Prerequisites for maritime development in Togo

Pilakiwe Abouzi

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PREREQUISITES
FOR MARITIME DEVELOPMENT
IN TOGO

by

ABOUZI PILAKIWE

TOGO
PREREQUISITES FOR MARITIME DEVELOPMENT IN TOGO

By

ABOUZI PILAKIWE

TOGO

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

MASTER OF SCIENCE DEGREE

in

GENERAL MARITIME ADMINISTRATION

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

Signature:

Date:

Supervised and assessed by: Professor Edgar GOLD

PROFESSOR AND DIRECTOR, DALHOUSIE UNIVERSITY

VISITING PROFESSOR, WORLD MARITIME UNIVERSITY

Co-assessed by: Professor Aage OS

PROFESSOR, WORLD MARITIME UNIVERSITY
TO MY PARENTS
I would like to express my sincere gratitude to the Togolese Government and the International Maritime Organisation (IMO), for having given me the opportunity to study at the WMU in Malmö, SWEDEN.

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<tr>
<td>CEAO</td>
<td>Communauté des Économique de l’Afrique de l’Ouest.</td>
</tr>
<tr>
<td>CNCT</td>
<td>Conseil National des Chargeurs du Togo</td>
</tr>
<tr>
<td>CEDEAO</td>
<td>Communauté Économique des États de l’Afrique de l'Ouest.</td>
</tr>
<tr>
<td>FAO</td>
<td>Food and Agriculture Organization</td>
</tr>
<tr>
<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GMA</td>
<td>General Maritime Administration</td>
</tr>
<tr>
<td>GNP</td>
<td>Gross National Product</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Office</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
</tr>
<tr>
<td>LDC</td>
<td>Less Developed Countries</td>
</tr>
<tr>
<td>LOS</td>
<td>Law of the Sea</td>
</tr>
<tr>
<td>MARPOL</td>
<td>Marine Pollution Convention</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
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<tr>
<td>MCT</td>
<td>Ministry of Commerce and Transport</td>
</tr>
<tr>
<td>MCI</td>
<td>Marine Casualty Investigation</td>
</tr>
<tr>
<td>MD</td>
<td>Maritime Directorate</td>
</tr>
<tr>
<td>MEPC</td>
<td>Marine Environment Protection Committee</td>
</tr>
<tr>
<td>MET</td>
<td>Maritime Education and Training</td>
</tr>
<tr>
<td>MPP</td>
<td>Maritime Permanent Panel</td>
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<tr>
<td>MSA</td>
<td>Maritime Safety Administration</td>
</tr>
<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
</tr>
<tr>
<td>PAL</td>
<td>Port Autonome de Lome</td>
</tr>
<tr>
<td>RPT</td>
<td>Rassemblement du Peuple Togolais</td>
</tr>
<tr>
<td>SAR</td>
<td>Search And Rescue (organization)</td>
</tr>
<tr>
<td>SOTONAM</td>
<td>Societe Togolaise de Navigation Maritime</td>
</tr>
<tr>
<td>Sqm</td>
<td>Square kilometer</td>
</tr>
<tr>
<td>STCW</td>
<td>Standards of Training, Certification and Watchkeeping for seafarers</td>
</tr>
<tr>
<td>TMS</td>
<td>Technical Management for Shipping Company</td>
</tr>
<tr>
<td>UNCLOS III</td>
<td>The Third UN Conference on the Law of the Sea</td>
</tr>
<tr>
<td>Acronym</td>
<td>Organization Name</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade And Development</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNEP</td>
<td>United Nations Environment Programme</td>
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<td>UNESCO</td>
<td>United Nations Educational Scientific and Cultural Organization</td>
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<tr>
<td>UPU</td>
<td>Universal Postal Union</td>
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<td>WHO</td>
<td>World Health Organization</td>
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Shipping is by its nature an international business: The required inter-relationships constitute the basis of the shipping industry's success. This is also verified from the historical point of view. Most of the very early international contacts among nations have been made possible by sea transportation.

As for Togo, maritime interests are not only historic but also economic. For most of the traditional maritime countries the growth and development of their economies is due to their utilization of the oceans' resources, commerce and the rewarding shipping activities. However these economic activities are not performed without challenges. Difficulties in sea-commerce practice include safety and economic aspects. Safety matters are mainly related to the risk to human life and to that of ocean living resources when pollution of the sea from ships is considered. This pollution often results in the destruction or at least the reduction of the quality of living ocean resources. In this connection, the safety of navigation is a very important factor. Furthermore, safety concerns the welfare of the coastal community. It is not necessarily impossible to overcome the aforesaid problems. That alone can be a topic for a thesis, and is generally referred to as "Maritime Challenges".

Moreover, the last four decades have shown an increasing interest in the oceans. However the example of some maritime developed countries such as Norway, Great-Britain and West Germany, illustrate that maritime commerce and marine related activities are of great economic importance. Therefore, it is of great interest for new maritime countries to undertake and develop appropriate maritime poli-
cies for an overall maritime development on national, regional and international levels. To render better service, all maritime infrastructures including maritime(safety) administration must follow certain regulations which should be guided by a flexible policy. From my point of view this topic appears important and is a good research topic that may contribute to maritime sciences development. It is also important to underline within the following introduction to my paper, the scope of my study under the chosen title.

However, before that, it may be useful to comply with the popular quotation, "If you wish to discuss anything with me, you must first define your terms". I will define the terms I will use. The reference word we are more interested in, is "maritime". Maritime is referred to in its full sense. In its restricted meaning some people confuse "maritime" and "shipping" which relates only to the business of transporting freight by ships or to the tonnage of a certain number of ships or ships collectively. "Maritime" in my thesis means more than "shipping". Therefore, the maritime law mentioned in the following developments includes not only shipping law or marine law, but both relevant aspects of the regulations. In this paper it is considered that policy is a plan of action adopted or to be adopted in order to fulfil a long term objective as a whole.

The importance of any policy depends on the importance of the matters it is related to and also to the organ that develops it. However the policy we are referring to here, should serve as guideline for the regulations and rules to be followed in reaching the target. The objective is the identification of those maritime activities which could be part of Togo's long-term economic development.
Having mentioned some of the considerations of the relevant subject, it is now convenient to introduce the topic.

(1) Norway is one of them.
INTRODUCTION

The national maritime infrastructure as a whole needs to be efficient. Unfortunately many developing nations are still a long way from reaching this important objective.

Therefore the question is to find ways and means in organizing the nation's maritime infrastructure. This question raises many others. Among them, the most important are probably related to the technical developments within the maritime industry. The most rewarding facilities for national shipping development should be provided in such a manner that they could adapt not only to new techniques but also to a certain extent to anticipated developments. This remains the most important problem for less developed countries. With a comparatively low technical development, we suffer from insufficient industrial capacity and consequently we are not able to compete effectively in the open market.

In this context, "Prerequisites for Togo Maritime Development." the title of my thesis should be clearly understood. This title could be stated in many other ways but the wording chosen is designed to avoid any misinterpretation of this Study. Indeed a lot of effort have been made in setting up the Togolese Maritime Infrastructure. The Author highly appreciate these efforts and intends here to contribute in the improvement of the Country's Maritime Sector. Thus in this Paper "Prerequisites for Togo Maritime Development" may just stand for "Maritime Administration in Togo: A proposal for restructuring and integration". This contributive Study to the future Maritime Development takes into consideration the past and the present situation of this Sector.

For such an academic work, it may be reasonable to put
some constructive criticism in the title itself. But here the title appears to be self-explanatory. In Togo, as in any other emerging maritime nation, there is still quite a lot to be done in developing a maritime industry. Among all the relevant tasks to be carried out, priorities have to be set and steps followed so as to reach the goals. Furthermore, taking into account the recent revolution in the world maritime industries, such as sea transportation, oceans and oceans resources, new standards, some aspects of the existing Togolese maritime infrastructure need, in order to be profitable in the long run, certain readaptations. Therefore among all the factors concerned, the most urgent need is probably for an appropriate updated Maritime Legislation. The relevant Acts should be based on the targets to be reached, which are carefully defined in what we call maritime policies.

My thesis as stated above, is concerned with the prerequisites for the development of a Togolese Maritime infrastructure. In this context I would like to include some constructive proposals for the policy and necessary guidelines for the appropriate legislation, as a way to a long-term profitable shipping and economical Ocean Management. In other words, my main purpose by undertaking such research, is to contribute to the country's Maritime policy and Legislative plans for shipping and Marine Economic Development. Accordingly I will not discuss, unless it is necessary, either maritime regulations and standards, or technical matters relating to marine affairs in detail. Furthermore, the study intends to deal with the basic Togolese maritime problems including all those faced by the less developed countries. As a basic preliminary work for future investigations pertaining to Togolese maritime development, the present work could be quite
useful. Therefore, special emphasis is placed on the effective maritime development, having regard to the considerable progress of research in the Maritime field. For this purpose, consideration has been obviously given to the positive impact of appropriate progress on national economy on the one hand, and on the other, a close eye is kept on shipping and ocean management.

My treatment of the subject is composed of two parts divided into six chapters. Firstly, I will explain the real need for an updated maritime legislation derived from an appropriate maritime policy, as a basis for a practical and relevant maritime administration, to sustain the required maritime infrastructure. And in the second part which is somewhat more developed because of the need for more explanations, I will cover the question of the establishment of a convenient maritime infrastructure based on the development of maritime legislation built with regard to both local and international maritime standards. Consequently, it was not found necessary to reserve a special part for the problems relevant to Togolese maritime affairs. It is obvious that if my research aims to contribute to something related to maritime development in Togo, it will deal with a variety of maritime challenges. These difficulties may appear through the subsidiary conclusions of both parts of my deliberations. Moreover, they can easily be considered through the statement of the present maritime situation in the first part and the suggestions on what it should be, in the second.

(1) This Paper is the first to be concerned by the overall approach of marine affairs in Togo.
PART ONE

TOGO AS A MARITIME STATE
If the main target within this Study is to make a certain contribution to a rewarding maritime development in Togo, the conclusions of this paper must include suggestions and proposals for a better established National Maritime Administration. To do so, it is important to make a clear statement of the present maritime situation. That is the "raison d'être" of the first part of my thesis.

Part one may be entitled "Togo Republic is also a maritime Country"; Therefore the first part of this paper is presented as an examination of the extent to which Togo may be considered as a maritime Country. Saying so, the Author principally refers to the maritime activities that are being carried out, through the guidance of a relevant policy and this includes descriptions and analyses of the Togolese maritime industry. But it appears before hand that such a classification derives directly from the Country's geographical and socio-economic features.
CHAPTER 1

PHYSICAL AND SOCIO-ECONOMIC ASPECTS

Togo's maritime interests can be seen through the main characteristics of the country. Therefore Togo geographical and socio-economic features need to be clearly stated. Consequently, instead of being part of the introduction where they are traditionally found, these main aspects should reasonably come in the first chapter.

1.1 Geography

The Togolese Republic lies in West Africa.* The country forms a strip stretching 579 kilometers (360 miles) north from a coastline of about 50 kilometers on the Gulf of Guinea and measures only 160 kilometers (100 miles) in width. Togo is bordered by Ghana to the west, Benin to the east and Burkina-Faso to the north with a total boundary length of 1,673 km (1,039 miles). The country's total area is 56,600 square kilometers. The capital city LOME is situated on the coast. Togo is a country of hills, plains, lakes and rivers. The climate is mainly tropical and humid. The average maximum and minimum temperatures are $30^\circ$ C and $23^\circ$ C respectively in LOME, on the south coast, and $35^\circ$ C and $15^\circ$ C at Mango in the north. Togo is one of the most densely populated countries in the tropical Africa. The total population in 1985 was estimated at 3,500,000 inhabitants. Togo's population is

*See the map of TOGO on the subsequent page.
mosaic of at least 18 tribal groups. The main ethnic groups consist of Ewe and Kabye. Although French is the official language, public schools combine French with Ewé and Kabyé. About seventy percent of the population adhere to traditional religious beliefs; The remainder are mainly Christians with a dominance of Roman Catholics, and a small percentage of Muslims.

A brief history of the Country serves as a useful introduction to Togo's present economical position.

1.2 Historical review

The present Republic of Togo is the eastern section of the former German protectorate of Togoland, which became a League of Nations' mandate after the World War I and was divided into separate zones under the British and French administration. After World War II, France and Britain continued to administer the eastern and western sections as United Nations' trust territories. Following a UN-supervised plebiscite, western (British) Togoland became part of the new state of Ghana on the later's accession to independence in 1957. Eastern (French) Togoland, which became a French-sponsored autonomous Republic in 1956, achieved complete independence in agreement with France and the United Nations on April 27, 1960.

Following approval in a referendum on 30 December 1979, a new Constitution came into force in January 1980, when the third Togolese Republic was proclaimed. It provides for an executive President directly elected for a seven-year term, and for a National Assembly elected for a five year-term. Togo, in short practices the policy of non-alignment. The nation enjoys friendly relationship with the members of the world community. Togo worked closely with Nigeria in West Africa for the creation of
the Economic Community of West African states (ECOWAS); the country is a member of the francophone "Conseil de l'Entente". Togo is also a member of CEAO (West African States Community) defense accord.

The country participates in many different organizations and institutions namely the OAU, the Common Market, and is a member state of the United Nations and of most of the UN agencies namely UNESCO, IMF, UPU, WHO, ITU, UNCTAD, GATT, ILO, IMO, UNEP, UNDP, FAO, CECAF etc.

