter 5);
- the Senegalese maritime industry is an extroverted industry (Chapter 6).

Chapter 1 - INADEQUATE AWARENESS OF THE BASIC PROBLEMS CONNECTED WITH MARITIME DEVELOPMENT AND NON-INVOLVEMENT IN THE EVOLUTION OF INTERNATIONAL STANDARDS

Despite the speeches on the necessity of establishing a new maritime industry, the Senegalese authorities preferred to invest, as a priority, in other fields, i.e. agriculture, factories, etc. The maritime sector, apart from fisheries was in practice, during these last years, largely neglected. The basic instruments that should contribute to and even have the effect of promotion of maritime activities, i.e. administration, infrastructure, suffered from a lack of support and interest. In reality, for a long period, Senegal depended on the ability of foreign experts and/or advisers to formulate and apply
suitable and effective measures to speed up the process for the creation of a shipping industry. By proceeding in this way, the country really lost the opportunity to familiarize its own personnel with maritime matters and failed to acquire the know-how and capacity to properly evaluate its maritime potentialities in order to benefit fully from them.

In addition to this weakness, it deserves to be mentioned that Senegal, like most of the LDCs, is not at all involved in the evolution of international standards relating to maritime matters. Even though Senegal has been a member of IMO since 1960, its participation in the various meetings of this Organization, and also in the meetings/sessions of UNCTAD, ILO, etc. have been few and far between. Briefly, one can explain this fact as follows:

- lack of available national experts having the required knowledge so as to usefully follow such meetings/sessions;

- paucity of funds to cover the expenditure on delegations at such meetings;

- lack of interest and/or inadequate understanding of the implications of non-participation.

We know that because of the new technological development in shipping, and the urgent need to protect the environment from accidents, mainly involving tankers, which have occurred and may occur again, a great many international higher standards on safety have been introduced in the field of maritime transportation. These new standards are mainly the basic standards of training, certification and watchkeeping for seafarers, and of ship

2 Ratification and accession of Senegal of the IMO Convention, 1946: 7 November 1960.
construction and ship equipment. They are also related to port control, port equipment, traffic separation systems, etc. The implementation of such new standards is not an easy task for LDCs in the sense that they are expected to operate vessels discarded by the traditional maritime states and they, therefore, can no longer comply with rising international safety standards. "For countries in the Third World with embryonic fleets, of course, the increase in training standards comes at a bad time in their development plans. Having previously usually been the suppliers of unskilled sea personnel to developed maritime states, they now seek to establish their own shipping industry in a very competitive business. With new standards, they will now be required to establish training schools and academies with sophisticated equipment in order to meet new international standards. This will add to their development problems and will cause some of these states to fight the imposition of new standards for simple economic reasons".  

To be more involved in the new international standards, Senegal, as well as the other states of the Third World, should regularly participate in the meetings and/of sessions of the international organizations in order to try to influence the debates and even the decisions according to the specific interests and financial possibilities of LDCs. Instead of remaining far from convinced of the urgency of the enforcement of the international standards, the Government must find out how to handle the uncertainties and the indecisions that characterize the current shipping policy.

Chapter 2 - OUTDATED AND INADEQUATE MARITIME LEGISLATION

Mostly all developing countries are facing this painful problem.\(^4\)

As far as Senegal is concerned, the outdating and inadequacy of the maritime legislation are reflected both through the domestic regulations and the implementation of international conventions.

(A) The domestic maritime legislation

It has previously been mentioned that the first Senegalese Maritime Code, which was widely inspired by the French Code, came into force in 1962. Even at that time, this Code did not suit Senegal because of the difference existing between the French and Senegalese maritime realities. The LDCs have been seriously mistaken in their tendency to exactly transpose the policies of the ex-colonial powers in their countries, instead of adopting the measures which correspond to their specific situation and needs as developing countries.

It is worth noting that many changes have occurred in maritime activities during these last decades. Such changes led to the development of many international standards and to the adoption of some international practices. Despite this, the Senegalese legislators did not deem it to be necessary for the internal legislation to take into account such innovations. Such an attitude from a developing country is all the less understandable as LDCs are always defending the total modification of many aspects of shipping law and international practices.

In summary, the outdating and inadequacy of the domestic Senegalese legislation is illustrated as follows:

\(^4\) See Professor Vanchiswar, op.cit. p.21.
- no precise status for the National Maritime Administration;
- the statutory provisions on ship nationality, on transfer of ownership are weak in the sense that despite the reform of Article 15 in 1973, foreign ships may easily get the Senegalese nationality;
- lack of relevant regulation on port control and on a traffic separation scheme;
- no legislation on marine pollution;
- lack of regulation on maritime insurance, on commercial customs to sell CIF and buy FOB;
- the legislation on cargo sharing with the aim of protecting infant national fleets is not too vigorous. It is contradictory to some other cargo sharing regulations in certain states of the sub-region (i.e. Ivory Coast, Cameroon). In addition, because it is a bilateral based one, it is far from being compatible with the spirit of the UNCTAD Code of Conduct on Liner Conferences.

Another default of the Senegalese maritime legislation is that it is not in conformity with international maritime law.

(B) Non-conformity with international law/practices

The main characteristics of the Conventions which have been ratified and enforced by Senegal is that they are few and most of them are old.\(^5\)

During the last two decades, several constant and remarkable changes in maritime transport have deeply modified the situation which prevailed when Senegal ratified these Conventions. These changes, which are essentially the result

\(^5\) See Part I, Chapter 1, p.21.
of technological development, can be illustrated by the changes in ship design, in ship size, in ship speed, by the new types of ships, by new cargo-handling methods, by the expansion of the embryonic fleets of LDCs, etc. To respond to such evolution the international community felt it to be unavoidable to adopt a lot of international standards – technically acceptable, commercially feasible and politically acceptable – on training, manning, construction, equipment, flag state and port state responsibilities, etc. in order to make shipping safer and oceans cleaner.

In reality, a country which shows serious shipping ambitions on the one hand, and on the other hand defers being involved in these international standards, cannot be credible. Therefore, Senegal would be in a better situation if it harmonized its national legislation with the various relevant international conventions elaborated by the international organizations.

The inadequacy of the Senegalese shipping industry also affects the organization of the maritime administration.

Chapter 3 - INADEQUATE INFRASTRUCTURE WITH REGARD TO ORGANIZATION AND MANPOWER

To be efficient and responsive to the current shipping conditions, any national merchant marine needs to have at its disposal:

- a well-organized and informed administration;
- a suitable port infrastructure, and
- a wealth of maritime expertise available and utilized in the right way.

I do not think that is yet the case in Senegal.

(A) Maritime Administration

It has been stated that the Ministry responsible for maritime matters (shipping) is the Ministry of Equipment.
At the same time, this Ministry is also in charge of other means of transport and meteorology. Therefore the Ministry has a tendency to be more pre-occupied by the latter matters for the single and simple reason that such matters affect the common man on a day-to-day basis.

The marginalization of the Maritime Administration is best exemplified by the fact that at the uppermost governmental level, either there is no closer representative from this Administration in order to advise and/or to participate in the process of formulating the policy of the Government regarding maritime development, or, if there is someone entitled to have such an occupation, he/she cannot avail himself of adequate and appropriate professional qualifications and sound experience in shipping in order to adequately and efficiently serve the Government.

In fact, the whole Senegalese Maritime Administration confines itself to the Directorate of Merchant Marine. There is no doubt in my mind that the organizational structure of this Directorate, and the means available to it is such that it cannot accomplish its normal functions, that is, developmental and regulatory functions.

As far as organizational structure is concerned, it would be correct to state that it is not realistic to let the DMM play both the role of a national directorate and the role of a regional maritime district, as is the case at the present time. To the writer it would appear that the right policy would consist of considering the DMM as a national and a central Directorate completely separated from the seabord conscription for maritime affairs (or regional directorate of maritime affairs) of Dakar. To complete the building up of external services of maritime affairs which are quasi-inexistent on the coastline, three other regional districts (or divisions) of maritime affairs have to be created in Saint Louis, Koalack and Ziguinchor.
where actually there are only harbourmasters dealing with shipping matters. The task of these harbourmasters is very limited. Without any exaggeration, it may be said that they essentially look after port installations, not more.

Another large lacuna related to the DMM concerns the scope of its competence which is limited because of the intervention in maritime affairs of several public or private organizations, particularly:

- the Secretary of State in charge of fisheries, to whom the management of all fishing matters and all auxiliary industries are devoted;
- the Autonomous Port of Dakar which is in charge of lighthouses;
- the Senegalese Shippers’ Council which is more involved in cargo-sharing and control policy.

Furthermore, the competence of the Maritime Administration is shared with other Administrations, such as the Ministry of Foreign Affairs and the Ministry of Environment, which deals with any kind of environmental matters.

Additional to the above-mentioned lacunas related to the organization and scope of competence, it is worth saying that financial problems also contribute to the inertia of the DMM – the budget allocated to it is ridiculous.

(B) Port infrastructure and management

One common feature of all ports along the African coast, if not all coasts in LDCs, is the default in exploitation and management systems of these ports on the one hand, and on the other hand the shortage of skilled personnel.

In the case of Senegal, the major difficulties of the only international port – the Autonomous Port of Dakar – are the following:
- port congestion and slow vessel turn-round;
- inadequacy of inland transport, both in capacity and efficiency;
- inadequacy of existing equipment to meet the requirements of new types of ships, cargo-handling methods and the present and near future traffic demand;
- insufficient maintenance facilities;
- bureaucracy and inadequacy of clearance facilities both for vessels and cargo;
- shortage of well-trained manpower with the needed experience;
- weak self-financing capacity;
- some defaults related to statistical procedures and port planning, etc.

As far as minor ports are concerned, they are not suffering from port congestion but, on the contrary, from lack of activity. The causes of such situations are mainly the concurrence from the road and from access difficulties due to a permanent need for dredging to keep the ports accessible. The immediate consequence of the difficulties faced by the subsidiary ports is inexistence of coastal traffic.