On the national level, the Government's focus is on the constant economic development by means of joint efforts, competence and commitment of the country's citizens. The Assembly of Togolese People, RPT, was created in 1969, and in 1976 its political Bureau was set above the Government. "The policy of RPT is centered mainly on the tasks of economic development, political education, and the creation of a sense of national unity through the deemphasis of local and ethnic issues". (1)

1.3 Economic aspects

From 1965 to today, the per capita Gross National Product (GNP) increased from $100 to over $480 (2). Agriculture is the mainstay of the national economy, engaging about 70% of the working population, and providing about 40% of the Country's Gross Domestic Product (GDP), while only 11% of the land is still cultivated (3). Agricultural development, referred to as the "Green Revolution", remains the primary goal.

Almost one-quarter of all development funds go to the farming sector. Farming matters are the only ones among
all sectors of development, to be carefully ruled by two different ministries created for that purpose. Agricultural programs include the expansion of lands under cultivation, land reform designed to help more people to take up farming, and the introduction of new farm technology. The Togolese major food crops are cassava, yams, maize and millet, with vegetables and varieties of fruits.

Cash crops include coffee and cocoa, palm kernels, ground nuts, copra, castor beans and capoc. Coffee and cocoa account for 85% of all agricultural exports and more than one third of foreign earnings. See annex I(A(4).

The growing cattle and livestock industry are increasing to meet domestic demands. Aside from trade and artisans, the most significant non-agricultural economic activity is mining. Togo was the world's fourth largest phosphate exporter in 1979(5). Graphic 1 on the subsequent page illustrates it. Added to this, marble of high quality is mined at Gnaoulou.

The manufacturing sector comprises mainly the processing of agricultural produce and the production of consumer goods. The code of investment of the country is such as to encourage foreign investments for national development by offering various incentive schemes. Facing the international market crisis, mainly the sharp drop of prices on raw materials, the Government makes efforts to ensure long-term prosperity to all economic sectors including upgrading the industrial infrastructure, transport, social services and educational facilities. In this connection officials continuously seek new ways and means to further enhance the national economy. Among these new means, the dynamization of the maritime sector.
Graphic 1

Togo - Exportation of Phosphates

Source: Declaration of C.T.M.B.LOME
which is of some economic interest.

1.4 Maritime interests

If being a coastal state may be considered an economic advantage, such a geographical position may not by itself mean that "all cards being held are winners". The real profit gained by Togo being open to the sea results of the fair management of the sea, the sea-resources, and the sea-related wealth within the legal boundaries. That is surely of significant importance for, with a very narrow coast (6), Togo is a geographically disadvantaged maritime state.

Furthermore the Law Of the Sea (LOS) is constantly changing, and with the Third United Nations Conference on the Law of the Sea (UNCLOS III), called the Montego Bay Convention and referred to as "The New Law of The Sea Convention", number of emerging maritime states including Togo are given rights to more important marine resources within legally extended ocean space.

The Convention allows the establishment of a territorial sea of up to 12 miles in breadth, seawards from the baselines, a contiguous zone of 24 miles from the baselines and an Exclusive Economical Zone 200 miles in breadth from the same baselines. The Continental shelf may also be extended to 200 miles and in some clearly defined circumstances beyond that limit (7).

Togo, already in 1971, while the UNCLOSIII was being discussed, claimed a 30 nautical mile territorial waters Zone and in 1977 the Togo fisheries zone and continental shelf were extended, according to the expected UNCLOS III, up to
Therefore, when properly planned and executed, investments for maritime development may be of great interest, both on the national and international levels.

On the national level, the direct consequences of the newly extended sea boundaries should also be the extension of the country's ocean management. Introducing a topic about "Ocean Resources", the editor of the book "Managing The Ocean" declared: "In the beginning, there was trade and fishing..." This sentence reveals that mankind has for a long time explored and used the ocean environment as a source of food and means of transport, trade, and occasionally war. Maritime interests in Togo include these earlier ocean uses. Not only is there more space for the reinforcement and development of traditional activities such as fisheries, port and sea transport, including the exploitation of beaches for tourism, but new maritime commercial activities can be undertaken for long-term economical profits. The Sea, sea-bed and even the space over the sea are important economic resources.

Saying so I take into consideration, the derived activities of the inter-related maritime industry. These activities also depend on the complementary infrastructures, domestic transport and communications. The National consumers of new sea products could not be reached without roads, railways and air transport services. The advantages are that all these transport systems are very well provided for.

There are 525 kms of railways including lines running inland from Lome and a coastal line which joins the Benin Republic system. A rail link from the cement plant at
Tabligbo to the port of Lome measures 80 km. There are 7,850 kms of roads, of which about 3000 kms are paved. Apart from the regional airports, the Country disposes of two international airports with regular services; one in Lome on the coast and one in Niamtougou in the North. Airports are not the only profitable infrastructure of certain interest to the Togolese maritime industry on the international level.

The major deep sea Port of LOME and the new phosphate port in Kpeme are also included. Moreover, the north-south entirely asphalted road links Lome port with landlocked countries such as Burkina-Faso, Niger and Mali. The development of maritime activities, as mentioned earlier, can be an economical investment for Togo, for it provides the possibility of satisfying more than local needs and increases the country's participation in the world shipping market by extending the national market beyond the country's borders. Maritime interests are here seen through the capability of developing traditional maritime activities such as port, fisheries and shipping, the extension of maritime activities to potential industries such as the management of oceanic living and non-living resources and also through the necessary links among various developmental activities. Thus the foundations to enhance other economic sectors of the country through these aspects will be laid.

Maritime interests can be prospected with the possibilities the Country has to increase its shares in the international market in general. This can be done through cooperation on the regional and international levels. As a matter of fact no profit can be gained from the various potential maritime interests without facing
and overcoming the challenges. Therefore goals should be defined and proper plans adopted. Obviously the next step is to make a statement of what has been done so that one can better detect the remaining work to be undertaken successfully.
FOOTNOTES


4. See Annex 1: Togolese foreign trade (main items-quantities-values and partners).


6. Ref. Chapter (Ch) 1.1.

7. Ref. article (art.) 76 of the UNCLOS III.
Sea-trade has been and still is an important factor in the economic growth of the traditional maritime powers. The newly emerged nations see in maritime activities a prerequisite for their political and economic independence. Maritime industry, to be effected efficiently requires the availability of a great variety of services. In Togo it has been undertaken to provide the Country with the necessary organization and facilities,- both at national and international levels, in order to develop the shipping industry and other maritime related activities. Shipping and port activities are not the only components of the Togolese maritime industry. Nowadays, a certain amount of ocean resources management as well as some other maritime related activities are being carried out. The present role of the Maritime Directorate and the aspects of maritime labour and training fall under this chapter.
Table des Distances en milles marins
2.1 Shipping industry.

Nowadays it is commonly accepted that shipping and sea-transport in general play an important economic role for any country, whatever the stage of its industrial development, the nature of its policies, or its socio-economic development.

In Togo, apart from farming, recognized as a special sector of development, effort is being made to broaden, diversify and stimulate the rate of growth of the national economy, through industrialization, and consequently, to raise the welfare of the population. Priority has been given, in the process of development, to some economic sectors by the Government; among them that of maritime transportation (1). The Country's shipping industry includes today:  
- The Togolese national shipping company, SOTONAM.
- Private shipping companies,
- And the most recently created institution, the Togolese National Shippers' Council "CNCT".

2.1.1 "La Société Togolaise De Navigation Maritime". 

(SOTONAM)

The Togolese National Shipping Company, called "Société Togolaise De Navigation Maritime", in short "SOTONAM" was created by decree on January 29, 1979. At the beginning, SOTONAM employed the personnel dismissed from the former "Société Maritime Atlantique du Togo" (SOMAT) which was closed down when SOTONAM was established. SOMAT was a semi-private shipping company created in 1974 as a practical means to test the feasibility of establishing a
national shipping company in Togo. The amount of registered capital of SOTONAM is 25 million Fcfa. The shareholders of this capital are all mixed joint action societies. They are semi-private and half state owned; each of them is to a certain extent involved in maritime activities. The Company owns two combination carriers loading containers and conventional cargoes. The two vessels, M/S HODO and M/S PIC D'AGOU were built from West Germany. The specifications of each are: - 11500 DWT each, with a capacity of - 450 TEU, and - 100 tons handling capacity of the onboard cranes.

The company's administration includes only six main departments employing a minimum of 125 personnel both offshore and sea-going. These departments are as follows:
- Finance
- Commerce
- Accountance
- Personnel and Training
- Fleet, and
- Administration.

Decisions are taken in group meetings including either the representatives of each department, or the heads of these departments. Above the general assembly grouping of all the departments, is the director general of the Company. The highest decision-making body is the board of governors. The board referred to as the administrative council, has as its members, apart from the shareholders of SOTONAM, the Ministries of Transport and Commerce, the State owned Enterprises, Economy and Finance and the Ministry of Planning. The activities of the company are being steadily extended. One of the most important administrative duties is staff training as SOTONAM still
needs highly trained personnel. The organizational structure is made adjustable to the size or to any new market policy when needed.

In order to coordinate and achieve the performance of the Company's targets, SOTONAM liaises with other institutions more or less involved in maritime activities. The main bodies are:

- The Autonomous Port of Lome
- The National Maritime Directorate
- The Togolese Association of Ship's Agencies
- The Togolese National Shippers' Council.

As the only national shipping company, SOTONAM shares the international shipping market by exploiting two lines of which the company is a full member. These are:

- The COWAC (the Continent West Africa Conference)
- The MEWAC (the Mediterranean West Africa Conference).

The member lines of the COWAC now consist of 25 companies from 18 States listed below:

- Cameroun, Benin, Belgium, Zaire, France, Senegal, West-Germany, Great Britain, Norway, the Netherlands, Nigeria, Cote D'Ivoire, Togo, Gabon, Denmark, Poland, Sweden, Ghana and two other States.

Hamburg and Paris are the respective headquarters of the North and South COWAC. They cover Stockholm, Antwerp and Hamburg. The two liners of SOTONAM are plying monthly the ports of Hamburg and Bremen, Rotterdam and Amsterdam, Antwerp, Dunkerque, Le Havre, Rouen and Bordeaux.

The MEWAC conference covers geographically Europe Mediterranean, Italy, southern Greece and France. De
Keyser Thornton (DKT) in France and in Belgium, Rob M. Sloman Junior in West Germany and OCL, are SOTONAM ships' agencies. As for technical and commercial strategies, the Company keeps close contact with the West German Shipping Line, The Deutsh Africa Linen (DAL). A private bilateral contract with OTAL shipping lines allows the Company to exploit UKWAL lines in the UK. Since the Company's two vessels are engaged on only COWAC lines, the 40% of traffic on the MEWAC lines is carried by SIVOMAR(4) Shipping Line under a fixed term contract against an agreed rate of commission. Some African shipping companies cooperate with SOTONAM in exchanging, when necessary, contracts of space affreightment. They include COBENAM in the Benin Republic, CAMSHIP in Cameroun and SITRAM in the Cote D'Ivoire. Mali, Niger and Burkina-Faso's foreign trade transport through the national port is more and more carried by the national shipping company, SOTONAM.

Safety regulations on board the Company's vessels are more or less applied by the Company's ship masters (5), closely assisted by the national ship officers and crew members.

Apart from the need for highly trained personnel, one of the major problems of the company appears through the actual structure of the fleet, an insufficient number of ships to cover the given lines. This situation does not properly help the company in competing in the market which is tough enough to enter. The difficult question of a profitable ship operation becomes more and more difficult as it has to be balanced by the higher and higher running costs of ships. Nevertheless, nowadays more and more private shipping companies are becoming interested in national market conditions.
2.1.2- Private shipping companies in Togo

Two private shipping companies have been established only recently. They are:
- the shipping company "SAFT", Societe Togolaise d'Afretement Maritime and
- the OTAL shipping company.

SAFT operates in Togo under a contract of affreightment between the Togolese operator and the Deutsche Afrika Linen (DAL) of West Germany. About seven chartered ships of approximately 11000 to 17000 TDW are being operated by SAFT. The company shares the Northern Europe market and the Far East region. Some officers and most of the crew members on board the Company's vessels are Togolese.

KITAMPO ships from OTAL lines, share in the Togolese shipping market. This Company has close relations with the National Shipping Company. It appears that the Company, contrary to the first one, contributes to SOTONAM cargo sharing strategy and is not yet well established in the Country.

On the one hand the above mentioned companies seem to constitute a challenge to SOTONAM at the national level, when a cargo dispute is considered. On the other, these new shipping companies help to solve the maritime labour unemployment problems. The present shipping industry can not be reviewed without mentioning about the national shippers' council role.
The Togolese National Shippers' Council (CNCT) was established in 1980 and became operational in 1981. The main duties of the CNCT are:
- to promote the national fleet;
- to safeguard the national shippers' interests and to act consequently as the speaker on the behalf of the shippers it represents vis-a-vis the conferences. In order to reach these objectives the CNCT is given certain responsibilities.

2.1.3.1 CNCT and SOTONAM Promotion.

This seems to be the principal objective. Help in establishing national shipping is also a wish of UNCTAD. The Liner Code of Conduct is one of the tools UNCTAD adopted for this purpose.

According to the UNCTAD, shippers' councils in developing countries should help the latters to apply the code's provisions to their advantage. The emerging maritime countries should be given a chance to establish and expand their fleets in order to better participate in the international shipping market. By the Ordinance No 44-77 of October 10, 1977, Togo ratified the UN Code of Conduct for Liner Conferences. The signing by the Country of the instrument goes back to June 25, 1975. Therefore Togo includes as part of the national maritime traffic regulations, the formula of the "40/40/20" suggested by the Code. The shippers' council has to see that both import and export cargo share is applied the "40/40/20"
formula for the interest of the national lines. As an infant industry, the National Shipping Company seeks lawful protection against competition from mature foreign lines. In this connexion the implementation of the Liner Code through the national traffic regulations, articles 3 and 4 gives the National Shipping Lines the following rights:

- selling part of their cargo to the other conference members in case they cannot carry it,
- carrying extra cargo beyond that given by the conference.

To do so the interested shipping company should obtain the agreement of the National Shippers Council.

2.1.3.2 CNCT and the Shippers interests.

It is said in article 6 of the Ordinance that the CNCT is constituted as defender of the rights of both bodies, the national shippers on the one side and the national shipowners on the other. CNCT is the only legally authorised body able to discuss freight and freight rate stability matters on behalf of its members. Moreover, the CNCT is also the executive institute in charge of seeing that all agreements between shippers and shipowners through conferences and companies, are respected. A limited but important power is given to the CNCT as a tool to fulfill tasks it is given.

2.1.3.3 The work of the Togolese National Shippers Council. (CNCT)

The objectives to be attained can be seen through the institute's organisation, the duties stated and also by the specific work tools the CNCT is given. The CNCT includes all institutions or companies involved in commerce.
and international transportation, the heads of the National Chamber of Commerce and the National Shipping Company, the autonomous Port of LOME Customs and the National Railways. The CNCT is under the direct administrative authority of the Minister of Commerce and Transport. CNCT comprises the president who is necessarily the head of the National Maritime Directorate. The secretary general should be the Maritime Administration Officer within the Maritime Directorate. Decisions regarding interests of the Council members are taken by the General Assembly of the Council. All importers and exporters of goods by sea are, by law necessarily members of the CNCT. Therefore they must fulfill the requirement to obtain against a fixed amount of money, their membership card. This card is compulsory for import-export goods clearance. In addition the customs are not allowed to accept any cargo traffic unless the person concerned shows a visa obtained from the CNCT authorities. The system is to permit the CNCT to control the effective application of the cargo sharing formula. Members are not only obliged to get their membership card but they must keep it valid. Respect of the regulations is also assured by the sanctions provided against tort shippers or shipowners. Infraction on the import of goods can lead to the refusal of entrance or delay of the guilty party to the national port. In the event of fraud on the export of goods, the CNCT is empowered to pronounce the suspension of the concerned member or to withdraw the membership card. When infraction is committed on both sides the declared guilty agent is fined 25% of the cargo illegally transported. Depending on individual cases, the President of the Council can sue the delinquent before the court. Apart from the cost of the membership card which amounts today to the equivalent of 16FF(9), the CNCT retains 5%
of each exported cargo as the counter part of the rendered service. As for the imported goods all ship agencies have to deliver in due course to the CNCT the necessary ship documents to enable control to take place. In the regional context the CNCT is a member of the African Shippers' Councils Union. Through seminars and other kinds of meetings member States are trying to harmonize their policies aiming at better solutions to problems relevant to the duties they are assigned. Shipping constitutes an important sector in the maritime branch, but port industry is another significant area.

2.2 — PORT INDUSTRY

Port industry in Togo includes the only major port in the capital city, LOME and a small mineral port in Kpeme about 20 km east of LOME. The creation of the mineral port is connected to the exploitation of phosphate in the region where it is located. The position of the small port, the wharf of Kpeme is 06 12'N and 01 31'E. It was built during the colonisation period, and measures 1200 m in length and can berth ore carriers of 47000 TDW. Equipped with pipelines the wharf also serves as a small bunkering port for the mine company.

As for the main port it may constitute by itself the subject for a thesis. Therefore it is my intention to present in this study only the aspects connected with this paper. The concerned aspects should lead to the suggestions as to how the port is considered as a link for the national maritime industry, and how it may fit into the overall scheme to achieve its objectives. In other words there will be no details on the description and the presentation of the port industry only if neces-
The overview of the port will cover two main points:
- A general description and
- The functions and the administrative structure of the port.

2.1 Main characteristics

These include the geographical position, the infrastructure, the superstructure and the equipment. The "Port autonome de Lomé" is created by Ordinance No 12 of April and comprises dispositions relating to the Port's juridical position and its main objectives, its administrative and its financial functions. The Port is a deep-sea Port built to replace the former wharf made in 1928. The Port building plan is formed to be executed in four different stages according to its traffic evolution. The following characteristics of the Port are those of the first part in the second stage of its development. The Lome Port, "Port autonome de Lome", is situated 6 km east from the capital city which has about 300000 inhabitants. Its geographical position is 6° 8'N and 1° 17'E. The port is 674 hectares in area. It is situated between the international coastal road Ghana-Togo-Benin and the Atlantic Ocean and is directly linked to the hinterland and the land-locked countries, Niger, Burkina-Faso and Mali by an entirely asphalted road. Apart from the services of the port internal linking net roads, there is one railway line that ensures the connection between different quays of the port and the main interior railway network. From sea, the port is entered at any time at the day and night. At night the harbour may be approached with the help of four lighthouses. The light range is of 5-17 and 20 miles. The water surface
covers 81 hectares with an average depth of 10.5 meters (m). Ships admitted to the Togo-Port should not be of more than 270 m in length overall. The infrastructure includes two breakwaters; the main, to the west, measures 1720 m and the secondary breakwater, to the eastern side, 950 m. General cargo is allocated to a pier measuring 320.72 m with four berths. The first three berths admit ships of 9.5 m draught while the fourth being only for smaller ships of 7.0 m draught.

There are one container terminal with two berths of 12 m and 11 m draught; the lengths of which are 250 x 140 m respectively.

There is one fishing port with a total quay length of 60 m and a maximum draught of 4.50 m.

There is also one mooring buoy with a maximum draught of 9.50 m.

There are two special berths:
- The bulk cargo berth: 210 m long and with a 11.5 m draught.
- The oil berth for tankers up to 250 m in length and with a 14 m draught.

Togo-Port is provided with a variety of port facilities:
- Tugs with a HP ranging from 960 to 3000 and a tracting power of 17 to 42 tons.
- Mooring boats
- Pilot boats
- VHF radiophony: duty on canal 16 and connections on canals 6;12 and 14.

Apart from aids to navigation equipment, other port facilities are used for cargo handling and varieties of services.

The principal equipment is:
Fork lift trucks
- Container lift trucks (valmet and yster)
- Tractors, tractor trucks
- Trailers with coupling plates platform trailers and various vehicles for container handling.
- Grain conveyors etc.

The superstructure also includes warehouses with one reserved for dangerous goods. Among them there are two or five thousand square meters each for Burkina-Faso and two warehouses of five thousand square meters each, one for Niger and for Mali. The Free Port Zone includes 56888 sqm of warehouses including 6750 sqm of transit stores and two hundred thousand sqm of outdoor storage surface.

2.2.2 Objectives, functions, and administrative structure of the port.

The port is created to serve as a tool for the national economic development and as an instrument of international economic cooperation. To achieve these objectives in the port, decision no 12 of April 7, 1967, stated two major juridical characteristics or systems through which the port should operate: 1. Togo-Port is an autonomous port; 2. Togo-Port is a free-port.

Articles 1; 5 and 11 of the Ordinance creating "Le Port Autonome de Lome", established and defined the autonomous status system. The port is a national, public, industrial and commercial establishment with a legal status and financially autonomous. Consequently the port administers the following: - piloting - mooring and towing - cargo handling and passenger services - services of lighthouses and beacons - signal services and radio. Except for
long-term enterprises or long-term finance transactions and undertakings considered as of high cost when exceeding a fixed ceiling, the Port is responsible inside its limits for the extension, improvement and renovation work as well as for operations, maintenance and the harbour police and also the administration of the real estate surrounding it.

The autonomous Port of Lome is a free-port. This free Port Status is clearly stipulated in the second article of Ordinance no 12 of April 7, 1967, creating the Port. The status, largely defined (10), aims two objectives: to give lower cost advantages to firms and other private commerce undertakers within the zone and also to safeguard and promote State interests. The Port of LOME, like any free-port, offers advantages particularly for import and export, transit traffic, commission storage and treatment processing of foreign entered commodities. Only when goods are moved out from the free-port across the customs boundary to the customs territory, must they be submitted to the traditional national customs regulations. (See table 1: trends of traffic and activities, 1968/1985, on the subsequent page).

The presentation of the port industry will not be complete without having a look at the actual Port operating machinery system. Togo-Port personnel can be placed into two categories: - More than 1200 employees, with 15 executives, including engineers, technicians, sailors, administrators, economists and about 30 semi-skilled workers and - 2500 professional and casual longshoremen administered by the Harbour Labour Office. The administration is organized from the top as follows:
<table>
<thead>
<tr>
<th>Period</th>
<th>Nombre de Navires</th>
<th>Import T/Mé</th>
<th>Export T</th>
<th>Transit</th>
<th>Aujourd'hui</th>
<th>Transbordements</th>
<th>Totaux généraux</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959</td>
<td>415</td>
<td>199,300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>252,500</td>
</tr>
<tr>
<td>1969</td>
<td>490</td>
<td>233,300</td>
<td>80,600</td>
<td>1,200</td>
<td></td>
<td></td>
<td>315,000</td>
</tr>
<tr>
<td>1970</td>
<td>524</td>
<td>255,200</td>
<td>71,200</td>
<td>3,400</td>
<td></td>
<td></td>
<td>356,700</td>
</tr>
<tr>
<td>1971</td>
<td>547</td>
<td>282,000</td>
<td>81,300</td>
<td>5,300</td>
<td></td>
<td></td>
<td>426,900</td>
</tr>
<tr>
<td>1972</td>
<td>569</td>
<td>319,900</td>
<td>70,500</td>
<td>12,200</td>
<td>24,300</td>
<td></td>
<td>410,500</td>
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<tr>
<td>1973</td>
<td>576</td>
<td>314,500</td>
<td>53,000</td>
<td>17,000</td>
<td>26,000</td>
<td></td>
<td>423,900</td>
</tr>
<tr>
<td>1974</td>
<td>451</td>
<td>315,800</td>
<td>59,200</td>
<td>26,200</td>
<td>22,700</td>
<td></td>
<td>588,900</td>
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<tr>
<td>1975</td>
<td>760</td>
<td>369,100</td>
<td>62,000</td>
<td>77,400</td>
<td>80,400</td>
<td></td>
<td>374,500</td>
</tr>
<tr>
<td>1976</td>
<td>409</td>
<td>457,600</td>
<td>61,800</td>
<td>67,500</td>
<td>87,600</td>
<td></td>
<td>911,700</td>
</tr>
<tr>
<td>1977</td>
<td>777</td>
<td>853,400</td>
<td>61,900</td>
<td>112,200</td>
<td>74,200</td>
<td></td>
<td>1,521,200</td>
</tr>
<tr>
<td>1978</td>
<td>209</td>
<td>1,020,300</td>
<td>319,200</td>
<td>106,300</td>
<td>75,400</td>
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<td>1,640,100</td>
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<tr>
<td>1979</td>
<td>869</td>
<td>1,014,600</td>
<td>282,700</td>
<td>97,100</td>
<td>53,000</td>
<td>192,700</td>
<td>2,691,000</td>
</tr>
<tr>
<td>1980</td>
<td>1,028</td>
<td>843,800</td>
<td>653,500</td>
<td>123,200</td>
<td>69,300</td>
<td>1,001,200</td>
<td>2,359,900</td>
</tr>
<tr>
<td>1981</td>
<td>1,030</td>
<td>842,200</td>
<td>587,600</td>
<td>118,100</td>
<td>65,700</td>
<td>926,300</td>
<td>2,683,058</td>
</tr>
<tr>
<td>1982</td>
<td>1,034</td>
<td>775,212</td>
<td>756,145</td>
<td>170,533</td>
<td>55,280</td>
<td>1,097,318</td>
<td>1,529,700</td>
</tr>
<tr>
<td>1983</td>
<td>1,025</td>
<td>647,757</td>
<td>682,727</td>
<td>130,330</td>
<td>35,265</td>
<td>152,951</td>
<td>1,384,309</td>
</tr>
<tr>
<td>1984</td>
<td>1,004</td>
<td>1,018,557</td>
<td>283,861</td>
<td>249,687</td>
<td>40,205</td>
<td>21,586</td>
<td>1,520,283</td>
</tr>
<tr>
<td>1985</td>
<td>1,083</td>
<td>836,539</td>
<td>166,053</td>
<td>351,526</td>
<td>45,370</td>
<td>118,615</td>
<td>1,520,283</td>
</tr>
</tbody>
</table>
and 7 Divisions under the direct administration of the assistant Director General. These are the following:

- Harbour Master’s Office
- Cargo-handling Department
- Economic Services
- Harbour Labour Office
- Technical service
- Central Administration
- Financial section.

The title of each division is self explanatory. I may add that apart from pilotage, which is compulsory for ships of over than 300 grt, communications (French & English) and aids to navigation, the Harbour Master also finds himself loaded with other services such as police, safety and public order. The normal working hours are from 700 to 1200 and 1430 to 1730 from Monday to Friday. Extra working hours are organized at week-ends and holidays. Handling and other permanent activities are done in a three shift system:

1st shift: 0600 - 1400 hours
2nd shift: 1400 - 2100 hours
3rd shift: 2100 - 0600 next morning.