(C) Human factor

Human resource development and utilization in the maritime sector constitutes a real challenge in Senegal. The shortage of maritime manpower with appropriate qualifications and experience is evident. Such lacuna illustrates well the low appeal of shipping problems in the public awareness, leading as a consequence to lesser priorities being accorded to training of maritime personnel.

More painful is the fact that the very limited number of available maritime personnel either feels reluctant to serve the Maritime Administration because of lack of
motivation or is not utilized appropriately within the maritime organization or other branches of the national shipping industry. For instance there is no maritime expert at the higher level of Government, nor in most organizations dealing with shipping activities (i.e. shipping companies, shippers' council, ports, etc.).

One of the last elements that cause difficulties in the development of a shipping industry in Senegal is the quasi-inexistence of national flag fleets.

Chapter 4 - INSIGNIFICANT EXISTING NATIONAL FLEET

Even if various shipping companies have been established during these last years, the impact of their activities on the balance of payments in Senegal is of little importance because these companies are very small and additionally have almost no vessels. Their investment capacity is also absurdly low. Because they are fragmented, these shipping enterprises cannot get the support needed in order to be well equipped and run on a commercial basis from the Government.

Consequently the Senegalese economy and trade are still greatly dependent upon foreign ships with all the inconveniences such dependence might cause to the country concerned.

Chapter 5 - SHORTAGE OF WELL-QUALIFIED AND EXPERIENCED MANPOWER AND LACK OF TRAINING FACILITIES

It is generally accepted now that the most serious problem that LDCs, and even some developed countries, have to cope with remains an acute shortage of skilled personnel, not only to man their ships (if any), but also to fill key posts ashore. However, some developing countries are in better positions than others. The situation in Senegal is the following:

6 See Annex 1, p.91: Total world merchant fleet by flags as of 1 April 1985

7 See p.26-27, Part I.
(A) shore-based personnel

This subject will not be covered in depth, since it has been commented upon earlier. Nevertheless it would not be superfluous to stress that to elaborate and implement a credible shipping policy, any Government needs advice, suggestions from a maritime staff, officials with the highest professional qualifications and wide skills in maritime affairs. These officials must be assisted by technicians with appropriate qualifications and experience, and by administrative and secretarial support.

The shortage of skilled manpower also seriously affects the shipping companies and auxiliary industries which have at their disposal very few managers with a maritime background.

(B) shipboard personnel

As already mentioned, Senegal is accustomed to having seamen, but to date they have been largely devoted to manning fishing vessels. Therefore they did not need to have high qualifications which would permit them to run merchant ships efficiently and safely. In such conditions there is no doubt that Senegal lacks the ability to crew or operate its present or expected ships in the most appropriate form.

It may take some time to narrow this gap because in Senegal there is no appropriate training facilities through which a sound maritime training can be given according to the requirements of the international standards and new techniques of navigation. Such training must be available for the whole crew, from sailors to officers, in any specialization.

The exact significance which is to be attached to the shortage of well-skilled maritime manpower in Senegal is the dependence of that country upon foreigners who do not hesitate to take great advantage of their predominant
position. That is why the writer is of the opinion that the Senegalese shipping industry is an extroverted one.

Chapter 6 - THE SENEGALESE SHIPPING INDUSTRY IS AN EXTROVERTED INDUSTRY

For a long time, in spite of the willingness of the national authorities to establish a consistent national maritime policy, the shipping activities in Senegal, as well as the auxiliary activities connected to it, have been closely under the control of some large European enterprises which use all means in order to strengthen their monopolistic position. In so doing, they naturally undermine any inclination of the country concerned toward promoting a national merchant marine.

What worsens the dependence of the Senegalese shipping industry upon foreigners is the fact that the trading pattern of the total Senegalese seaborne trade implies transport requirements which cannot be met adequately by the small fleet existing in Senegal.

The Government is struggling to reverse this unfavourable tendency for the Senegalese economy but the holders of such privileges will not renounce them without fighting forcefully.

Through the two previous Parts of this paper, it was pointed out what has been the maritime policy followed by Senegal since the first years of Independence up to the present time. The most salient features of the current situation of the Senegalese shipping industry allow the conclusion to be made that the choices which have been operated have been far from leading to the mastery of Senegalese maritime activities. With the coming into effect of the NINO, other ways and means have to be found so that a realistic strategy which will be responsive to the require-
ments of this NIMO should be set up. In the following Third Part, a new strategy will be suggested for Senegal.
It seems that the right maritime policy should be, among other things:

- realistic;
- largely, if not totally, based on the most relevant requirements of the NIMO;
- responsive to the main recommendations of the Charter of Abidjan which confirms the setting up of the Ministerial Conference of West and Central African States on Maritime Transport; and
- lean on the national realities which must form the subject of deeper studies.

Obviously, all the errors made in the past must be analysed without any complacency in order to avoid compromise with them in the coming maritime policy which will need, to be successful, to be backed up by a real political iron will. The strategy that Senegal will adopt for the building-up of an efficient merchant marine should relate, at least, to the following matters:

- the modernization of the national shipping legislation (Chapter 1);
- the reform of the national maritime administrative structure (Chapter 2);
- the protection of national interests threatened by foreign actions (Chapter 3);
- the improvement of port infrastructure, the development of inland transport and the rehabilitation of the coastal traffic (Chapter 4);
- the creation of national interest for sea activities (Chapter 5);
Chapter 1 - THE MODERNIZATION OF THE NATIONAL MERCHANT SHIPPING LEGISLATION

The anacronism of the Senegalese existing maritime legislation and how such a situation was harmful to the development of a real shipping industry in Senegal has already been pointed out. Therefore, the adoption of a modernized legal structure has to be considered as a top priority within the main goals of any national marine policy. The new law must be clearly worded and unambiguous.

The scope of the National Merchant Shipping Legislation is twofold: the Primary Legislation (i.e. the Merchant Shipping Code) and the Subsidiary Legislation (Rules/Regulations).

As far as Primary Legislation is concerned, the Senegalese legislation should be inspired by:

- the reformed Hague/Visby Rules relating to the carriage of goods by sea, and even by the spirit of the Hamburg Rules of 1978 which are very responsive to the claims of the shippers’ countries, that is to say the Third World States;

- the actual international conventions on safety;

- the international maritime labour legislation;

- the international legislation on liability;

- the relevant recommendations of the Charter of Abidjan (mainly on the harmonization of the maritime legislations within the West and Central African region).

In short, to be updated, the new Senegalese Primary Merchant Shipping Legislation must include the following items:
1 - Definition, structure and functions of the National Maritime Administration;

2 - Registration of ships:
procedure, certificate of registry, nationality and flag, registration of alterations, registration anew, etc.
The Senegalese lawmaker will have to bear in mind the fact that the registration of ships is under consideration of UNCTAD and then the tendency in this field will be to fight strongly any laxity about ship registration all over the world. We know that because of the laxity of some national shipping legislations in developing countries, the development of the flags of convenience and also the possibility of foreign vessels to fly flags of the LDCs have been largely facilitated and that, of course, is harmful to the expansion of the fleets of the latter.

3 - Transfers and transmissions of ships;

4 - Mortgages, maritime lien;

5 - Master and crew;

6 - Safety:
Construction, inspection/survey of ships; issue of certificates, prevention of collisions, loadlines and loading, carriage of dangerous goods, unseaworthy ships;

7 - Wrecks, salvage and shipping casualty investigations and inquiries;

8 - Running of the ship;
The contract of passage; the contract of affreightment; Bill of Lading/Charter Party; General average; ancillary contracts (pilotage, stowage, etc.).

9 - Liability and limitation of liability of owners;

10 - Marine insurance;

11 - Penalties for offences:
procedure, jurisdiction, application of fines, etc.
Most of the provisions of the Primary Shipping Legislation, to be implemented, require subsidiary or implementing subsidiary legislation. Such legislation, composed of some rules/regulations, will precisely define the provisions of the Primary Legislation on the one hand, and on the other hand it will regulate all the matters that do not need to be included into a Maritime Code so that they can be revised easily.

The Subsidiary Legislation will cover, among other things, the following matters:

1 - Definition of maritime navigation; zones of navigation; policing of navigation.

2 - Internal waters; territorial sea; contiguous zone; continental shelf; Exclusive Economic Zone.

3 - Rules for registration of ships.

4 - Safety Convention certificates, rules.

5 - Regulations on: prevention of collisions at sea; life-saving appliances; fire appliances; navigational equipment, etc.

6 - Tonnage, loadline regulations.

7 - Crew accommodation, medical scales, social security, etc.

8 - Competency and certification of officers and crew members.

9 - Regulations on coastal traffic.

10 - Cargo ship construction, fishing boat construction and survey.

11 - Rules for the carriage of specific cargoes, i.e. deck cargo, grain, dangerous goods, etc.

Furthermore, the Subsidiary Legislation must reform the present legislation on cargo sharing to place it in conformity with the cargo-sharing principles of the Code of Conduct for Liner Conferences. In addition it must provide for clearer and stronger penalties and also define the appropriate authorities entitled to enforce these regulations.
Other concerns of the Subsidiary Shipping Legislation will be:

- the regulations of subsidiary shipping activities in order to encourage and/or facilitate the participation of nationals;
- the regulations on purchase/sale of goods carried by sea, that is on commercial customs to sell CIF and to buy FOB.

It goes without saying that a country cannot establish an appropriate and efficient maritime legislation without being provided with an adequate administration that will be able to advise, help the Government in the preparation and/or the enforcement of the needed Merchant Shipping Legislation. In the following chapter an attempt will be made to define a suitable Maritime Administration for Senegal.

Chapter 2 - THE ESTABLISHMENT OF AN ADEQUATE MARITIME ADMINISTRATION

The present maritime administrative structure in Senegal has been described previously and its main weaknesses, as have been stated, are real and worth being corrected. The most important defaults of such an administration are twofold: from the structural (organizational) point of view and from the functional point of view.