The Port functions analyses as regard to its continuous plans for future development come under the following chapter which covers the present aspects of maritime
legal instruments.
As for what may be called the derived port related industries, they are either services created for the necessary completion of services provided by the Port to ships, such as small ship repairs, ship painting within the Port, or services and business created as a consequence of the port services on which they rely. Among them varieties of industries in the Free Port Zone & the firms outside the port that are using the Port as the only supplier are mentionned.
Looking forward to future Port development should not only be done through the analyses of its global policy, but also in the context of the Country's potentialities in maritime development.

II.3 MANAGEMENT OF OCEAN RESOURCES

The presentation of ocean resources management cannot adequately be done without any idea of the Country's sea boundaries.
As mentioned in the first chapter, in Togo, we are dealing with the newly extended national ocean zone. The extension of national jurisdiction on sea boundaries also creates a new dimension as for the exploration and exploitation of non-living resources, mainly oil and gas, being prospected and evaluated(11). The living resources include the most traditional one of fishing. Larger ocean space under national jurisdiction and consequently the important management scheme does not only provide more rights, it also generates increased responsibilities(12). In planning the national ocean resources management, both aspects should be considered in a way to
arrive at more profit rather than loss. Fisheries are the current major activity so far undertaken and pertaining to ocean resources management. The present situation of the sector needs to be briefly presented.

The creation of fishery services goes back to the decision of January 8, 1963. The Fisheries Law, which will be analysed later on, dates from July 11, 1964 and comprises thirty articles regarding piscaries, fishing procedures and sanctions for defined types of infractions. Since 1975, fisheries services have come under two main divisions: one for fisheries protection and development and the other for exploitation and management.

The first division is empowered by water police, catch inspections, and fisheries regulations. The second division deals with exploitation. Fishing is mainly active in the sea. That in fresh waters, compared to that at sea, is almost non-existent. In Togo, fishing industry consists of two sectors:
An artisanal fisheries sector including fishermen operating small boats and utilizing primitive fishing processing and marketing methods. Most of them are characterised by the seasonality of operations, and The semi-industrial fisheries using two modern medium size trawlers.

The artisanal fisheries do however constitute the most important fisheries sector in terms of volume of landings and employment. In 1984 the total landings, both continental and maritime, were 13833 tons. The continental fisheries were only 3500 tons. For the 10333 tons in the maritime, the industrial sector landings were only 1820 tons. The remainder came from the artisanal sector, that is about 250 small boats of different sizes. An important number of the artisanal fishermen come from the neighbouring country to the west, Ghana (13). From the same source of information, the most important species are anchovies, mackerel and sardines. Fish are marketed fresh, dried, smoked, salted, iced or frozen. Though the coast may be considered as satisfactorily abundant in some species of fish, the coastal stocks are highly exploited by uncontrolled artisanal operators. Far from the coast, the EEZ is not really controlled because of a lack of sufficient numbers of patrol boats. Fish inspection, small fishing boats control and varieties of safety measures are some of the problems that need solving today. Moreover, the fact that the most important species, the pelagics are highly migratory consequently raises other aspects of questions to be considered when we come to discuss important regulation matters.

Given these observations and keeping in mind the necessity of an overall activities coordination, the next point will be a quick look at some other areas in the maritime
2.4—Other maritime related industries

It is not my intention to make an exhaustive list of all the firms and institutions involved in maritime activities. A brief overview for such purposes is to highlight the necessity of coordinating their activities and the profitable linkages of these in the global maritime industrial development.

Some ships agents and forwarding agents are already trying to start a policy coordination of their activities. They are regrouped under the association named NAVITOGO. Another society called SALINTO deals with sea water processing into salt. Varieties of marine and maritime related services are acting in isolation. Benefits may be gained from their practical union. So far it is encouraging that while maritime activities are increasing, a governmental created body has been assigned the duty of possible coordination and promotion of the aforesaid activities. It should be of great interest to see the recently renamed Maritime Directorate fulfil these tasks successfully.

2.5—The Togolese Maritime Directorate

The present draft of the Country's Maritime Code dates from Decision No 29 of August 12, 1971. The fourth heading of the Ordinance deals with the organisation of the Togolese Maritime Administration. This comprises only one
article. According to the provision the administrative structure including the organisational chart and the determination of the competences within the Merchant Marine referred to as "Direction Des Affaires Maritimes" will be set up by a future subsidiary legislation. Unfortunately such important provisions for the application of this Code are not yet effective. The present Administration includes the Director and his Assistant, both Maritime Administrators, four Maritime Officers (14), and a secretary (15). They are supposed to promote and coordinate maritime affairs; but they are limited in their activities by the crucial lack of legal bases. There is no law enforcement. Up till now this Administration appears to be recognized mainly as the body dealing with maritime labour and training. The previous training system has led to the creation of unemployment problems. Now the Directorate of Maritime Affairs training policy is to adjust to maritime needs. Duties such as registration of seamen, issuance of certificates of competency and general defence of seamen's social rights, vis a vis shipowners, are being carried out by the Maritime Directorate (DM). Still DM is not playing its maritime safety role. Nevertheless it seems to be more and more involved in fisheries inspection, including small fishing boats. Also here there is a lack in the necessary coordination of the activities of Ministries.

My concern with the Maritime Administration is to find out within the legislative framework what should be its duties in co-operation and co-ordination in the maritime field and what the power to be given to such an Institution through new necessary regulations for that purpose should be. Before any statement regarding the present legal basis of the above-mentioned maritime activities is made, some few words concerning the importance of
maritime labour and the present relevant training aspects are essential.

2.6—Maritime labour and Training

The importance of human resources cannot be over emphasized. Its development appears to be one of the top priorities. Perhaps one may consider the opinion that the LDCs have cheap labour which may consequently constitute an environment where the workforce loses part of its priority over the other assets of development. But consideration should be given to what is "crude" labour, that is usually plethorique in the LDCs, and the "processed" labour in the developed maritime countries. The second term refers to well and highly trained personnel or skilfull personnel and is the part of labour needed today, and evidently in years to come, by the shipping industry which is becoming more and more technological and sophisticated.

In Togo training of shipping personnel has from the outset been given an important status, though undertakings in such a task are time consuming and necessitate high expenditure. In fact 52 sea-going officers and ship engineers are at present being trained. 18 coastal shipping officers and watchkeeping officers have completed their training. Diesel engine operators and fishing inspectors are now completing their education. They are respectively 35 and 20 in number. 35 abled seamen and 18 harbour masters are also being trained. The Country's potential in trained personnel in shipping in 1981 was estimated at 178 persons (18). Today both offshore and sea-going personnel may be estimated at more than 230 persons.
The problem that needs to be approached in our development is caused by the imbalanced situation between the lower capacity of the maritime industry to absorb the labour force and the high number of the latter on the market today. The present National Shipping Company and the private lines cannot employ all the seamen at the same time. The National Company is trying to proceed by a system of shift in order to give a chance to all to get a job for a certain period. Such a total lack of job security evolves crucial social problems for seamen and their families. These include an improper working environment, low salaries, non-existent social security, no pay during holidays and the method of recruitment itself. In such a situation, the matters of safety on board seem to be ignored. Furthermore, training should concern all maritime labour and not only shipping. At least it should be noted that the performance of sea-going personnel depends to a very large extent on the management of the overall shipping operations by shore-based personnel. The above brief report about the maritime labour force, may highlight the reasons why, while the need for shipping economists, maritime and maritime safety administrators, maritime lawyers, and ship inspectors remains the important national objectives, simultaneously the current problems of seafarers need prompt and adequate solutions.

Any operation in any field when properly made refers to some legal framework. The next step is to enter the field of the legal framework of the above reviewed maritime activities.
Footnotes

1. Report on the technical visit of the IMO regional adviser: 10-17 May 1981 (projet RAF/76/003) IMO/London.

2. Referred to as NAVITOGO. SOTONAM is member of NAVITOGO and serves as ship agent.

3. Refer to SOTONAM for further information.

4. SIVOMAR "Societe Ivorienne De Transport Maritime" is a private shipping company of Cote D'Ivoire.

5. West Germans.

6. Mr. AMES is the Director of SAFT in TOGO where he represents the DAL interests.

7. Ordinance no 80.11bis of January 1980, article 5 & 7.

8. op. cit. 7.

9. 50 CFA, the national currency, = 1 French Franc (FF).


11. Ref. to 1.4: Maritime interests.

12. Art. 24; 44; 56; 78 and 192, UNCLOS III (costal state's duties).

14. Officier De Corps Technique Des Affaires Maritimes (OCTAM)


Undertakings of any importance without a legal basis appear to be like a house built on sand. It can be said, perhaps, that the maritime industry is the most international of all industries. On both its levels, local and regional, it is one of the industries which includes many related activities or branches of activities involving people of opposed interests. In order to profitably conciliate these interests, to co-ordinate and put the industry on a pace with development, it is vital that all concerned, whether individuals or groups, should work to create the necessary basis for mutual understanding. Such framework of common interest would be given as legalized issues defining rights and obligations, immunities and benefits for all. Even though this sector, from the maritime industry’s point of view, is almost non-existent, thus needing urgent remedial action, there is some starting point to be completed and adjusted. There are some developmental legal steps to be undertaken such as regulations to serve as instruments for the defined policy for the matters they rule. Therefore maritime development policy and its derived legal instruments will be the two divisions under in chapter.
3.1 National Shipping objectives and maritime policy.

In short, the Togo Government's main objectives are to develop all potential national economic sectors. The result is, among others, to increase the earnings and to adjust the balance of payment, and also as a consequence of such, to attain a constant increase in the standard of living of the population. Therefore, the national target is to gain economic independency for and through the people. It has been strongly considered that the mercantile marine, though recently launched in the branch of foreign trade, should be expanded to contribute to the country's overall economic, social and political enhancement. These are, so far, the objectives of the international community, through the UNCTAD activities, in helping developing countries to establishing their own fleets and facilitate their tasks in finding measures to promote their earnings from maritime activities. As for liner shipping, it is considered by UNCTAD as the most profitable form of shipping for the LDC because of its services and levels of freight rates. Taking into account the international coordinating factor, Togo has chosen to establish its national fleet and operate it as a liner, by participating in conferences. The national shipping line is expected, on the long run, to increase the country's income from the shipping industry and also, to be strategically closed to Togo's economic and commercial interests. Unless it operates within conferences through membership, the infant national shipping industry can not withstand the market's competition and achieve its commercial goals. Among the factors that determine
the adoption of such a policy, the national economical history has to be mentioned. This is the traditional division of national labour. The colonial repartition of tasks resulted in making the called LDCs a source of raw materials to serve "metropolis" industries. Therefore shipping serving the trade should profitably link the same countries, follow the same routes, and carry cargoes that are permanently needed. The government involvement in maritime development has an ad-hoc aspect, regarding policy adjustment in particular circumstances, but it has also a permanent character. This is the defined policy evolvement in practical measures in the form of laws and regulations (2).

A brief review of the present recapitulated legislation to control the country's maritime activities, will probably help to achieve the objectives of this study.

3.2 - Prospects of maritime legislation.

The national maritime legislation will probably be developed with the expansion of the activities it controls. As mentioned earlier, a large part of the country's maritime field still remains to be covered; but our purpose here is to see that certain undertakings, conceived by the maritime policy, do not suffer the lack of a legal basis as they appear to at the present time. Here we touch upon the need for the indispensable instrument for any maritime development, the maritime law. Before we stick more to its important characteristics it is necessary to present the current maritime legislative framework. This includes:

- The Merchant Shipping Act
- The Port Regulations
Developmental, regulatory and in conformity with the relevant international standards, these should be the characteristics of any national shipping legislation. The establishment of the Togolese Merchant Marine Code goes back to Ordinance No. 29 of August 12, 1971. Unfortunately its 26 page provisions in 9 chapters included in five titles, have not been operational since then, as they have been hampered by the lack of any subsidiary legislation remaining to be issued. As Professor Vanshiswar observed (3), the Merchant Shipping Code is the embodiment of both primary and subsidiary legislation. The subsidiary legislation incorporates sundry rules, measures and regulations that need to be promulgated and implemented under the primary legislation. In the case of omission of the aforesaid complementation task the Act can not amount, in practice, to more than simple guidelines for the Maritime Administration (4) (MA). In this connection, for the organization of the National Maritime Administration itself, article 71 refers to the subsidiary legislation, that is still to be provided. This may be considered as the first problem of the present MA in Togo. To carry out its duties, the Directorate for Maritime Affairs (DMA) must be legally organized and be given clearly defined competences; thus its role and major functions need to be circumscribed. Furthermore, as any primary legislation, the contents of the Act should
comprise references to subsidiary legislations to determine in detail ways and means for their application. Not to go too deeply into details, the Code as presented, is far from reaching the required capacity to regulate all the existing maritime activities. It needs to include several safety measures and maritime commercial regulations. Moreover, from 1971 to today the shipping environment has witnessed important changes; consequently the National Code should be readjusted in conformity with the new relevant international standards and vis à vis the generated national risks. The various titles of the present Code are listed below:

I. The maritime navigation (definitions)

II. About the registration-mortgages-and other transactions related to ships.

III. About seafarers and shipowners (seamanship and relations seafarers-shipowners-captains).

IV. About the organization of the Maritime Administration.

V. About the penal and discipline regime.

Its chapters generally deal with behaviour on board and sanctions against eventual infractions. After reviewing the Code, I found it to be very limited and vague. In particular, the seaman's working environment and his social and safety conditions on board need to be clearly defined. Nevertheless, we see it as an important starting point that could become successful if certain changes were made. This is the purpose of the following chapters of this paper. Perhaps it is not too early to point out that regarding safety of navigation, the Code has the merit of being in conformity with some important international safety standards viz SOLAS, STCW, LL and the port state control regulations.

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3.2.2—The port regulations

In the Togolese maritime field, the "port autonome de LOME" appears to be the most widely regulated part. Probably this is due to its importance as the only major deep-sea port in the country. Port regulations are included in the following main documents: The Ordinance No 12 of April 7, 1967 establishing the Port of LOME and the Ministerial Decision No 16 of May 12, 1968 empowering a package of detailed rules to be applied as the PAL regulations. The first decision is concerned with port status. In its 31 articles, the administrative structure for the port operations is drawn up and competences, roles and functions are defined in accordance with the port position as a free port on the one side and as an autonomous port on the other. Apart from the special customs regulations complying with the duty-free policy within the limited zone, the autonomous status gives power to the port to administer itself up to a certain extent. For instance decisions about borrowed funds, whether national or international, high expenses beyond a fixed amount, and some strategical decisions (port extension as an example) are directly controlled by the government authority. Decisions within the port administration, although accepted by the Director General and certified by the board of managers, are necessarily submitted to government approval when they overlap. Moreover, even if it is not subsidized, the port remains the national port: PAL is a public, industrial and commercial port. According to articles 7 and 21(6) in addition to long run strategies and financial decision making, the Government supports, as it should, eventual losses resulting from port crises; but as a counterpart, all the net profits from
the port operation are regarded as public revenue and thus transferred to the state's account. Obviously the Ordinance includes the procedures by the Government to control the port management.

The second type of rules, typically called Port Regulations, are evolved by the main regulations\(^6\). As an autonomous free port, the institution must set up detailed rules for a profitable control and co-ordination within its own administration and apply the best operation systems within the given competence such as piloting, towage, handling, lighthouses and beacon, radio etc. The Port Regulations\(^7\) include 85 articles. Instead of making any detailed commentaries, it is proposed within the limits of this study to make only three important topics regarding these regulations.

1. Safety duties that should be carried out by the Maritime Directorate are being to a certain extent backed up through the application of the Port Regulations. Some aspects of the IMDG Code, SOLAS 1960, annex B of the SOLAS Convention 1960 for Collisions Prevention, OILPOL 1954, the port state control regulations and WHO sanitary regulations are implemented through the effective use of articles 2-28-31-32-38-39-46 to 48 of the PAL regulations. It is important to point out the outdated state of some of these standards that are still applied within the port; SOLAS, the 1960 version, has been superseded by that of 1974, which incorporates a tacit amendment procedure; COLREG 1974 replaces Annex B and other amended regulations of SOLAS 1960; and OILPOL 1954 has already given place to MARPOL 73/78. However, these few comments do not deny the important role already played by the application of these regulations regarding safety mat-
2. The commercial aspects of the regulations include liability clauses drawn from both considerations, local circumstances and the unified international maritime commercial regulations.

3. The third point concerns the administrative structure as it appears through the port regulations. Only the Harbour Master is empowered to look after safety and security in the port, together with ship safety inspections and contingency plans. These are carried out apart from the traditional wide range of duties he has to perform in his position as Harbour Master. The above stated port operation system may be justified by the need for more port technical operators on the one side and the necessity for an effective co-ordination of key matters within the port operation on the other. Prospects for the present maritime legislation lead us to consider the rules guiding the Togolese Shipper's Council services.

3.2.3—The National Shipper's Council Laws.

Following the ratification of the Liner Code of conduct by the Togolese Government in 1977, two decisions were taken. One was to establish the country's National Shipper's Council (CNCT) and the other was to define its status. According to the above laws, the general assembly of the National Shipper's Council (CNCT) comprises public and private shippers represented in an equal number, the Director of the PAL and the heads of the state departments involved in one manner or another in maritime
transportation or in international commerce; however the CNCT appears to be neither a private nor a semi-private institution. The President of the Institution is state nominated, namely the Director of Maritime Affairs. Furthermore, and according to regulations, the CNCT works under the auspices of the Minister of Transport who is empowered to reject the CNCT general assembly’s decisions when he finds it necessary. CNCT is trying to obtain as low freight rate as possible from maritime conferences to the shippers’ advantage. This interest is in conflict with that of the shipping companies the CNCT has to defend too. However it appears through the greater part of the above mentioned regulations that the main duty of the CNCT is to protect and to promote the country’s infant shipping industry and mainly the national fleet. According to the Ordinance, not only all national shippers are necessarily members of the CNCT and therefore obliged by law to reserve the 40% of their cargo for national lines (art. 2); but also art. 3 gives rights to the national shipping companies to load, in return for a financial counterpart, the part of cargo the company is allocated, in case of an incapacity to collect it. Furthermore, the national lines are given access, under the auspices of the CNCT, to cargo not generated by the conference. As will be considered later, this practice in protecting the LDC infant shipping is appreciable and even seems to be encouraged by UNCTAD. Nevertheless one question remains as to how far the system go? So far the institution seems to be contradictory in its objective of implementing the 40-40-20 formula in the spirit of the UNCTAD Code. At this stage the problem is whether one should consider as insufficient the development of the UN Code in aiming to promote LDCs’ shipping, or should the CNCT regulations to be adjusted. The provisions inc-
lude useful cooperation among shippers' councils in the region. May be such a strategy may help in solving the problem raised. The CNCT has been given other legal tools for its work. The interministerial Decision No 003 of March 2, 1982 establishes the member-cards of the Shippers' Council. As earlier stated the cards should be delivered by the President of the Council. In the same field the Decision No 25 of 6 November 1985 provides for rules guiding maritime cargo sharing in conformity with the UNCTAD Code spirit. This academic work does not allow further elaboration in this area. My task at this stage is to make a brief review of the whole regulated maritime field. The subsequent section is concerned with the present fisheries regulations.

3.2.4—Fisheries Legislation

The Togolese fisheries' regulations are set up by law No 64/14 of July 11, 1964. They include only 30 articles dealing with very broad aspects of marine fishing, practice of fishing in fresh waters and the range of sanctions to be applied to infringers using explosives and narcotics for fishing methods.

As for the species, their size, age and the total landing allowed, this aspect is waiting for an eventual subsidiary legislation to become effective. The law does not refer either to the safety and security aspects of the fishing industry or to the impact of fishing on the sea and beaches. Just to raise a few points regarding the lack of present regulations, the latter stays mute on the following aspects:

* Technical survey of fishing vessels,
* Safety control of the small fishing boats,
Fishermen's work environment,
Training and social problems for fishermen
Environmental pollution and and its probable consequences within the neighbouring countries with respect to the new law of the sea.

In spite of the lack of a legal tool, fisheries activities are being increasingly developed as has earlier been stated. It appears to be an important maritime sector that urgently needs a legal framework to enhance the undertaken activities. This viewpoint is largely considered under the following developments. The present legal set up is not to be concluded before a short statement of the remaining aspects of regulations in the same field is made.

3.2.5 - Other maritime connected decisions

Though scarcely created, some remaining maritime related regulations should not be completely ignored. However they are not going to be subject to any discussion since it is difficult to have them all at hand. Their presentation will serve to highlight the importance of centralising such rules into the maritime central coordination body, the Maritime Directorate. To mention a few of them, reference is made to the National Labour Legislation and the Social Welfare Regulations that are applied to civil workers as well as maritime personnel, the Ministerial Decisions and finally the Law establishing the extension of the country's sea boundaries. The Togolese law of the sea matters are relevant to the
Ministry of Foreign Affairs. Ship agents, namely NAVITOGO and other maritime derived industries and companies, respect the country’s code of investment but also apply, together with their partners abroad, some unified international maritime commercial laws. When calling on European ports, the national fleet applies the International Maritime Safety Regulations required; therefore one is probably not wrong in observing that so far Togo implements the IMO safety minimum standards such as SOLAS, LL, STCW, MARPOL73/78 etc, even though the country is not yet party to any of these Conventions.

This part of the study has laid the groundwork for a better understanding of the environment in which the national maritime industry operates. The presentation of the major characteristics of the industry and its importance to the national economy, has progressively highlighted a number of critical points on which the country is greatly concerned. Having reached the objective of the first part of this document, that is the identification of the national maritime’s basic problems, I will come now to the necessary tasks to be carried out to enhance the country’s maritime economy and to ensure its overall maritime development. The concept of research developed in this paper is entirely relevant to the second part of this thesis and is presented under the following title: "New legal and institutional framework for TOGOLESE maritime development".
Footnotes

1. The colonisation policy aimed the cash crops development in the occupied countries, to serve for industries in the "metropolis" from where the colonies are obliged to import techniques for only exploitation and extraction of their underground resources to also be exported for processing.

2. Though they are subject to amendments, laws keep their permanent character.

3. Ref. "Establishment/Administration of Maritime Affairs in Developing countries"; vol. 1 p44 by Pr VANSHE-WAR-Professor-WMU-Malmoe.

4. See ref. 3 above.

5. The Code includes a total of 25 pages.

6. Ref. to the Ordinance creating the PAL (above stated).

7. Ref. Decision no 16/MPT/PAL regarding the approval of the national port regulations.


10. Ref. to the article 20 of the Decree of January 9, 1980.

PART TWO

NEW LEGAL AND INSTITUTIONAL FRAMEWORK FOR TOGOLESE MARITIME DEVELOPMENT
This part, the core of the study, is the achievement and the derived point of the research carefully carried out within the subject in the first part. Again, it should be made clear that although the second half of this document appears to be rather thorough, compared with the first part, it is not intended to include elaborate details on the topic. In order to comply with the given limits, this part will not deal deeply with all the action that needs to be undertaken, as revealed through the previous section. It is an attempt to provide a background document on the multisectional aspect of the maritime policy for all ocean uses and its resources development.

As an academic work, the proposals and suggestions constituting this part will focus on the relevant legal basis to be provided as priorities among all that which should be readily available for the country's maritime development.

Three chapters will constitute this part.

- First the country's maritime development and the international cooperation will be presented under the title, "Basic trends for the enhancement of maritime activities"
- Then adjustments for maritime infrastructure development will be proposed
- Lastly and before the conclusion, some practical proposals and recommendations for the overall maritime development of the country, will be reviewed.

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CHAPTER 4

BASIC TRENDS FOR THE ENHANCEMENT OF MARITIME ACTIVITIES

This chapter deals with the international dimensions of national shipping and related maritime development. It presents in a brief overview of the current world shipping parameters that should be taken into consideration on the national level; before the importance of technical assistance from IMO is underlined, a necessary approach of the regional cooperation is succinctly made. We should never forget the link between maritime sectors as a whole. Therefore, a comment on roles played by other international standards closes this chapter.

4.1—Overview of Present World Shipping Trends

Two main trends affect shipping nowadays. One is the increasing technological developments bringing about profound modification of the present economic situation in world shipping and another is the expansion of varieties of policies governing, to a certain extent, shipping trade.

(See table 2 and 3: present shipping trends, on the subsequent page).
## TABLE 1.2
### INCREASE AND DECREASE IN NATIONAL DRY BULK FLEETS 1974-1984

<table>
<thead>
<tr>
<th>Region</th>
<th>Mid-1974 ('000 DWT)</th>
<th>Mid-1984 ('000 DWT)</th>
<th>% Change 1974-1984</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. DEVELOPED NATIONS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>4,165</td>
<td>708</td>
<td>-83</td>
</tr>
<tr>
<td>Norway</td>
<td>15,573</td>
<td>8,829</td>
<td>-43</td>
</tr>
<tr>
<td>UK</td>
<td>12,885</td>
<td>6,012</td>
<td>-53</td>
</tr>
<tr>
<td>FR. Germany</td>
<td>3,525</td>
<td>1,429</td>
<td>-59</td>
</tr>
<tr>
<td>France</td>
<td>1,977</td>
<td>2,904</td>
<td>+47</td>
</tr>
<tr>
<td>Japan</td>
<td>20,696</td>
<td>23,040</td>
<td>+11</td>
</tr>
<tr>
<td>Italy</td>
<td>5,382</td>
<td>5,996</td>
<td>+11</td>
</tr>
<tr>
<td>Greece</td>
<td>12,385</td>
<td>29,667</td>
<td>+140</td>
</tr>
<tr>
<td>2. FOC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liberia</td>
<td>31,831</td>
<td>41,163</td>
<td>+29</td>
</tr>
<tr>
<td>Panama</td>
<td>3,060</td>
<td>25,897</td>
<td>+764</td>
</tr>
<tr>
<td>Singapore(a)</td>
<td>1,230</td>
<td>3,719</td>
<td>+102</td>
</tr>
<tr>
<td>3. COMECON</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USSR</td>
<td>797</td>
<td>4,394</td>
<td>+451</td>
</tr>
<tr>
<td>Rumania</td>
<td>304</td>
<td>2,054</td>
<td>+575</td>
</tr>
<tr>
<td>4. DEVELOPING NATIONS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>77</td>
<td>2,781</td>
<td>+3,511</td>
</tr>
<tr>
<td>South Korea</td>
<td>333</td>
<td>6,805</td>
<td>+1,943</td>
</tr>
<tr>
<td>Argentina</td>
<td>193</td>
<td>758</td>
<td>+292</td>
</tr>
<tr>
<td>China PR</td>
<td>316</td>
<td>2,961</td>
<td>+837</td>
</tr>
<tr>
<td>Brazil</td>
<td>895</td>
<td>4,099</td>
<td>+358</td>
</tr>
<tr>
<td>India</td>
<td>2,562</td>
<td>5,319</td>
<td>+108</td>
</tr>
</tbody>
</table>

(a) Now no longer classed as FOC

Source: Lloyd's Statistical Tables

Drewry Shipping Consultants Ltd.