(A) The proposed organization for the Senegalese Maritime Administration

To understand better the structural aspects of the Senegalese Maritime Administration, it should be recalled that such Administration has been inherited from the colonial power. Indeed, in the developed world, by the time of colonization, the divergence between the public aspects of marine law and policy and the private and commercial side of shipping law and policy were already well defined. The divergence has been passed to the developing states when they became independent, through the former colonial powers, which had created a governmental/administrative structure.
accordingly. Public marine law and policy was a matter for foreign affairs. However shipping law and policy would belong to a sub-group in a ministry dealing with commerce, trade, transport or communications, and would thus rank much lower in the priorities of emergent power. It was thus not unusual to find that by the time a new state had been independent for some years, its marine affairs were spread over a number of ministries and government departments. Law of the sea, shipping law, fishery resources, coastal protection, shipping policy, marine research, port administration and development, and so on, might all be looked after by quite separate entities without the benefit of any centrally planned marine policy whatsoever.¹

The features of the marine policy in Senegal certainly fit the situation described above in the sense that several ministries and government departments handle the different matters connected with shipping. One can quote among them:

- the Ministry of Foreign Affairs (Law of the Sea);
- the Ministry of Equipment (Management of seafarers, safety, registration of ships, port management and development, shipping law, etc.)
- the Ministry of Agriculture (fishing resources and coastal protection, through the Secretary of State of the Sea);
- the Ministry of Industry (shiprepairing);
- the Ministry of Scientific Research (marine research or oceanography);
- the Ministry of the Protection of Nature (marine pollution).

¹ E. Gold, op.cit., p. 239-240.
Such governmental administrative structure has led to many awkward consequences and it certainly did not contribute to the adoption of harmonized and efficient national marine policy. On many occasions the decisions taken have been more or less confused and/or contradictory. It was impossible to avoid some conflicts of competencies between the numerous entities that intervene in the field of maritime affairs because their scope of intervention has not been well defined.

It is worth emphasizing that in many of these departments looking after marine affairs, there is very little, or even no manpower which is really familiar with maritime affairs. It is unthinkable to build up a proper merchant marine under such conditions.

As has been noted by Professor Edgar Gold: "the ocean is a single inalienable unit and that all ocean uses and all marine affairs can be realized only by a fairly close interlinking of the decision-making process relating to it."\(^2\)

The more realistic way to be followed by Senegal shall consist in the establishment of a unified entity (a Ministry or a Secretary of State) to which the responsibility of looking after marine matters will be transferred. This policy is being experimented with successfully by one of the leading shipping states in West Africa, the Ivory Coast.

The organization and structure of a unique Maritime Administration may be summarized as follows:

**Central Administration** (at government level)

**Directorates:** Various national directorates will compose the central administration, such as the Merchant Marine Directorate (in charge of shipping and matters related to the industries connected with shipping), the Directorate

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2 E. Gold, op.cit.
of Sea Fisheries and Oceanography, the Ports and Navigation Directorate. Each Directorate would be divided into some divisions.

Regional and local services: Within their limits of competence, they would be in charge of all matters relating to seamen, shipping, ships and fisheries, safety at sea, safety of and on board ships.

(B) Functions of the Maritime Administration

In LDCs, recent maritime history demonstrates that the Government plays a primordial role for effective marine development. It takes, in general, the lead in this sphere. That is why it is desirable to clearly define the functions of the Government departments in charge of maritime affairs and to embody them within the National Merchant Marine Code. In short, the primary functions of the Maritime Administration in a developing country would have to be both developmental and regulatory. The developmental functions can take the form of participation in the process of formulating the policy of the Government as regards maritime development and deciding upon the activities to be undertaken in connection with such development.

The regulatory functions are expected to ensure mainly:

a) safety of lives, ships and property; and
b) protection of the marine environment.

The roles and functions of the Senegalese Maritime Administration, therefore, would include:

- the implementation of the requirements of International Maritime Safety and Maritime Labour Conventions;
- effective participation in the various international meetings;
- implementation of the requirements of the UN Law of the Sea Convention, 1982;
- advising the Government on the adoption and implementation of the National Legislation and other Regulations required for developing and operating the national
maritime programme and for discharging the obligations of the Government under International Conventions:

- registration, surveys, inspections and certification of ships;
- Port State control of foreign vessels;
- registration and management of seamen;
- maritime training;
- manning of ships;
- conducting inquiries/investigations into shipping casualties;
- wrecks;
- prevention, control, combat of marine pollution;
- guardianship on marine ancillary industries, on the National Shippers’ Council;
- management of minor ports;
- guardianship on the Autonomous Port of Dakar;
- studies and research on marine development;
- guardianship of National Shipping Fleets;
- definition and implementation of a national fishing policy;
- definition and implementation of a cargo-sharing policy in collaboration with the Shippers’ Council.

To enable the Maritime Administration to appropriately, effectively and efficiently fulfil its roles and functions, that is to manage/administer maritime affairs and to advise the Government in means to overcome maritime problems and then the establishment of the right marine development, it is desirable that the Maritime Administration be provided with the needed human resources with the required knowledge and skills to run such machinery. There is little doubt that the best way of making the Senegalese Marine Administration motivated and capable of contributing
sufficiently to an effective maritime development is to put the right man in the right place at all levels of the Administration.

The subject of training and qualifications of the manpower needed to handle the infant Senegalese marine industry as a whole will be dealt with later in this paper.

In the context of the development of such a marine industry, another factor that deserves to figure in a prominent position on the list of priorities of the national marine policy is the establishment and expansion of Senegalese merchant fleets.

Chapter 3 - DEFINITION OF A NATIONAL DEFENSIVE STRATEGY INCLUDING MEASURES TO ENCOURAGE MINIMUM FLEET DEVELOPMENT

According to the developed countries, there is no need for LDCs to try to run their own national shipping fleets because building those national fleets is very far from being in their best economic interests. Usually it is believed in the traditional maritime nations that LDCs should develop and improve their ports and inland transportation infrastructure more, instead of investing their scarce resources in shipping which is a high-risk industry and requires huge investment capital. No wonder then that developed countries argue that the exact and unique significance which is to be attached to the wish of Third World States in establishing and developing their own fleets is a matter of political aspirations.

Since the writer has already dealt with the main reasons that might justify the needs of creating merchant marines in developing states, this position of the maritime nations does not call for any detailed discussion here.

The writer is of the opinion that the New International Maritime Order will be meaningless if the possibility to
participate in their own maritime services continues to be denied to them. There is no doubt that the best way to achieve such an objective is to build national fleets in developing countries.

Just now, the question which has to be asked is what approach of shipping policy will be appropriate to the LDCs. Will it be more convenient to try to build up their merchant marine on a national or a regional basis? Practically, there is no common shipping policy between neighbouring developing countries. Every Third World State that has shipping ambitions is inclined to consider the establishment of its own national fleet as unavoidable, even if such a country has a very small amount of foreign trade. The elements that should help explain the advantages of a common shipping policy will be found in Chapter 7 of Part Three.

As far as Senegal is concerned, it has been stated that one of the most important obstacles during the establishment of a real national shipping industry is the almost total non-existence of a national flag fleet. Therefore, to increase and operate the ships under its own flag must be regarded as a high priority for Senegal. Furthermore, it will be a must for the Government to strongly support the flag fleet vessels so that they will be able to face any ferocious competition from foreign ships.

The defensive strategy aimed at protecting the legitimate interests of the Senegalese shipping development might comprise the following items:

(A) **Measures to encourage minimum fleet development on a commercially viable basis**

Prior to the building of a national fleet, some precise studies and investigations must be conducted related to the national factor endowments. Their goals should be:
- to check the value of Senegalese imports and exports;
- to analyse the special needs and conditions of the Senegalese trade and shipping;
- to determine the transportation capacity in Senegal in comparison with the national seaborne trade;
- to estimate coastal shipping, regional trades and overseas transportation;
- the definition of the right types of ships to be bought and/or chartered that will participate in an effective and efficient way in the transportation of liner cargoes to and from Senegal;
- to thoroughly study and analyse, in the light of both national and international circumstances and technological development, all the different factors that may influence the establishment of the optimum national fleet (i.e. the national costs of shipping, ship financing, etc.)

To attain the goals of a defensive strategy, it would be better if long-term and short-term policies were to be adopted. A plan to promote a national shipping industry in stages has to be drafted and/or adopted.

We know that international shipping offers a great variety of different vessels, each with its own characteristics and requirements. The ships that will compose the flag fleet must be chosen in the light of Senegalese endowments.

Nevertheless, as far as shipping services required in the West African trades are concerned, it seems that in the liner services, which are the main concern of Senegal, specialized ro/ro, containers and multi-purpose vessels are often needed for efficiency. In truth, for general cargo shipping, the trend in West Africa should be the use of

3 See Table 5, p.83: Potential Senegalese maritime traffic per zone and bilateral agreements.
ships designed to carry unitized cargo. There are various methods of unitization of cargo, the most popular being containerization which has been introduced to the liner trades in the 1960s. Such a method has its own advantages and disadvantages:

- Advantages:
  - Cargo can be handled faster, stowed better and moved more efficiently;
  - Saving for the vessel of expensive delays in ports, leading to faster turnaround of ships;
  - Lower handling costs;
  - Reduction of damage and pilferage of cargo;
  - Container ships can replace specialized non-bulk carriers such as refrigerator vessels by carrying refrigerated containers.

- Disadvantages:
  - Container service is a system requiring enormous amounts of capital (investments in the infrastructure of the country concerned, in port facilities, in vessels, in handling equipment, etc.)
  - Empty or motionless containers result in big financial losses;
  - Containerization may lead to a situation of unemployment for workers.

The lack of money, of a suitable infrastructure and the nature of their goods should suffice to help explain why the West African countries might take advantage of the other methods of unitization that do not require huge capital investment, special shore facilities, etc. Among the cargo unitization systems that should suit the West African trades, one can quote: palletization, preslinging, ro/ro, etc.

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4 See Amos Herman, LL.B, S.J.D., op.cit., p.135.
In the case of Senegal, the biggest lesson which has to be drawn from previous attempts to establish a shipping industry is that the Senegalese Merchant Marine must have its own ships. A chartering formula must be considered as the exception and consequently it will be used only when commercial opportunity reasons dictate it.

Most of the shipping services required in the Senegalese trade do not necessitate large vessels in order to be efficient. Because of the shortage of relevant data, it is presently not an easy task to determine the precise formula which can determine the right size of the Senegalese fleet. Today it is largely accepted that the optimum size for the ship will be the maximum size that the shipowner can fill and operate safely on the route and can "turn round" with reasonable speed in port. However in the light of the above statements, it becomes possible to make some propositions, at least for the beginning of the establishment of the Senegalese new merchant marine.

First it is worth stressing the necessity of the disintegration of all the existing small shipping companies which are not commercially viable. They will be replaced by a unique and strong entity which will need to be partly public-owned. In addition to those existing ships which are in good condition, this Unique National Shipping Company will start with, at least:

- two secondhand liner vessels, the cargo-carrying capacity of which should amount to between 7000 and 10,000 DWT;

- two ro/ro vessels or other multi-purpose ships.

Within a period of four or five years, it would be planned to purchase:

- two or three small ships (2,500 to 4,000 DWT) for coastal shipping and regional trade. These vessels

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must be used essentially for the exportation from Senegal of oil-coke and fishing products.

The placing of an order for the building of a new vessel has to be viewed on a long-term basis.

The main trade routes the National Shipping Company may expect to cover will comprise: the Atlantic, the Mediterranean and the West African coast up to the Ivory Coast. Furthermore, prospection will be done towards the carriage of some bulk cargoes such as rice and phosphates to and from the Middle East, clinker, etc.

Having discussed the establishment of the embryonic national fleet and the trades this fleet can cover, the writer now turns to a considerable difficulty facing the LDCs which have shipping ambitions, namely ship financing. Ship financing raises difficulties in the Third World because:

- the cost of ships is very high;
- capital resources of developing countries are scarce;
- the conditions of the international financing market are very hard;
- of the low appeal of shipping problems in the public mind, leading to lower priorities being accorded to shipping investments;
- the ability of a shipping company to raise the required amount of capital for purchasing ships will mainly depend on its past performances and such factors do not exist in developing countries.

These difficulties are sufficient to explain why State intervention is of great importance in Senegal for ship financing. Shipping having little self-financing, the Senegalese Government has to be the principal investor. Thus

* See Table 5, p.83: Potential Senegalese maritime traffic per zone and bilateral agreements.
it will undertake the role of investing itself directly or indirectly through private entrepreneurs.

Through Government intervention, not only financial difficulties, but also political obstacles relating to ship finance, must be overcome. The most important ship finance sources for the Senegalese National Shipping Company will be the following:

- commercial bank credit;
- capital market;
- leasing system;
- its own accumulated capital.

At least two of the first vessels of the national fleet must be financed through their own savings.

It goes without saying that at least during the early stages of the life of the national fleet, the Government will be obliged to support it strongly in order to protect national interests from some foreign unfair practices and also to enable the national fleet to run on a competitive basis.

(B) Necessity of an infant-shipping protective policy

To grow healthy during the first stages of its existence, the Senegalese National Fleet needs assistance from the Government. It would be utopic to try to develop any merchant marine in Senegal, or similarly in other Third World nations, without adopting a strong protectionist policy in anticipation of intense competition faced by a national shipping industry competing with European governments which are used to intervening in the markets by subsidizing their national fleets and their shipbuilding industries. It is necessary to be aware that for a long time the shipping industry has been characterized by world-wide national subsidy systems and cargo sharing.
The objectives of the Senegalese protectionist policy must be two-fold:

1 **Supply protectionism**

Once the flag fleet is established it will face competition from vessels of traditional maritime countries. Before getting cargo shipped, even for freight generated by the national trade, the flag fleet will have to fight strongly. This means that it will find it hard to continue to operate without some form of governmental assistance. This intervention on the supply side will essentially take the form of subsidies, either cost-reducing or income-increasing subsidy.  

The types of subsidies the Government may consider granting to the Senegalese Shipping Company will be as follows:

i) operating subsidies, such as crew subsidization, fleet insurance, repairs, etc.;

ii) tax subsidy;

iii) social subsidies, i.e. for the training of maritime manpower, medical care and other social security arrangements;

iv) political subsidies, such as the reservation of the coastal trade for national flag ships;

v) State-ownership;

vi) support for research.

2 **Demand protectionism**

This will include flag discrimination and cargo-sharing. The aims of the interventionism on the demand side are to secure the volume of the national foreign trade for the national fleet.

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7 See Professor Monsef, op.cit., p.29-34.
The main kinds of flag discrimination and cargo reservation will be:  

i) granting import licences on condition of using national flag ships;

ii) discriminatory dues: customs dues and port dues will be reduced in respect of cargo carried by national flag ships;

iii) administrative pressures or regulations so as to induce a solidarity between national carriers and shippers;

iv) regulations on traffic agreements based on the Code of Conduct for Liner Conferences.

As far as cargo reservation is concerned, it is worth noting that the Government is supposed to play a leading role in the process for the adoption of the Code of Conduct for Liner Conferences. Consequently it must adopt a legislation that will impose severe penalties against those nationals who will violate any regulation on cargo preference.

Another serious challenge which Senegal is facing in shipping matters is an inadequate port infrastructure and insufficient inland transport. Such lacuna has to be surmounted, otherwise no viable shipping policy can be realized.

Chapter 4 - IMPROVEMENT OF PORT INFRASTRUCTURE AND DEVELOPMENT OF INLAND TRANSPORT AND REHABILITATION OF THE COASTAL TRAFFIC

(A) Improvement of port infrastructure and development of inland transport

One main prerequisite for shipping service efficiency is the presence and adequacy of the port facilities in the country concerned. Unfortunately ports in the Third World are suffering from lack of appropriate equipment and chronic

8 See Professor Monsef, op.cit., p.33.
congestion. That is one reason why powerful maritime nations think that developing countries might serve their interests better by investing their available capital resources to develop their ports and inland transport, instead of establishing their own fleets and artificially feeding them with subsidies and reserved cargoes. Without adhering to this opinion which denies the Third World the right to try to master their shipping services through the establishment of national merchant marines, the writer is in agreement that in the LDCs, port improvement will result in a more efficient transportation system.

In Senegal, the port development policy will concern the Autonomous Port of Dakar and the minor ports.

1. The development of the Autonomous Port of Dakar (PAD)

Dakar is one of the great ports of Africa. It can accommodate ships of up to 100,000 tons and until recently it was considered as possessing up-to-date equipment. However with the emergence of large-size and also very specialized vessels, PAD is suffering more and more from inadequate facilities. Undoubtedly there is a close relationship between the development of PAD and the efficiency of the different types of ships calling in the port.

In truth the Government and the Port Authorities are aware of the urgent necessity to make the required adaptation of port facilities. Efforts are being made on port improvements that would lead to faster turn-round of ships calling in PAD and lower operating costs. The most significant project has been the construction of a container terminal which will permit Dakar to be chosen as a trans-shipment port (or a through port) for the container services within the West African coast. This project, which has been included in the "Sixth Economic and Social Development Plan" (1981/1985) has already formed the subject of relevant
studies and the ways and means of financing the undertaking has also been found. This permanent terminal will be capable of handling 64,000 containers by 1985 and 90,000 by 1990. Additional to the container terminal, berths for specialized ships or special cargoes, i.e. roll-on/roll-off berths, berths for ships designed to handle palletized cargo, etc. have to be constructed. New cargo handling equipment will have to be made available so that the new berths can be adequately serviced.

To avoid losses and failures after the great investments on port development, the following needs must be fulfilled:

- the adoption of an adequate maintenance policy of the port equipment;

- the establishment of a well-organized and highly administered port authority with less documentation procedures and flexible customs and health inspection regulations, whereby the port can ensure turn-round of ships in the minimum time.

2 The development of the inland transportation

The development of port facilities would be meaningless if it is not closely related to the development of the inland transportation system of the country concerned. The impact of inland transport facilities has increased with the containerization and the intermodalism systems. An efficient inland transport organization (highways, trains, etc.) is a decisive factor on port activity and therefore on sea transportation.

In investing in port and inland transportation facilities, Senegal must be careful in order to avoid falling into the trap of interested groups of carriers from powerful maritime nations. As has been said by Professor El. A. Georgandopoulos, "in many developing countries, ports are confronted with well organized and foreign-controlled shipping cartels, interested in influencing investment decisions to their benefit ... Port authorities in developing countries are still those
which are called to undertake the investments required to serve the modern liner transport system, including investments to construct the very specialized, as well as costly, container terminals, which, however, in many industrial countries, are undertaken by the interested private transport interests.9

The Senegalese maritime authorities who have the responsibility to help reach the right investment decision, should resist any kind of pressure exerted by carriers of industrialized nations. Before undertaking any measure initiated by the latter in order to adapt port and inland transportation facilities to the requirements of new transport systems, the port authorities should check:

- the benefit Senegal might expect from the investment, i.e. reduction of freight costs obtained as a result of the investment in port and inland transport facilities;
- if the proposed investment in port facilities should not restrict the right and possibilities for Senegal to keep all opportunities to also use the services of alternative ocean transport systems, etc.

(B) The development of the subsidiary ports and the rehabilitation of coastal traffic

The renewal of shipping activities in Senegal cannot be achieved without the restart of the activities of the national minor ports, which can play an important role in sea transport and inland waterways transport. Emphasis has already been made on the urgent necessity to develop coastal shipping because in Senegal very important inland waterways exist such as: the Senegal River (navigable by shallow-draught vessels all year round from Saint Louis to Podor and between August and October as far as Kayes in Mali);

9 Professor El. A. Georgandopoulos, op.cit. p.36.
the Saloum (navigable by ocean-going vessels to the port of Kaolack, upriver); and the Casamance River (which is navigable to Ziguinchor). The common feature of these inland waterways is that they are facing dredging problems. That is why the three ports of Saint Louis, Kaolack and Ziguinchor have registered a decline in traffic. Some interesting projects have been reviewed, however, to revive these ports. Amongst such projects is the construction of two large Senegal River dams, in collaboration with the neighbouring countries of Mali and Mauritania - the Manantali and Diama Dams. There will be a traffic route over 1500 km from Saint Louis to Kayes which will serve part of Senegal, part of Mauritania and Mali.