### TABLE 2 & 3: WORLD SHIP TRENDS
4.1.1—Technological Developments in Shipping

Requirements for ship design are basically derived from:
1) commercial needs,
2) safety constraints,
3) and habitability betterment.

Thus the technological developments embrace:
-ship size with requirements for a low life-cycle cost.
-safety regulations drafts and implementation, the institutional environment.
-advanced equipment for easier operations and pleasant life on board.

4. 1.1.1—Ship Size

The revolution in ship size is close to the types of ships and services being attended.

Shipping services are more or less divided into three major categories:

-liner services
-tramp services
-and industrial or private carriage.

While liner shipping normally involves regular scheduled services of breakbulk or unitized cargo shipments between specified ports, tramp services are defined as those of a freight vessel that does not run any regular line but takes cargo wherever the shipper desires and normally in full shiploads. (1) The period has been dominated by the development of ships adapted in carrying less expensive
bulk cargoes at relatively slow speeds on the one side, and fine, costly and fast ships to serve as ferries or cruise liners on the other. Meanwhile types of more specialized vessels, such as ro/ro ships, container ships, gas carriers, etc. have shown remarkable growth. It is notable that world tonnage has generally increased to reinforce shipping capacity to meet trade demand.

Moreover, tramp shipping or charterer services are considered as the real model of a highly competitive market and thus differ from the liner trade which provides for a kind of cartelized market applying standard prices. Whether placed in one category or another, major changes have occurred during the last two decades but mainly within the period of 1965-1976. Ships specialization keeps going on with a view to suitling particular trade requirements.

The third category of shipping services, in which both ships and cargoes are controlled by privately owned companies considered as a single entity, is not a completely separate market as companies overlap periodically with one or other of the above mentioned systems.

It may be pointed out as a derivative from the shipping scene that the traditional distinction between general cargo vessels, ro/ro vessels, containers and barge carriers is becoming blurred with the development of the multipurpose carriers. Spectacular growth has occurred in oil tankers, such as very large crude carriers (VLCC). Oil tankers rose in size from approximately 20,000 tons dwt to 400,000 tons dwt in the last two decades. This type of vessel constitutes a typical example of the economies of scale achieved by increasing ship size.
In the same period, bulk carriers have steadily increased their size from 20,000 to 25,000/40,000 dwt and 55,000 dwt to 75,000 dwt, as a maximum size vessel that transits the Panama Canal. Other bulk carriers grew in size to up to 150,000 dwt. The conventional general cargo ships has increased in size from 15,000 dwt to 23,000 dwt. According to recent studies of ALASTAIR Couper, the container revolution in size ranges as follows:

- during the 1960s, the container vessel carrying capacity was 1,000 TEU (twenty-foot equivalent units);
- in the 1970s the range was 1,500 to 2,000;
- in the early 1980s 2,500 to 3,000;
- more recently United States Lines have been operating 4,200 TEU capacity vessels on round-the-world services.

It is possible that container ships of 6,000 to 10,000 TEU will enter into operation.

The upsurge in demand for cruise liners has resulted in their increase in size. The latest example is an order by P & O (Peninsular & Orient) for a 40,000grt vessel. (gross registered tonnage).

Though technological development in the shipping industry is costly, profitability when using modern methods is also greater. Therefore one should avail oneself of the necessary guidance to ensure that the efficiency of these new shipping instruments is being realised. This is the regulatory side of the shipping technological evolution.
4.1.1.2 New Safety
Institutional Environment

The first legal change derived from technological developments in shipping has a rather economic aim. In order to spread the high costs generated by container operations some liner companies have developed a consortia system.

The UN Liner Code of Conduct was adopted in 1974 as one of the best means to conciliate both shippers and shipowners, parts to the conference and also as a substantial way in helping emerging shipping nations in establishing and developing their national shipping. The following institutional changes were more linked to the safety aspects of shipping and shipping environment than to protect maritime authorities and Classification Societies. Certain international institutions directly concerned with the subject, such as IMO and ILO, set up new regulations for safely controlling ships design, ship building, the equipment and operations of ships. These regulations should prevent, or minimize damage caused to ships themselves and to the environment, sea and sea resources, in the event of any accident occurring. This point is properly discussed under subsequent sections (8). Technological development is also characterized by new ship equipment.

4.1.1.3 On-board
Technological Changes.

The present ships are adapted by automation operation. The result of using microelectronics on board is the reduction of manning costs and better controlled and monitored machinery. Furthermore the microcomputer func-
tions assist satellite communications, ship repairs, maintenance information systems, cargo planning and loading etc. Research has already shown that fully automated ships are possible and in the future tasks such as painting and mooring may be accomplished by robotics technology (9). This will reduce significantly the size of the crew on board. Cooper makes the same observation when he notes that in the 1950s a 10,000 dwt vessel had a crew of about 50, in the 1970s a 100,000 dwt bulk carrier was crewed by 25 and today by 22. (10) Apart from the unemployment problem which is not discussed, the equipment's secondary purpose is to render operational tasks easier to seafarers for whom the working environment needs to be comfortable. The evolution evolves new problems relating to training needs for maritime labour. The workforce is to be trained at the highest level so that it can operate such sophisticated vessels.

Technological development is derived from the need to enhance shipping capacity; but trade policy is the direct means to promote the national fleet by influencing to a certain manner and extent, its market environment.

4.1.2. Evolution in Shipping Policies

This evolution is linked with shipping technological development. This factor, which is no less important than the rest, has two interdependent aspects in two basic systems:

These are the liberal policies and the protectionism policies in shipping. One or another model includes both aspects, domestic and foreign. This means attitude of
the state towards its national shipping or in the second case vis a vis foreign trade.

It is not necessary to delve deeply into this section. A brief statement concerning the characteristics of each system in its evolutionary context will be made.

4.1.2.1. Liberal Shipping Policies.

A liberal policy is a synonym of free and fair competition. Free seas principles go back to the Dutch lawyer Grotius in the XVIIth century. There are no official and universally accepted rules of shipping liberalism. But according to the OECD's Code of liberalisation of shipping, such a policy should consist of recognition of the principle of free and fair competition in sea transport, irrespective of the flag state. Under the policy of shipping liberalism, rights for free choice of carrier, be it a foreign flag vessel or not, are given to shippers. The achievement of the policy should be the operation of shipping companies on the freight market, free from the intervention of any public body, government or its agencies. Consequently, any form of shipping practice opposed to this principle is protectionism. Somehow it is recognized that liberalism of the shipping market is favourable for the development of this sector. Unfortunately, the word remains at the stage where slogans are not observed by those who pronounce them. The following question is relating to the evolution of the protectionism policy in shipping.
Protectionism policy aims at protecting, on the national level, the country's industry from external competition. If duties levied on foreign products may be considered as a form of such a policy, then not a single nation can prevail as being a model of the liberalised form.

Many reasons are given in support of the protectionism policy. They are summed up in two points:
- to confirm the actual position of the country's merchant fleet;
- and to develop this fleet in concordance to the planned national economy needs.

For developing countries, such as mine, I will add a third point justifying protectionism:
- to enable a nascent merchant industry, which will eventually be able to disperse with assistance, to become established.

Forms and measure of shipping protectionism are extremely varied. This work will analyse only two main ones:

1 - financial assistance for shipping mainly in the form of subsidies, and
2 - other separately classified forms of the state (government) support to shipping, such as:
   * preferential treatment of own ships in national ports
   * cargo reservation,
   * control of foreign exchange.
   * and the so-called "shipping etatisme"
This form, the last one, consists of the direct involvement of the state in shipping: it may be national shipping companies when the state owns and controls them; it may be that the fleet is partly controlled by the state as share-holders in private shipping companies.

Much discussion and research has been conceived about shipping policies. In this regard I will not contribute anything new; but it is worthwhile stating some basic facts.

The shipping market is characterised by tremendous ongoing technological developments and influenced by expanded forms of policies and different types of measures taken. A brief examination of the present world shipping situation has the advantage of suggesting the necessary behaviour and useful actions to be successfully adopted and undertaken in this field.

Firstly it is accepted that no type of shipping policy, whether it is called liberalism or protectionism, is considered as the best universally. From the technical point of view the liberalist policy in its principles seems to better suit shipping in the long run. But this statement is not always verified and therefore no real example of shipping practice can yet be found in any one country.

The efficiency of one or another form depends on the nature of the fleet and its role in the country's economy. Obviously with a competitive (strong) fleet, the system will appear to be liberalist, while a fleet with a weak market position, will as a rule, need to be backed to a certain extent in such a way as to enable them to
stand the competition. Developing countries are often accused of being protectionist. They are practicing what is called "overt" protectionism. (11) Shipping etatisme is one of the forms of such a policy, applied in some market-economy countries and mainly in the centrally-planned states and largely in developing countries. The reasons for the state to directly invest and control shipping is that shipping is an international business and a capital intensive industry and private capital in our countries is generally weak and insufficient to create competitive shipping services. Thus, aware of the importance of shipping and acting in the public interest in general, the government is asked to intervene. Moreover it is doubtful that industrialized shipping nations, though they were few in number at that time, did not need to promote, or to protect as it is called today, their infant industry. As for me, the term protectionism, when regarded negatively, should not be applied to LDC's shipping infant industries establishment policies. The systems aiming to settle such trade should be regarded as the fairly indicated liberalism. Instead of being stuck to terms and definitions, the Togolese shipping market not only remains open to the open market worldwide but seeks ways and means of expanding it. As stated previously:
- SOTONAN operates as a member of conference lines
- the free Port of Lome is assigned as objectives:
  * tool for international development
  * means for economic development.

This market policy is applied through the facilities provided and efforts made to permit other countries commerce to flourish within the port.

Shipping etatisme or any overt policy should not be a
standard or everlasting procedure. It should be adjusted to the circumstances (national and international levels) and end when the establishment stage is over. Again it is not only unfair but impossible to compete as effectively as the competitors if not given the same starting basis.

Secondly the LDCs cannot deny the importance to shipping of technology development. Therefore they have to cope with this in the long run, as an important condition to keep the market. Already some LDC ports, as consequences of ship technological development, serve as feeders for other ports, since they have been overtaken by technological development. Cooper (12) has properly observed that "not only is new technology labour shedding, but it is also-in its initial stages-a consumer of scarce capital, a force for organizational change, and a demand of new specialized skills".

Taking into consideration the important role of shipping for LDCs, the need to cope with high cost technology and deal with the market policy, one has a better idea concerning the international dimension of shipping which calls for co-operation. Co-operation in shipping is evidently international; logical, regional strategy is one to start with.

4.2 Maritime Promotions and the Regional Approach

Togolese maritime development depends on the co-ordination of all the relevant activities and the latter's integration within the national economic framework. Some relevant problems will be avoided and others solved. Merchant marines should operate more economically and
ocean resource uses such as fisheries should end up with better management. There is a high need for Togo to come to bilateral understanding and co-operation with its neighbouring coastal countries, such as to better take advantage of the New Law of the Sea. (13)

There are no boundaries for fish and marine pollution. Any incident oil spill, chemical or whatever, in the country could be carried within a short period to the neighbouring state zones and beyond. Growth in the fishing industry is promising, but research shows that most of the stocks, pelagics and tuna are highly migratory and are transboundary in the whole West African Region. (14)

Therefore a strategy for all West African coastal states is advisable. The effectiveness of individual countries to cope with maritime development problems, will be greatly enhanced if regional policy harmonization, is to a certain extent, achieved. Such a plan can be implemented within the Economic Community Of West African States (ECOWAS). (15)

To sum up, the necessary links between the regional states for better maritime development includes two types of action:
-one is regarded as a "passive" harmonization and the other is called "active" cooperation;
-in the first type, the state will see that national legislation and regulations including the implemented international standards are compatible, at least to a certain acceptable degree, with the neighbouring countries. For Togo these regulations should include marine law and fisheries regulations, environment protection
policies, maritime transportation rules comprising some port practices, ship control and other maritime safety measures involving training rules for the marine labour force.

-In the second type, states act together in the commonly created activities they implemented for common profit.

In this connection West African states will benefit from the following:

- joint pollution emergency teams and contingency plans. This undertaking should be usefully guided by advice included in the IMO Manual on oil pollution, section II June 1973.

- pooling of suitable resources to form SAR by establishing a joint SAR organization as recommended by international convention. (16)

- joint fisheries management industries

- sharing of a scientific information base (meteorology, oceanography and other natural phenomena)

- joint regional training facilities etc.