To summarize, the measures to be taken towards the renewal of the activities of the subsidiary ports are the following:

- redredging of the rivers to facilitate the access to the ports;
- achievement of the project of establishing a multi-national (i.e. Senegal, Mali, Mauritania) lighterage company and lighterage services in order to link Saint Louis to Kayes after the construction of the Manantali and Diama Dams;
- modernization of the port facilities and cargo-handling equipment of the minor ports;
- establishment of inland regular lines for passengers both within Senegal and between Senegal and some neighbouring countries (Mali, Mauritania, Guinea (Conakry), Guinea Bissau);
- reformation of the management of minor ports according to the roles and the functions of the proposed Maritime Administration.

10 See Table 4, p.24.
It has been mentioned that in LDCs, marine activities have not been very high on the list of development concerns. Consequently there was a complete absence of a clearly defined marine policy. This encouraged the development of a low appeal of marine problems in the public mind. Hence the lack of consideration of shipping activities and subsidiary related matters. To overcome this difficulty in Senegal it is necessary to take measures that will facilitate the national interest in sea activities.

Chapter 5 - THE CREATION OF NATIONAL INTEREST IN SEA ACTIVITIES

The reality in Senegal is that apart from fishing activities, maritime activities are as a whole ignored by nationals. This explains why the participation of foreigners in these activities is predominant and this of course is very detrimental to the development of a national shipping industry.

It would be utopic to plan to build a shipping industry - that is not limited only to ocean transport, but covers a lot of ancillary activities - if nationals are not well prepared to have an entrepreneurial spirit in such a sector. To facilitate the development of such a national entrepreneurial spirit, the task of the Government will consist of providing incentives and taking measures that might encourage the creation in Senegal of some vital activities such as financing, insurance, shiprepairing, forwarding and so on.

(A) More domestic business for finance and insurance sectors

More local capital must be directed to shipping activities. National financing markets and to a great extent other private industry sectors can invest more and more in sea activities. In this way, Third World countries avoid being dependent upon international financing markets whose conditions on loans are very hard for them.
In respect of insurance it should be noted that at least 20 foreign companies, as compared to only six domestic companies, provide insurance in Senegal. The lesson that has to be drawn from such a situation is that foreign companies monopolize the insurance business for Senegal and on the other hand, with very few domestic insurance enterprises, marine insurance has little concern. To support the development of a shipping industry, the Government has to adopt measures for the domiciliation of marine insurance.

(B) Development of a basic local shipping expertise

The shipping industry requires specialized knowledge, well-educated and/or trained manpower, in order to increase industrial efficiency and productivity. Therefore the training of maritime experts to which the sixth chapter will be devoted must be considered as one of the highest priorities of the Senegalese marine policy.

In addition to the training matters, nationals should replace foreigners in some ancillary sectors such as forwarding, stevedoring, shiphandlers, legal services, and of course insurance and banking.

(C) Increased maintenance and repair work at the national level

Senegal already has an infant shiprepairing industry, "Dakar-Marine". For the future development of ocean transport in Senegal and also for the competition between the Autonomous Port of Dakar and other ports along the West African coast, the capacity of "Dakar-Marine" should be increased in the short term. In any case, facilities must additionally be provided for maintenance of port equipment. Once the ship-repairing industry is established and developed, it would not only be helpful for the PAD, but also it might facilitate the creation of a shipbuilding industry and even of services for the classification of ships.
In conclusion it may be stated that the promotion of subsidiary activities such as banking, insurance, ship-repairing, maintenance of port equipment, etc. will strongly support and improve efficiency of ocean transportation on the one hand, and on the other it will lead to savings of national currency and earnings of foreign exchange. Nationals would gain experience in practice which will contribute to the acquisition of marine expertise in the country.

To really master its maritime services, Senegal is forced to seek to establish its own shipping industry in a very competitive market. This means that it will have to run vessels which can comply with rising international safety standards and it will be vital that the vessels be manned and operated in a safe and efficient manner. Consequently, it will be necessary to establish training schools and academies with the aim of training and/or educating certificated seamen and marine experts in order to meet new international safety standard requirements.

Chapter 6 - THE ESTABLISHMENT OF TRAINING AND EDUCATION FACILITIES TO PROVIDE QUALIFIED MANPOWER

There is no way to build up a national fleet without the development of suitable expertise for the manning of ships with appropriate skilled personnel and for the management of national ports and shipping companies. Man is at the beginning and at the end of any development.

The necessity for an appropriate level of education and training in the field of shipping has been emphasized by the Secretary-General of the International Maritime Organization, who has said: "Increasing interdependence among countries in a world of steady technological advance has created an urgent requirement for many more well trained and highly qualified people in the field of maritime transport. The most acute shortage of such expertise is
felt in the developing countries, resulting both in weakening the links of those countries with the world system of commerce and transport and in their excessive dependence on imported experts and at a very high cost. This compelling need for better access to advanced technology and greater self-reliance for developing countries has been recognized by the international community in its support for an international centre of excellence for advanced training in various aspects of maritime transport...".

In order to help developing countries to prepare their maritime personnel to meet international safety standards, IMO undertook some achievements in the field of training and education:

- in collaboration with ILO it adopted the Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 1978) which is known as the first international legal instrument in the field of maritime training, that defines the minimum knowledge and the various conditions required for the issuance of certificates of competency for seafarers;

- for many years IMO has provided a Technical Assistance Programme, mainly from UNDP resources, to developing countries;

- IMO has developed a wide network of technical co-operation between developing countries under its umbrella;

- the establishment of the World Maritime University (WMU) in July 1983 that will provide advanced high-level training for specialized senior maritime personnel in the developing countries (maritime administrators, maritime teachers, surveyors, inspectors and technical managers).
Senegal must take advantage of this wide network for the training of needed manpower for its emergent shipping industry. The training policy it would have to adopt must include the training and education not only of the personnel for manning ships, but also of shore-based personnel.

(A) The training and education of seafarers

Senegal is a country with an important fishing fleet numbering around 209 fishing vessels. An effort has been made towards the establishment of a national institution for the training of seamen in operation of the fishing fleet. Of course this educational institution does not have the maritime training courses and facilities equivalent to those required to meet rising international standards on competency and certification of seamen. Therefore, the Government must follow another training policy for more qualified seafarers who will be capable of manning vessels engaged in international trade.

The following should essentially be the scope of such a training policy:

1 - the ratification of the STCW Convention;

2 - the creation of appropriate maritime and/or other educational institutions. It would be preferable to depend on sub-regional or regional institutions for the training of the high-level specialized manpower;

3 - the training of maritime teachers;

4 - planning of the needed manpower in the context of 5 to 10 years;

5 - formulation of a maritime training programme in accordance with the international requirements relating to competency, examination and certification of seamen.
When formulating manpower planning and training policies, the National Government must act in concert with the shipowners, representatives of national seafarers and maritime and/or other educational institutions. The types of maritime training programmes might include:

i) ratings (deck department; engine room department; catering department);

ii) officers (deck department; engine room department)

In defining training programmes which might be offered to seamen, the Maritime Administration which has to take the lead role as regards matters relating to training, education, certification and examination, must be aware of the fact that the minimum standard for the scientific knowledge necessarily to be acquired by seafarers, is fixed by the STCW Convention. Thus, such Convention provides the international guidelines of maritime training policies on which to base formulation of training programmes. On the other hand, adequate guidance, mainly for developing countries, in the development of all courses concerned, can be found in the Model Courses and Teaching Syllabi produced by IMO’s Advisers/Consultants. To be complete and up-to-date, course content must necessarily include some elements of economics and shipping management. Finally a comprehensive training policy must result in both theoretical and practical training.

(B) The training and education of the shore-based personnel

Senegal, as well as other Third World countries, is very dependent upon expatriate experts for the management of the most important posts of shore-based activities. This gap needs to be narrowed by providing advanced training to nationals to enable them to replace foreign maritime experts. Therefore, the training policy has to plan training and education of national managerial staff with professional qualifications to fill key positions in the Maritime Administration, in head-office structures of the National
Shipping Company, in port operations and shiprepairing. However, from the administrative structure side, Senegal has already made appreciable efforts and sacrifices in the sense that it has already trained a great number of maritime administrative personnel, such as Administrators of Maritime Affairs and Officers of Maritime Affairs. This training has been provided by the School of Administration of Maritime Affairs in Bordeaux, which has the same level as the World Maritime University. The most urgent need in this field (maritime administration) is related to the training of surveyors and inspectors.

The fields in which Senegal is poorer include port and shipping company management and in order to have sound maritime training in all needed areas, emphasis must be put on the training of managerial staff for shipping enterprises and ports, of stevedores and lightermen, of experts and top management in the fishing industry, and of coast guard personnel.

The Government must take measures and incentives aimed at increasing the awareness of the public concerned with marine activities. In order to encourage nationals to choose careers in the shipping industry, it is necessary to motivate them through incentive and special advantages capable of attracting people towards professions in the field of shipping.

Training and education of shore-based managerial personnel will be provided:

- on a national basis for the intermediate level; and
- on a regional basis (in the Academy of Sea Sciences and Engineering in Abidjan, a sub-regional maritime training school for the West African French-speaking countries) and on an international basis at WMU (where three Senegalese nationals have undertaken courses in General Maritime Administration, Maritime
Safety Administration (Nautical) and Technical Management of Shipping Companies, to date) for the highest level of specialization. In addition to the Sub-Regional Academy in Abidjan and the WMU, Senegal might continue to keep open the possibility of sending some students, mainly for specialized training, to those centres/institutions of maritime training and apprenticeship through which a great number of Senegalese have already received their training (mainly located in France).

However, the recommended approach to education and training of Senegalese maritime manpower should give preference to the training and education at national and/or sub-regional levels, thereby permitting the special needs and particular requirements of the country or sub-region concerned to be taken into consideration.

In shipping matters, as well as in other fields related to their economic and social development, West African countries are facing the same challenges and have the same needs. Further, they share the lack or shortage of human, financial and material resources. Therefore to cope with their difficulties in a better way, African countries are forced to think, to decide and to act jointly. In other words, regional or sub-regional cooperation appears to be the key development approach for Africa.

Chapter 7 - NECESSITY OF A POLICY TOWARDS COOPERATION

In general, Africa has very few concerted policies. Each country is accustomed to struggle alone with its problems which often seem to be beyond its capabilities. The writer is inclined to consider that for any developing country to believe that it could achieve its aims in the area of shipping and allied matters by working or struggling alone is naive and unrealistic. In fact, experience should suffice to help prove sufficiently that any policy in the
Third World on an "everyone for himself" basis is far from being helpful and leads to failure and losses of resources. Therefore, it would be correct to state that to understand each other, to harmonize their policies whenever and wherever required, to cooperate more, remains a must for neighbouring countries in Africa (refer (A) below). Furthermore it should be desirable if not necessary for each African country to be aware of the importance of taking advantages from the assistance and experience of developed countries (refer (B) below).

(A) Policy directed to regional or sub-regional maritime cooperation

The "balkanisation" of Africa constitutes one of its big weaknesses because first, this makes it easier to exploit this Continent by Imperialism and second, no economic and social development is conceivable in lilliputian countries such as the African countries.

With the passing of years, there were some timid attempts to get rid of such a detrimental situation. Thus a lot of speeches have been made about African unity but unfortunately, and usually, they are only words which have not been followed by any concrete action.

The main steps towards drafting a regional maritime policy linking some African States can be summarized as follows:

1962: In Bangui, the Union Africaine et Malgache de cooperation economique (which became the OCAM from 1965) decided upon the creation of the Transports Comity of this Organization and suggested that a study must be made on the creation of a Multi-National Shipping Company.

November 1962: An Inter-States Conference on Maritime Transport was held in Dakar. The experts from
participating countries, members of the Union Africaine et Malgache de Coopération Economique, agreed on the creation of the Multi-National Shipping Company and on the harmonization of the maritime legislations of the different member states.

1971 (23-27 November): The following Conference of the OCAM on Maritime Transport, held in Dakar, confirmed the previous options.

1972: OCAM applied for assistance before the Inter-Governmental Maritime Consultative Organization (IMCO) in order to investigate the possibility of creating a sub-regional Merchant Marine training institute. In response, IMCO sent two consultants in 1973: Mr. Heront (expert in maritime training) and Mr. Zali (expert in maritime administration).

1974: The IMCO experts brought in their reports before OCAM. No concrete action followed the recommendations of these experts.

1975: This year marked a new, important step towards the establishment of a common maritime policy between African countries as a whole. Indeed, from this date an institutional piece of machinery has been created that should coordinate, if not unify, African maritime policies - that is the establishment of MINCONMAR. The charter of this Conference particularly stresses three points: maritime economy, expansion of shipping lines and development of ports. Twenty-four States of the Sub-Region are members of the Conference, the headquarters of which is located in Abidjan. It is worth noting that MINCONMAR is a member of the Board of Governors of WMU.

Although the most important preoccupation of the Ministerial Conference is the economic conditions of
maritime transport, its activities as a whole now embrace maritime affairs in all their diversity. Thus, an integrated approach has been adopted on the following projects in the sub-region:

i) harmonization of maritime laws;
ii) problems of landlocked countries;
iii) bulk cargo transportation;
iv) marine insurance;
v) study on the cost of maritime transport and unitization of cargo;
vi) harmonization of buoyage systems, etc.

1976: At the meeting of the Ministerial Conference held from 18 to 21 February 1976 in Yaounde, the regionalization of Training Centres at Accra and Abidjan was decided.

1980: Within the Economic Community of West African States (ECOWAS), the so-called "Plan of Lagos" was born and it pointed out the necessity for Africa to coordinate and harmonize national policies relating to marine matters.

Apart from the above-mentioned projects, to the drafting of which it contributed actively, Senegal is participating to less wide sub-regional organizations which also advocate a united maritime policy between their members. The most significant are the following:

a) The West African Economic Community

This sub-regional Organization was created in 1974, one of its objectives being the harmonization of the policies of the member states (Ivory Coast, Burkina Faso, Mali, Mauritania, Benin, Niger and Senegal) in the field of maritime transport and other activities.
The building of a "Community Maritime Transport Company" and the adoption and implementation of a "Community Maritime Code" constitute the main pillars of the shipping policy of the West African Economic Community. The drafting of the Community Maritime Code has already been done, while a study on the possibility of creating a Maritime Shipping Company is under consideration with the assistance of UNCTAD.

Other concerns of the West African Economic Community are the creation of national shippers' councils and the cabotage and best utilization of inland waterways within the Community.

b) The Organization for the Development of the Senegal River (OMVS)

Founded in 1975, this Organization plans for lighterage services to link Saint Louis and Kayes after the construction of the Manantali and Diama Dams. In this connection the three countries concerned (Mali, Mauritania and Senegal) foresee the creation of a multi-national lighterage company and the construction of a large port on the Senegal River that will be located in Saint Louis.

To conclude remarks on the slight desires of regional solidarity shown by Senegal and other African countries in the field of maritime activities, it should be stated that there are many Organizations which deal with marine affairs on the one hand, and on the other hand, various sub-regional organizations are aimed almost at achieving the same projects, i.e. the establishment of a multi-national maritime transport company, the creation of national shippers' councils, the harmonization of maritime laws, maritime training policies, port infrastructure improvement, etc. This is not easily understandable, in the sense that this method of working will lead to confusion, to duplication and to waste.
What is most deplorable is that recommendations, projects and so on, usually achieve a "dead-letter" state. Finally, the writer has grounds for believing that all these tergiversations of Africa simply illustrate a lack of adequate development strategy based on thorough research and analysis of the realities and needs of the existing situation in Africa.

Having discussed the circumstances evolving from the earliest days of Independence, during which period African States have tried to coordinate their maritime policies without reaching any meaningful results, the writer must now determine what kind of accurate sub-regional strategy Senegal - which believes in and has advocated African solidarity several times - should adopt.

First and most importantly, African countries should believe that individually confronting the powerful maritime countries and attempting to solve difficulties related to the establishment and/or expansion of their national merchant marines on an individual basis, is not the ideal approach. Therefore Senegal should militate strongly in favour of the establishment of fewer, but more dynamic, sub-regional organizations able to act with full powers, i.e. the Ministerial Conference of West and Central African States on Maritime Transport and/or a similar structure under the umbrella of the West African Economic Community.

Such regional (or sub-regional) organizations can at the beginning act as a coordinating framework for the national maritime policies. Thus it will reshape, in an orderly way, adapt and execute all the projects already settled which have been mentioned earlier in this paper.

In brief, the functions of the regional (or sub-regional) organization will consist of:
i) the harmonization of maritime laws:

The prerequisite of the promotion of sub-regional maritime cooperation is compatibility of maritime laws. This compatibility facilitate the entry, in practice, of International Conventions relating to the carriage of goods by sea, questions of the implementation of international safety standards, commercial matters including documentation and procedural questions, questions of the application of the UN Law of the Sea Convention 1982 (i.e. territorial limits), marine insurance, the legal aspects of ship ownership and operation, tonnage measurement of ships, inquiries/investigations into shipping casualties, questions related to the qualifications and employment of trainers and examiners for the regional (or sub-regional) training/education institutions/centers, questions related to the training, examination, certification and employment of seafarers, etc.

ii) encouragement of the development of cooperation between:

a) national fleets

Currently, existing African national fleets carry mostly their national cargoes, have their own agents spread in many ports (usually located in Europe) in which they load or discharge, for the purposes of cargo canvassing. This method of operation is not profitable for the fleets concerned. With the coming into force of the UNCTAD Code of Conduct, the rationalization of traffic in Africa will result from the establishment of an African pool for the national 40% shares, until the creation of regional fleets and mutually shared agents can be achieved.

African fleets also need to have close cooperation between themselves in order to cope
with the requirements of the container system. In this context, the African Declaration on Cooperation, Development and Economic Independence adopted by the Organization of African Unity (OAU) in May 1973 has already made the recommendation for the establishment of a consortium of African shipping companies which will coordinate operations, share terminals and influence the level of ocean freight rates.\(^{11}\)

b) national ports

Cooperation between ports can facilitate the exchange of information and experience between themselves and help countries to avoid rivalry in the field of investments. If cut-throat, fierce competition exists between African ports, the situation for those ports would be totally destructive.

c) national shippers' councils

Solidarity between African shippers' councils will be of great assistance in enhancing the negotiating capacity of African shippers in dealing with the Liner Conferences. There is little doubt that the strength of the shippers' councils will largely depend on the degree of unity among their members, and/or among national shippers' councils within a region or sub-region. It may be mentioned that MINCONMAR has already created a Regional Negotiating Committee representing all member countries which negotiates freight rates for the entire region. Such a structure may constitute the right framework for the close link needed between African shippers.

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In the future, the regional (or sub-regional) coordinating organization must be transformed into a regional (or sub-regional) maritime administration with precisely defined and appropriate functions. In addition to the above-mentioned functions of the coordinating structure that it will replace, the Regional Maritime Administration might add the following functions/roles:

- undertaking a study on the relevance of creating regional shipping lines;
- undertaking long-term studies on port developments;
- assisting the coordinated technical development of shipping in the region;
- coordination of external Technical Assistance Programmes in order to derive maximum benefit from them;
- coordination of the work of those classification societies to whom statutory functions are delegated by the appropriate authorities in the region (or sub-region);
- serve as an expert advisory body, available to all member states, etc.

In addition to the need for cooperation with other African countries, Senegal has to try to benefit from the assistance and experience of the traditional maritime powers as well.

(B) Policy directed to the establishment of joint ventures with developed maritime countries

Among factors contributing negatively to the attempts of Senegal to accelerate its shipping development, the following might be considered as determinant:

- shortage of an historic maritime background;
- lack of skills; and
- lack of investment capital.
To bridge such a gap, two approaches might be envisaged: that is, either to hire the manpower needed for the management of the national shipping lines and manning of some vessels and/or to advise the Maritime Authorities in their decision-making activities; or, to consider the idea of establishing firms on multilateral or bilateral country bases with some maritime powers. Preference has to be given to the latter option because experience has shown that the former option is not only less efficient, but can also be costlier for the hirer. In other respects it would be preferable to collaborate with countries and/or shipping firms which can be accredited with long experience in the traffic between Europe and Africa.