It is hoped that the present West African economic organizations will see that their role in maritime development as a steadily increasing one satisfactorily meet their countries' needs. (17)

Indeed the encouraged co-operation with the multi-purpose schemes among organizations may result in some shipping improvements. Moreover, the participation in the plans of the worldwide bodies solely dealing with maritime affairs is probably more effective in maritime development.
Inaugurated in 1959, the International Maritime Organisation IMO, is the only United Nations specialized agency created to deal solely with maritime promotion, especially the improvement of safety at sea and pollution control. Its governing body, the general assembly, today includes 127 member states, all members of the United Nations and one associate member. (18)

Meeting once every two years, the Assembly elects the 32 member governments to form the Council which, under the Assembly, acts between sessions as IMO’s governing body. Various inter-governmental and non-governmental organizations with an interest in shipping and other maritime related matters have been granted consultative status with IMO meaning that the interested bodies such as INERTANKO, ILO, ITF, ICS, IACS, IALA etc. may participate in IMO meetings but not vote.

Most IMO work is carried out in number of committees and sub-committees. (see below: the structure of IMO)

Assembly

Council

Maritime Marine Legal Technical Facilitation
Safety Environment matters Cooperation Committee
Committee Committee Committee Committee

Sub-Committees

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Stability & load-lines and fishing vessels safety

Fire protection

On ship design & equipment

On safety of navigation

On life-saving appliances

Sub-committee on bulk chemicals

Sub-committee on radio communication

Standards of training and watchkeeping

Carriage of dangerous goods

Containers & cargoes

The main functions of the IMO may be summarized as follow:

1. Promotion of maritime safety and efficiency of navigation
2. Prevention and control of marine pollution
3. Legal matters relating to shipping
4. Facilitation of maritime transport
5. Execute technical assistance programmes
6. And through the above mentioned, facilitation of co-operation and understanding among member states.

The achievement of all these functions comes through the adoption, ratification, implementation and even amendment if necessary, by the member states of IMO legal documents. Most of them are called conventions and a few are referred to as agreements or protocols. They are all international treaties and thus their legal status remains the same. Conventions within IMO establish acceptable international standards which when ratified and
implemented by the member states eliminate differences between national practices and consequently improve shipping safety and promote its economic target for the interests of the world community. Here appears the real importance of the IMO standards and the necessity of all states, thus Togo, to be part of these legal instruments and implement them.

It is not necessary to recall the international character of shipping which is so developed that isolated action cannot more successfully solve problems related to its operations. Moreover, shipping practices are costly and still constantly increasing. Therefore, without any global action, many LDCs cannot afford to go into shipping. An example may be taken from the recent developments in shipping technology and the consequences pertaining to them.

Bigger in size, any accident involving these new and sophisticated ships may result in total loss and thus not only the spill of thousands of tons of cargo but also disastrous oil pollution in the cases of ULCC or VLCC tankers.

This became evident with the accidents of the Torrey Canyon of 1967 and the Amoco Cadiz of February 1978. (19) IMO Safety Committee was urged to find an international solution to prevent or minimize the effects of such incidents. Therefore, new expensive safety equipment on board ships and quite costly changes in tanker design were introduced by MARPOL 73/78. Some of these new requirements apply to new ships of more than 20,000 dwt as follows:
1. Segregated ballast tanks (SBT) which are spaces reserved solely for ballast and cannot be loaded with cargo oil. Such requirements mean a decrease in profit for safety enhancement, for a 120,000 dwt tanker's effective carrying capacity becomes 80,000 dwt.

2. Protective location (PL) is the requirement which is to arrange the design of ships so that ballast spaces are on the outside of ships or in such locations to prevent oil spillage in the event of grounding or collision.

3. Crude oil washing (COW) is the system whereby cargo oil is used instead of sea water to wash away the residues left clinging to tanks. This system is more effective. And to prevent any explosion occurring during the washing phase, inert gas systems should be used.

4. Inert gas systems (IGS) which are designed to reduce the oxygen content of the atmosphere in cargo tanks during and after discharge of cargo oil in order to eliminate the risk of explosion. Suitable inert gas is usually obtained by piping boiler flue gas, after it has been cleaned, into the cargo tanks.

In addition to the aforementioned vessels, the above requirements are issued as follows:

1. for passenger ships
2. for chemical tankers
3. for gas carriers
4. for crane carriers

In the last 25 years, IMO has promoted the adoption of nearly 30 treaty instruments. These conventions,
agreements and protocols cover many aspects of maritime safety and pollution prevention, tackling the following problems (20):

1. preventing operational pollution
2. reducing accidents
3. reducing the consequences of accidents
4. providing compensation
5. helping implementation

Clarifications of the abovementioned problems consist of the IMO main treaty instruments divided into three major classes as stated in Annex II.
Adopted in 1965, the Convention on Facilitation of International Maritime Traffic (FAL) aims to aid co-operation between governments in order to be able to more properly tackle common problems.

Numerous codes and recommendations are adopted by the International Maritime Organization (IMO) besides the above reviewed major international treaties. Neither codes nor recommendations are binding to governments apart from the IMO conventions. But these Codes and Recommendations may usefully provide guidance for framing national maritime regulations. As conventions are obviously useful tools for Togo, I would like to suggest some of the codes that are of a particular importance for the country.

- International Maritime Dangerous Code (IMDG first adopted in 1965)
- Code on Noise Level on Board Ships (1981)
- Medical First Aid Guide For Use in Accidents Involving Dangerous Goods (MFAG), and Emergency Procedure for ships carrying dangerous goods (EMS) 1981, etc.

No matter what substance is involved, marine pollution is no less an international problem than maritime safety is. Therefore, the worldwide nature of these problems means that the shipping industry as a whole cannot be safely and commercially developed for the benefit of all countries interested unless both developing and developed combine their resources and act together for this purpose. It is of great importance for the LDCs, thus Togo, that have up till now unfortunately shown a most nonexistent representation within the development of inter-
national maritime treaties, to participate in the evolution of the IMO standards underlined in the Annex II. It is significant that Togo, since June 20, 1983 has been a member of IMO. (important action); but more important is the pressing need for the country to accede to IMO international treaties, so as to gain the advantages they provide for those who implement them. The country would play a profitable role in port state control by applying safety standards to foreign ships. International Standards cannot be successfully applied by a port state that is a non-party to these conventions. But the opposite is possible. Togo national lines calling at foreign ports comply properly with international safety standards already adopted by the port states. MARPOL 73/78 provides for no favourable treatment of ships of non-parties as mentioned below:

"With respect to the ships of non-parties to the convention, parties shall apply the requirements of the present convention as may be necessary to ensure that no more favourable treatment is given to such ships". (21)

If the adoption of IMO legal documents is advisable, the best way for my country to take advantage of its membership of IMO is to contribute to the latter's standards evolution. "....most of IMO's work is performed on the basis of consultation and consensus,...". (22) This sentence from the Secretary General of IMO summarizes the benefit from the necessary participation of developing countries in forums of the IMO. These forums are characterized by the spirit of understanding and critical discussions in such a way that participants without any exception are making their own decisions. In endorsing the point of view of Professor Vanshiswar (23) such active participation would ensure the following:

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1. The effective capability of the country to carry on work more adequately with different maritime matters.
2. Additional knowledge and experience gained by the country’s representatives through entertainments, debates and consultations.
3. Gaining prepared ground for international cooperation by making new friends.
4. The country’s needs in technical assistance is expressed and made known to developed countries.

This last point appears rather important for my country as it is for LDCs in general. It has been underlined that the necessary but difficult task of implementing maritime standards is far reaching and is also a costly requirement. The purpose of the IMO technical assistance programme, as mentioned earlier, is to help states, especially developing countries, to ratify and then to implement IMO conventions and other instruments, thereby contributing to their successful economic and social development. The technical co-operation committee’s assistance to the world maritime community includes
- marine pollution
- port and harbours
- and shipping.

*The marine pollution field embraces the pollution control and prevention, establishment of regional oil combating centers and the study of arrangements for cooperation among states in the event of pollution.
*Technical assistance within port and harbour consists of port planning and its development.
*In shipping, the T.C. helps in drafting or improving maritime legislation within countries or harmonizing
them at the regional level, 
-contributing to enhancing maritime safety, seeing to 
safe handling and transport of dangerous goods. -radio 
communications 
-shipbuilding and shiprepair, and 
development of maritime training.

The T.C. achieves these objectives through the following:

-IMO advisers and consultants experts in a variety of 
maritime fields;
-Seminars and workshops around the world;
-Technical assistance projects carried out on the spot;
-Providing training fellowships.

Training appears to be the cornerstone of the technical assistance programme. The most recent and important achievement in that field is the creation of the highest level training institute, the World Maritime University, in Sweden. The WMU, established in July, 1983, provides training in English to high level maritime personnel in all areas of shipping and related maritime activities for two years, leading to a Master of Science Degree.

Courses are run from February to December and offer the following subjects:

-General Maritime Administration
-Maritime Safety Administration (Nautical & Engineering)
-Maritime Education (Nautical & Engineering)
-Technical Management of Shipping Companies

In Togo, taking advantage of technical assistance for
training purpose is probably one of the priorities in setting up the country's maritime industry. The above developments confirm the effectiveness of the IMO as far as shipping safety and cleaner ocean matters are concerned. In such fields it has been noted that the key-word to success is co-operation among all concerned. Not only does IMO facilitate and encourage co-operation at all levels, but the organization also achieves its technical assistance programme through international cooperation. Therefore, and regarding the international worldwide character of shipping, the more we extend our act to other maritime related bodies, the more we increase the chances of success.

4.4. Other Worthwhile Maritime Concurrences

Varieties of maritime related bodies and their activities evolving standards, whether set up at, private, national or international level, are all practically involved in maritime development. Several of them started their activities before IMO was created but a number of them have made their appearance rather recently. It follows that numerous maritime standards are separately promoted at the IMO forum. These instruments have been shown to be efficient in helping to enhance shipping and shipping environmental development. This section will consider briefly examples of these types of bodies and regulations, the concurrence of which may be of a certain help to LDCs such as Togo in maritime development, as made necessary by the current situation in this Sector.
In Togo, the seafarers' welfare question is raised among current problems that need to be given satisfactory solutions in the near future. Therefore the participation of the country in the evolution of the maritime labour conventions and recommendations would be beneficial for the purpose. It cannot be so unless the country is a member of the International Labour Organisation (ILO) forum. The ILO is UN special agency and has its Head Office in Geneva.

Labour law embodies various rules governing employment, remuneration, conditions of work, trade unions and labour management relations. Labour legislation aims not only at the improvement of the workers' social conditions but also at the enhancement of safety of ships, cargo, ship environment and also at the most important, the safety of seamen. Seafaring nations have experienced the fact that if the crew on board a ship is not safe, the cargo, the ship and the environment is not safe either.

For the protection of seafarers the most important among all ILO Conventions is probably Convention no. 147, concerning minimum standards on merchant ships. The Convention entered into force on November 28, 1981, and contains only five articles briefly reviewed as follows:

- The State ratifying the Convention should take measures such to ensure that international minimum safety standards are complied with. This should be done through national regulations controlling competency, hours of work and manning, shipboard work and living conditions, and also appropriate social security measures.

In the other words (24) the State is required to ensure
that adequate provisions exist in respect of engagement of seafarers, investigation of complaints, training and inspection, and to hold an official enquiry into any serious maritime casualties.

-The provisions under the convention should be implemented through the port state control. Safety inspections by the latter includes ships from non-party states to the conventions.

-To summarise, convention no. 147 refers to numerous conventions under the same organization and dealing with:
  * Medical examination of seafarers.
  * Shipowner's liability in case of sickness or injury of seamen.
  * Food and catering for ships crew.
  * Seamen's articles of agreements.
  * Right to organize and collective bargaining.
  * Accidents prevention.
  * Minimum age and so on.

-And obviously, the ratification of the ILO convention no. 147 makes it necessary for Togo as earlier mentioned, to become party to the most important IMO safety instruments such as:

- SOLAS Conventions (SOLAS 1974 and 78 protocol)
- LL convention
- STCW convention
- and COLREG convention.

(See Annex IV: ILO Convention 147)

UNCTAD was established in 1964 by the UN General Assembly
in Geneva.
In shipping, commercial development cannot be separated from safety improvement. But the UN working through UNCTAD, has developed the commercial aspects for the benefit of maritime countries and mainly for the LDCs. The more actively Togo participates in the forums of UNCTAD, the quicker the country will gain an effective shipping economics strategy.

Prior to UNCTAD I, the shipping problems of LDCs ranged from complete dependence on foreign flags to carry their foreign trade to those who were struggling to establish and expand their national merchant fleets. (25)

UNCTAD seeks to promote cooperation in the field of shipping and to harmonize the shipping policies of governments and regional economic entities.

In this context, UNCTAD arranges forums where governments, shipowners, shippers, ports authorities and all those involved in maritime matters can elaborate through agreements, measures to cover the pursuit of both LDCs and developed countries. The achievements of UNCTAD in the field of shipping may be summarized in six major points. (26):

- The improvement of the LDC ports.
- The adoption of Hamburg rules.
- The adoption of UN conventions on the international multimodal transport of goods.
- The entry into force of the UN Code for Liner Conference on October 6, 1983.
- The establishment of the shippers councils in the LDCs, and
The achievement of the 10% target of the world fleet for LDCs in the second UN development decade. LDC fleets grew from 8.1 in 1964 to 10.8 in 1980 to 15.8 in 1983 equivalent to an increase in tonnage of 11 million grt in 1964, 44.7 million grt in 1980 and 66.3 million grt in 1983.(27)

Apart from UNCTAD, the work within "Le Comite Maritime International" (CMI) should retain the LDC's attention for shipping development. Established in 1896 and made up of national maritime law associations, it is assigned the heavy task of unifying international maritime law. LDCs need effective concurrence of other international organizations which are more or less involved in maritime affairs. The most important of these are:

- World Health Organization (WHO) for maritime health,
- International Hydrographic Organization (IHO) for hydrography and chart establishment,
- International Telecommunication Union (ITU) for maritime communications
- World Meteorological Organization (WMO) for maritime weather and
- The United Nations Environment Program (UNEP) for the environmental protection.