The forms of cooperation which could bring together Senegal and/or Senegalese shipping companies with maritime countries and/or firms from the developed world might be the following:

a) Commercial and technical co-operation between Senegalese firms and foreign firms:

The scope of such cooperation can include:

- cargo-sharing;
- establishment of agents in common;
- a mutual policy relating to chartering;
- training of Senegalese manpower by the partner or with its assistance;
- advice, mainly aimed at the promotion and the modernization of the Senegalese fleet;
- carrying studies on technical aspects and on profit-earning capacity of the Senegalese fleet;
- assistance of the partner on shipbuilding contracts and supervision of the execution of such contracts;
- advice in the purchase of second-hand vessels, etc.
b) Joint ventures

By establishing firms on a bilateral country basis, Senegal will profit from the experience of foreign institutions. This will positively influence its shipping policy because it is said that the total costs of ships are affected to a great extent by the degree of experience accumulated in a country.

Foreign investments in shipping may be based on the following conditions:¹²

- to increase national tonnage;
- to increase the national efficiency by introducing more advanced technology and to bring the national level in line with the level abroad;
- to increase productivity of capital employed and help the national trade to expand by opening new routes for it;
- to provide an opportunity for training national personnel in the various branches of the industry and for the managerial and administrative positions;
- the total investment on the project may be shared by the two partners.

In order to better attract foreign countries to invest in shipping in Senegal, the Government must promote a healthy climate that should result in:

1 a reasonable degree of certainty and continuity in legislation, taxes and other industrial and trade regulations;

2 a stable policy concerning the transfer of dividends to the foreign firm's country, which avoids violent fluctuations in exchange rates;

3 the availability of reliable and quick information and a smooth procedure in negotiation.

¹² Professor Monsef, op.cit., p.104.
POTENTIAL SENEGALESE MARITIME TRAFFIC PER ZONE AND BILATERAL AGREEMENTS

1 Zone Africa
Traffic with the following countries:
Algeria, Morocco, The Canaries, Mauritania, Guinea (Conakry),
Ivory Coast (agreement concluded), Nigeria, Cameroon, Gabon:
Total: 567,301 t/year
Senegalese share: \(\frac{567,301 \times 40}{100} = 226,921\) t/year
18,910 t/month

2 Zone Europe
a) Atlantic Range
Traffic with the following countries
Portugal (agreement concluded), France (agreement concluded),
Belgium (agreement concluded), Great Britain, Netherlands,
Federal Republic of Germany, German Democratic Republic,
Finland:
Total: 2,468,135 t/year
Senegalese share: 987,254 t/year
82,271 t/month

b) Mediterranean Range
Traffic with the following countries
Spain (agreement concluded), Italy (agreement concluded),
Yugoslavia, Greece, Rumania
Total: 436,580 t/year
Senegalese share: 174,632 t/year
14,553 t/month

3 Zone America
Bilateral agreements may be concluded with the USA, Netherlands Antilles
Potential total tonnage: 219,974 t/year
Possible Senegalese share: 87,990 t/year
7,333 t/month

4 Zone Asia
With People's Republic of China, Hong Kong, India, Malaysia,
Pakistan, Thailand, Australia and Japan
Potential total tonnage: 613,434 t/year
Senegalese share: 245,372 t/year
20,448 t/month
GENERAL CONCLUSION

A flagrant contradiction exists between the shipping ambitions that Senegal has shown from the early years of Independence and the present situation of maritime development in the country. Shipping activity in the country is not progressive, and by comparison with some West and Central African neighbouring countries such as the Ivory Coast, Nigeria, Cameroon and so on, betrays a backward stage of development.

Nevertheless, some factors exist in Senegal which are very favourable to the development of an effective maritime sector in the country, for example:

- a port of international repute, favourably located at the westernmost point of the Continent, which remains even today as one of the great ports of Africa;

- the existence of important inland waterways and three minor ports. The River Senegal, with a length of about 1600 km, remains the major river of West Africa and this should facilitate the renewal of cabotage;

- a long coastline of about 720 km;

- an important fishing fleet (it is largely accepted that it is easier for a country with a large fishing fleet to build up a successful merchant fleet; for instance, in Britain, Norway and most of the other maritime countries, the fishing profession was the first seed from which their seafaring traditions developed).

Of course with such positive considerations, Senegal could reasonably be considered as having a maritime vocation. It is therefore difficult to explain, in the light of what appears to be a favourable environment, the failure of all attempts to establish an embryonic shipping industry in the country. Indeed the first step towards the renewal
of Senegalese shipping activities should consist of diagnosing the main obstacles that caused failure of all past maritime policies in Senegal.

In this connection, emphasis must be placed on the fact that until now African countries have shown no ability for defining and implementing a genuine African social and economic development policy. They have in the past tended to mimic European methods which has not always been successful without appropriate modification to meet needs in Africa. In the field of maritime activities, this attitude of African States is illustrated by their acceptance of the divergence between the public aspects of marine law and policy and the private, commercial side of shipping law and policy, which they inherited from the industrialized world. Such a dichotomy prevented the emergence of a suitable Maritime Administration which should play a leading role for the development of all marine affairs in African countries. Therefore, in Senegal as well as in other African States, the expansion of marine activities must result, first of all, in the restructuring of the maritime administrative machinery in order to create a unified entity (Maritime Administration) which will be in charge of all ocean uses and all marine affairs and which will be run by an appropriate manpower force with the required marine expertise. Thus the training/education of nationals, an accurate recruitment and utilization of well-trained and qualified nationals into maritime professions will constitute one of the key factors of any Senegalese maritime policy. Therefore, the writer persists in believing that any progress towards the development of a maritime industry in Senegal should require noticeable institutional reforms.

Another explanation of the failure of the development policies in Africa can be drawn from the fact that the tendency of each State to struggle individually, to confront individually the powerful nations, has always prevailed over the necessity of a regional or sub-regional solidarity. The
results of such an approach are now really disastrous. The rupture with the strategy consisting in acting in an uncoordinated way becomes unavoidable, otherwise Africa will perish.

In theory, indeed, the Third World has always advocated real cooperation between developing nations. Yet, the Algiers Charter (October 1967) called for stronger and more extensive cooperation between LDCs on a regional basis to secure maximum benefits and better bargaining positions in the field of shipping. More recently, in the Fifth Ministerial Meeting of the Group of 77 (28 March to 9 April 1983), the developing countries, members of such Group, called again for meetings at appropriate levels to consider the establishment and adoption of a programme of action for cooperation and for strengthening and reinforcing the present system of intra-regional and inter-regional transport of seaborne trade in order to complement the efforts to achieve a substantial increase in trade among developing countries.¹

In particular, LDCs must cooperate among themselves inter-regionally in the following high priority areas:

- fleet development
- shippers' councils
- multimodal transport
- maritime legislation
- training
- law of the sea issues
- safety and anti-pollution measures

The following forms of cooperation should be adopted:

i) multinational shipping companies or joint ventures between shipping companies of developing countries;

ii) joint management of shipping companies of different countries;

iii) joint services/chartering or pooling of operations of shipping companies of different countries;

iv) joint investment funds;
v) grouping of orders for ships;
vi) cargo pools;
vii) joint maritime training institutions;
viii) crew exchanges or pools;
ix) federations or unions of shippers' councils or of other shippers' organizations;
x) multi-country shipping investigation units;
xii) sailing rationalization schemes organized on an inter-country basis;
xii) research work.

Nowadays some institutions or arrangements for multinational, regional or sub-regional cooperation in the field of maritime transport exist in the Third World countries.²

Even if no one doubts the right of African countries to build up their merchant marines, the small volume of their foreign trade and lack of comparative advantage in the shipping field should make it utterly uneconomical for them to develop their own fleets on a national basis.³ Close cooperation among neighbouring countries might help in solving the problem of the existing low intra-regional exchange by widening the markets and developing complementary industries within the region or sub-region concerned. Then the establishment of larger national or regional fleets becomes more advisable. This will benefit all the countries of the region (or sub-region) since they can get, by running big ships, a sea transport service that will be comparatively efficient and low costing.⁴

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2 See Annex II, p.94: Examples of such institutions or arrangements
4 For economics of ship size, see P.M. Alderton, op.cit, p.50.
It is encouraging that some institutional mechanisms aimed at identifying the areas of cooperation in the field of maritime matters, at adopting decisions and recommendations which will tend to develop and intensify the regionalization of maritime policies, have already been launched in Africa. The most relevant among such institutions are the Ministerial Conference of West and Central African States on Maritime Transport and the Committee of Cooperation on Transport (within ECOWAS). Unfortunately the Governments concerned defer implementing the cooperative measures which have been elaborated through the regional institutions.

There are many indications that Senegal, which used to militate desperately in favour of a strong regional (or sub-regional) solidarity, will elaborate a maritime policy widely open to the harmonization of the strategies over the West and Central African region.

Anyhow, either on the national level or on the regional (or sub-regional) level, it is high time to act, to put into effect the measures necessary to promote maritime activities in Senegal in a pragmatic and realistic way. No more tergiversation, no more unrealistic policy.
**Table 6**

TOTAL WEST AFRICAN AND WORLD SEABORNE TRADE 1969-1978

(Figures in parentheses show per cent of total world trade)

<table>
<thead>
<tr>
<th>Year</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TOTAL WORLD</td>
<td>WEST AFRICAN EXPORTS</td>
<td>WEST AFRICAN IMPORTS</td>
<td>WEST AFRICAN INTRA-REGIONAL TRADE</td>
<td>IV in % of II + III</td>
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<tr>
<td></td>
<td>mill tons</td>
<td>bill t/m</td>
<td>mill tons</td>
<td>bill t/m</td>
<td>mill tons</td>
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<tr>
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<td>11,455</td>
<td>121.1</td>
<td>539.1</td>
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<td>12,558</td>
<td>140.4</td>
<td>642.7</td>
<td>20.1</td>
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<td>13,931</td>
<td>161.5</td>
<td>753.6</td>
<td>20.3</td>
</tr>
<tr>
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<td>16,260</td>
<td>183.1</td>
<td>877.0</td>
<td>22.3</td>
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<tr>
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<td>17,304</td>
<td>200.1</td>
<td>950.0</td>
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<tr>
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<td>15,766</td>
<td>163.7</td>
<td>759.4</td>
<td>26.1</td>
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<tr>
<td>1976</td>
<td>3.372</td>
<td>17,505</td>
<td>174.6</td>
<td>776.0</td>
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<tr>
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<td>18,018</td>
<td>175.0</td>
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<tr>
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<td>17,776</td>
<td>167.6</td>
<td>733.7</td>
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<tr>
<th>COMMODITIES</th>
<th>YEAR</th>
<th>WORLD TOTAL</th>
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<th>WEST AFRICAN</th>
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<tr>
<td></td>
<td></td>
<td>'000 tons</td>
<td>'000 tons</td>
<td>'000 tons</td>
</tr>
<tr>
<td></td>
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<td>Z</td>
<td>Z</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All commodities</td>
<td>1969</td>
<td>2,233,189</td>
<td>87,550</td>
<td>15,779</td>
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<td>(100,0)</td>
<td>(3,9)</td>
<td>(0,7)</td>
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<td>1969</td>
<td>769,113</td>
<td>49,264</td>
<td>3,156</td>
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<td></td>
<td>(100,0)</td>
<td>(6,4)</td>
<td>(0,4)</td>
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<td>33,641</td>
<td>7,114</td>
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<td></td>
<td></td>
<td>(100,0)</td>
<td>(2,7)</td>
<td>(0,6)</td>
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<td>1969</td>
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<td>291</td>
<td>139</td>
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<td></td>
<td></td>
<td>(100,0)</td>
<td>(1,5)</td>
<td>(0,7)</td>
</tr>
<tr>
<td>Dry general cargo</td>
<td>1969</td>
<td>166,483</td>
<td>3,116</td>
<td>4,905</td>
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<td></td>
<td></td>
<td>(100,0)</td>
<td>(1,9)</td>
<td>(3,0)</td>
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<tr>
<td>Other dry cargo</td>
<td>1969</td>
<td>37,789</td>
<td>1,238</td>
<td>465</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(100,0)</td>
<td>(3,3)</td>
<td>(1,2)</td>
</tr>
<tr>
<td></td>
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<td>All commodities</td>
<td>1978</td>
<td>3,474,671</td>
<td>167,585</td>
<td>34,259</td>
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<td></td>
<td></td>
<td>(100,0)</td>
<td>(4,8)</td>
<td>(1,0)</td>
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<tr>
<td>Dry Bulk</td>
<td>1978</td>
<td>1,166,520</td>
<td>48,496</td>
<td>8,758</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>(4,2)</td>
<td>(0,8)</td>
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<tr>
<td>Liquid bulk</td>
<td>1978</td>
<td>1,907,851</td>
<td>115,178</td>
<td>9,576</td>
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<td></td>
<td></td>
<td>(100,0)</td>
<td>(6,0)</td>
<td>(0,5)</td>
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<tr>
<td>Refrigerated foods</td>
<td>1978</td>
<td>28,731</td>
<td>448</td>
<td>700</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(100,0)</td>
<td>(1,6)</td>
<td>(2,4)</td>
</tr>
<tr>
<td>Dry general cargo</td>
<td>1978</td>
<td>310,671</td>
<td>2,953</td>
<td>13,814</td>
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<td></td>
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<td>(100,0)</td>
<td>(1,0)</td>
<td>(4,5)</td>
</tr>
<tr>
<td>Other dry cargo</td>
<td>1978</td>
<td>60,900</td>
<td>509</td>
<td>1,411</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(100,0)</td>
<td>(0,8)</td>
<td>(2,3)</td>
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</table>

## THE WORLD MERCHANT FLEET

- Vessels of 300 grt & dwt and over -

### 1. TOTAL WORLD MERCHANT FLEET BY FLAGS AS OF APRIL 1st, 1983

<table>
<thead>
<tr>
<th>No.</th>
<th>Flag</th>
<th>No. of ships</th>
<th>grt (b)</th>
<th>nrt</th>
<th>dwt</th>
<th>share of flag (dwt-%)</th>
</tr>
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<tr>
<td>1</td>
<td>Liberia</td>
<td>1,694</td>
<td>56,653 940</td>
<td>42,673 675</td>
<td>110,154 538</td>
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</tr>
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<td>2</td>
<td>Japan</td>
<td>4,081</td>
<td>36,410 607</td>
<td>22,306 018</td>
<td>58,223 884</td>
<td>9.23</td>
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<tr>
<td>3</td>
<td>Panama</td>
<td>3,860</td>
<td>35,830 760</td>
<td>20,536 944</td>
<td>60,681 204</td>
<td>9.62</td>
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<tr>
<td>4</td>
<td>Greece</td>
<td>2,008</td>
<td>29,556 000</td>
<td>19,840 554</td>
<td>51,889 725</td>
<td>8.23</td>
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<tr>
<td>5</td>
<td>USSR</td>
<td>3,036</td>
<td>19,264 582</td>
<td>10,088 779</td>
<td>25,912 027</td>
<td>4.11</td>
</tr>
<tr>
<td>6</td>
<td>US</td>
<td>991</td>
<td>16,345 126</td>
<td>11,190 016</td>
<td>25,586 600</td>
<td>4.06</td>
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<td>7</td>
<td>Norway</td>
<td>685</td>
<td>15,497 085</td>
<td>10,725 375</td>
<td>27,546 968</td>
<td>4.37</td>
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<td>UK</td>
<td>945</td>
<td>14,261 161</td>
<td>9,338 569</td>
<td>22,638 410</td>
<td>3.59</td>
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<td>9</td>
<td>PR of China</td>
<td>1,056</td>
<td>9,192 471</td>
<td>5,047 092</td>
<td>13,935 842</td>
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<td>Italy</td>
<td>793</td>
<td>8,050 008</td>
<td>5,141 604</td>
<td>13,453 826</td>
<td>2.13</td>
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<tr>
<td>11</td>
<td>France</td>
<td>350</td>
<td>7,909 387</td>
<td>5,531 394</td>
<td>13,319 658</td>
<td>2.11</td>
</tr>
<tr>
<td>12</td>
<td>Cyprus</td>
<td>730</td>
<td>6,676 102</td>
<td>4,577 456</td>
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<td>India</td>
<td>4,19</td>
<td>6,406 051</td>
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<td>9,939 169</td>
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<td>3,805 401</td>
<td>9,790 467</td>
<td>1.62</td>
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<td>11,499 921</td>
<td>1.82</td>
</tr>
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<td>Brazil</td>
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<td>3,957 407</td>
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<td>3,696 353</td>
<td>8,688 746</td>
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<td>Denmark (c)</td>
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<td>2,886 132</td>
<td>7,458 181</td>
<td>1.18</td>
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<tr>
<td>21</td>
<td>Taiwan (d)</td>
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<td>3,955 188</td>
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<td>6,399 171</td>
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<td>5,692 417</td>
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<td>Turkey</td>
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<td>3,502 816</td>
<td>2,346 625</td>
<td>5,667 619</td>
<td>0.96</td>
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<td>Philippines</td>
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<td>2,275 114</td>
<td>5,782 939</td>
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<tr>
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<td>1,657 989</td>
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<td>2,660 747</td>
<td>1,654 137</td>
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<td>1,357 569</td>
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<td>3,740 897</td>
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EXAMPLES OF INSTITUTIONAL, MULTINATIONAL, REGIONAL AND SUBREGIONAL CO-OPERATION IN MARITIME TRANSPORT

A. Non-commercial bodies

(a) Ports

(i) The Port Management Association of West and Central Africa

(ii) The Port Management Association of Eastern Africa

(iii) The Port Management Association of North Africa

(iv) Union of Maritime Ports of Arab Countries

(v) COCAAP - Regional Port Authorities Association for Central America

(b) Shipping

(i) MINICONMAR - Ministerial Conference of West and Central African States on Maritime Transport

(ii) ACAMAR - Shipowners Association for Central America

(iii) Caribbean Shipping Association

(iv) COCATRAM - Commission of Maritime Transport in Central America

(v) ISCOS - East African Countries Intergovernmental Standing Committee on Shipping

(vi) Federation of Arab Shipping

(c) Maritime training institutions

(i) Arab Regional Maritime Academy (Sharjah)

(ii) Arab Maritime Transport Academy (Alexandria)

(iii) Académie Régionale des Sciences de la Mer (Ivory Coast)
B. Commercial bodies

(a) Shipping

(i) NAMUCAR - Naviera Multinacional del Caribe S.A.
(ii) WISCO - The West Indies Shipping Corporation
(iii) UASC - United Arab Shipping Company
(iv) AMPTC - The Arab Maritime Petroleum Transport Company
(v) IRANO-Hind Shipping Company
(vi) INDO-Mauritius Shipping Venture

(b) Shippers' Councils and negotiating bodies

(i) USUARIOS - Regional Shippers' Council for Central America
(ii) Joint Negotiation Committee for West and Central African Countries
(iii) FASC - Federation of ASEAN Shippers' Council
### STATISTICS OF THE PAD

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<th>Year</th>
<th>Number of ships</th>
<th>GRT '000 tons</th>
<th>Cargo '000 tons</th>
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<td>E</td>
<td>D</td>
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<td>D</td>
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<tr>
<td>1956</td>
<td>4.245</td>
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<td>4.936</td>
<td>4.919</td>
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<td>5.541</td>
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Legend:  
E - Entry  
D - Departure  
Dis. - Discharging  
Lo. - Loading  

Source: The PAD
STATISTICS OF THE PAD

EVOULUTION OF NUMBER OF SHIPS
entry and departure

Source: PAD
STATISTICS OF THE PAD

Evolution of the traffic of phosphates

Phosphates
1977 = 1,818,104 t.
1978 = 1,738,940 t.

Source: PAD
Statistics of the Pad

Year

1976 = 5,362,704 t.

Loading and discharging

Source: Pad

Annex III (Page 4)
STATISTICS OF THE PAD

Tonnage of container traffic

Source: PAD
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