All countries need to protect their marine environment against pollution from ships and the major negative effects evolved by maritime activities. The UNEP collaboration is needed even more today in Togo since the country is concerned not only with ordinary environmental problems, but also with the serious problem of the erosion of its coast.

In order to make the afore-suggested multisectorial mari-
time policy successful, the country may strengthen
tational potential with effective relevant contributions
from private or national organizations devoted solely to
the purpose. Only two examples of these governmental
organizations are given below:

#DOSP and ICOD, both Canadian.

1) The Dalhousie Ocean Studies Program (DOSP) established
in 1979 as Canada's main centre of research and
development in the Ocean Law and policy field, has
concentrated its efforts on the Third World ocean
development issues (28). DOSP has carried out important work relating to port developments, maritime
policies, Law of the Sea, etc. in the Carribbean Islands and Southeast Asia. Sustaining its activities,
the DOSP recently extended its investigations to the
benefit of the West African maritime world. (29)

2) The International Centre for Ocean Development (ICOD)
is a Crown Corporation within the Canadian development assistance structure providing advisory and technical assistance to developing coastal states in ocean resources management. The Centre provides for:

- Marine information
- Technical assistance
- Funding viable projects
- Training fellowships on-spot or in Canada
- Organizing seminars.

The policy of ICOD (30) is to help the LDCs to become in
the long-run self-sufficient. While underlining the interests of ocean uses, it is the right moment to suggest
the necessary complementary of standards pertaining to
various aspects of maritime law which have been reviewed above. Moreover, the law of the sea, vis a vis maritime transportation, should be for Togo a subject of consideration and analysis since this type of international standard provides the "Code of Conduct" for all ocean uses(31). In Togo maritime boundaries need more clarification so as to allow adjustment of rights but also duties of the country on the ocean, resulting from the consequences of UNCLOS III.

Under the title "basic trends for maritime activities development" the international dimension of maritime affairs as a whole and shipping international characteristics have been reconfirmed. The conclusion derived from the overview is that whether considered under safety, economic or commercial aspects, success in shipping nowadays depends heavily on effective international cooperation of all kinds. Ocean policy and development cannot be fragmented. This is not only verified at the national level but also at the international level. Harmonization, integration of international maritime standards on the one hand and active cooperation between shipping nations, world private shipping and maritime institutions on the other means that the proper grounds should be prepared at the country's level for that purpose. The subsequent chapter deals with the proposals for maritime infrastructure development.
Footnotes

1. The developing countries and international shipping; World Bank staff working paper no 502, by H. HANSEN.


3. P. 33 "Development in ships and shipping", by D. GOODRICH

4. Vessels which have not to transit the Panama canal such as a trans-pacific.

5. Shipping policy in Canada p. 111 Transp. Canada library, OTTAWA.


8. Safety matters within IMO fall under 4.3.


11. From "Protectionism and the bulk shipping industry" By Drewry shipping consultants LTD, Mayfair-London.


15. ECOWAS includes coastal states and landlocked countries having also certain interests in marine affairs.


17. TOGO is a member of the following Regional Organizations:
   - ECOWAS.
   - UNEP for West African marine environment protection.
   - West and Central African Shippers’ councils.

18. Hong-Kong.

19. Torrey Canyon disaster occurred in 1967. Amoco Cadis, a super tanker accident in Febr. 1978, spilled crude oil on beaches of Brittany, 13 miles off French coast. In the same year the Tanker Eleni V was split in two pieces, following a collision.

20. "IMO/MEPC and marine pollution prevention"
    Lecture by M. MOROZOV, WMU, 850403.


22. His Excellency the Secretary General of IMO
    Interview on the 25th anniversary of IMO.

23. Pr. VANSHISWAR, lecture on "Establishment/Administration of maritime affairs in developing countries."
24. Lecture on "Maritime labour legislation" by Pr OS WMU 850326.

25. See N.SING "Achievement of UNCTAD I and UNCTAD II in the field of shipping and invisibles.


Based upon the above examined maritime potentials and handicaps preventing their development, the constitution of a new policy that will cover the multisectorial approach to marine affairs is proposed. The main duties of the Togolese Maritime Administration for future maritime development will be suggested by taking into account tasks assigned to any model administration on the one hand and the national risks on the other.

A proposed pattern for the maritime administration which is materializing in an organizational structure will end the development of this chapter.


Maritime policy should not be fragmented. The above study including the review of the country's maritime potential and the available information about world maritime trends indicates that sound investment in ship-
ping is likely to result in a number of benefits such as:
-net savings on foreign exchange or net profits from shipping operations.
- assistance in the form of value added to the country's foreign trade and so on.

But benefits from and potential for broader developmental impact through sound investment in shipping depends significantly on how shipping is integrated with, and contributes to, the economic development of the country.

The maritime development policy to be suggested primarily for Togo is that of an economic linkages plan. This policy is two-fold:

- The national maritime industry as a whole, and
- The backward and forward linkage with the rest of the economic diversification and development for Togo.

These two considerations explain partly what may be understood by "sound investments".

*The present sea uses policy is to be co-ordinated within the actual ocean resources management. The national shipping company and the port operation should have their activities directed by a co-ordinative policy. Both sectors of activities have to match their policy with fisheries departments. All these activities are to be planned in such a manner as to ensure after a certain build-up period, the availability of necessary services at the national level, instead of relying on foreign shipping resources. The country could utilize domestic crews, management and insurance, communications, vessel repairs, spare parts and supplies and possibly even locally built
ships. In Togo studies are to be carried out to determine resources that should be profitably acquired bilaterally or at the regional level.

At the national level, the country may successfully undertake to draw-up and control the safety and equipment measures for small fishing boats and canoes, equipped with motors. The aforesaid undertaken activities are to be linked, as far as the policy guiding their development is concerned, to other potential maritime activities such as: marine scientific research, hydrocarbon or offshore oil and gas exploitation, coastal tourism development and so on.

The economic linkages include not only coordination and complementarity maritime activities but also the integration of maritime sector development in the country’s economic plan. Demand in shipping is obviously a derived demand and the effective accomplishment of shipping services needs to be backed up by other services. Therefore the policy of other national means of transport such as air, road and rail road has a certain impact on sea transport. The performance of the country’s sea transportation and thus the necessary development of the national port is influenced by sectors of development and their future achievement policies, such as agriculture, industry, commerce which determine the needs of sea import and export transport. In order to avoid wasteful projects, investment in shipping needs to be linkable as aforesaid. Since shipping has an increasing capital intensive nature, any investment failure may result in heavy losses. The multisectorial approach helps the country in setting priorities to be undertaken for their estimated profitability. The system suggests careful consideration of pro-
per economic evaluation and feasibility studies before new investments are undertaken in the sector. The importance for Togo of such a policy appears through the actual need to extend the country's maritime sector to certain potential activities favourable to its further development.

One recognizes the critical need for an integrated management of marine resources; but one also understands how difficult it is to actually implement such concept in the overall development. The policy of marine resources development must be consistent with the national development policy, including mainly economic considerations. A variety of conflicting interests have to be counted for. This task appears more complex when regional and international impact on such resources' management are analysed. In considering the above-mentioned problems pertaining to marine resource management, a proper body should be created for such purpose. This body would be qualified as the national institute of marine resource (NIMAR). In Togo, NIMAR, whatever its nomination, would be organised in a way so as to perform its task successfully: It would include a small staff composed of well trained people. Its objectives would mainly be the coordination and centralisation of required information, especially on marine technology and all necessary functions to reach the objectives of NIMAR. These objectives can be summarised as follows:

- Determination of the existing marine resources
- Assessment of the needed and the available technology and
- The training need for local personnel.

The summarised objectives should serve for the realisation of the direct purpose inscribed in the national development plan; that is the economical integration of
marine and maritime resource management.

The policy suggested above, the overall approach of Togo maritime affairs, is included in the country's institutional and jurisdictional framework for maritime development. This is relevant to the maritime administration.

5.2 Main Duties of a Maritime Administration for future Maritime Development

A quick review of national experiences as earlier mentioned (Chapter 3) indicates that the institutional and jurisdictional framework still needs to keep pace with the country's maritime development. This task is part of the functions of the national maritime administration, the Maritime Directorate (MD).

The MD may be referred to as the Maritime Safety Administration. This nomination is the country's own choice. The role and functions of the MD may also be extended or reduced, depending on the country's maritime development or the national risks. But there are two major common characteristics to the functions of any maritime administration.

As stated by a professor on Maritime Administration, (1) these functions have to be developmental and regulatory in conformity with the relevant international maritime standards.

The functions of the MD should result in an effective and direct contribution to the national economic growth and the tangible development of the country's maritime
industry promotion. These are the developmental aspects which are contributory to the overall economic policy decisions such as:

1. The proper analysis and determination of the most suitable types and number of ships required to meet the scale of development planned.
2. Development of the required labour force for the shipping industry.
3. Expansion of marine ancillary industries.
4. Development of employment opportunities for national seafarers etc.

The regulatory functions are directly linked to the safety aspects of shipping and navigation, including the protection of the marine environment. In turn, these functions ensure the planned economic development and may include the following:

1. Avoidance of disasters and consequential losses or damages.
2. Conservation of foreign exchange.
3. Reduction of maintenance costs for ships, etc.

In Togo, with respect to the duties the Maritime Directorate is required to perform in connection with maritime affairs at its current stage of development, the institution is expected to be the specialized executive arm of the government as regards all national maritime matters. This system is not the same for all developed maritime countries. In fact most of the latter have a special ministry in charge of marine affairs, while in the LDCs, the same Ministry usually joins marine matters with other functions. Therefore the main body solely dealing with maritime development on behalf of the govern-
ment is the Maritime Directorate.

In short, the main objectives of the MD should include the following:

1. The superintendency and coordination of the national shipping development policies.
2. The promotion and development of all maritime standards involved.
3. Following the sectors development plans and adjustments and being a central source of information concerning them.
4. A conciliative institution of all conflicting national maritime industry interests.

The MD's main functions include:

1. General superintendence and coordination
2. Registration of ships and the issue of certificates of registry and related functions.
3. Surveys, inspections of ships and certification of ships
   * examination and certification of seafarers
   * manning of ships
   * inquiries and investigations into shipping casualties
   * contingency planning for the combat of marine pollution
   * maritime search and rescue (SAR)
   * wrecks
4. Crew matters
   * contract of employment
   * discipline
The maritime Directorate could not achieve the important economic role within maritime industry, unless the proper attributions to and qualifications of its professional personnel are clearly laid down and defined by the merchant shipping legislation. This important phase in the development of the national maritime infrastructure is considered under the proposed archetype of the National Maritime Administration.

5.3 Proposed Pattern of the Maritime Administration

Proposals are directly linked to the whole maritime infrastructure development. As aforesaid, the most central and concerned institution to vouch for the country's maritime economic development is the Maritime Administration. The pattern to be proposed should be adaptable so as to assist the urgent national maritime needs. This is to facilitate the undertakings for the major roles leading to long-term maritime development. Targets to be achieved and revealed throughout the study are as follows:

1. Policy of Plan and Coordination

The institutional framework should be provided within the Maritime Directorate in order to compensate for the lack of coordination between activities of the national shipping company, the port, the fisheries and the CNCT with NAVITOGO. Again the MD will see that such a necessary coordination is effective not only among the existing
activities, but also through integrated plan with new important activities to be launched forth with, such as coastal tourism, oil and gas and mineral exploitation, marine scientific research, etc.

2. Fisheries Development Policy

This sector will have a more complementary relationship not only between the two ministries in charge of fisheries, but also a closer liaison with the work of the Ministry of Foreign Affairs, on the one side and on the other with the Maritime Directorate. It is impossible to plan fishing without a clear view of the national policy on the Law of the Sea which is currently relevant and controlled by the Ministry of Foreign Affairs. Fishing licences, fish inspection, safety regulations including ships and fishing boat inspection, the marine environment protection etc., are the major needs to be provided by MD services. The current failure of fisheries regulations includes economics and commercial aspects of the sector. Such urgent cases will find adequate solutions from the effective participation of the MD service, leading to a useful cooperation with sectors concerned at the national and regional levels. Consequently, fishing zones will be clearly determined, the catch of different species regulated, the maximum sustainable yield (MSY) indicated, commercial methods selected and bilateral or regional strategy for stocks management specified etc. The suggested policy will efficiently tackle problems evolved by the transboundary nature of fish (and other living marine resources), the international character of the generated pollution from ocean usage and the consideration of the cross-impacts of ocean resource exploitation.
3. The Policy Regarding National Shipping and Navigation

a. A general assembly at a high level, whatever the designation is, would set up more specifications regarding the renewal of the infrastructure of the shippers council to help the latter in achieving its important target, national shipping promotion with the protection of shippers and merchant fleet interests. The renewed infrastructure would include:

- Determination and provisions for competent personnel
- Facilitation of the training needed
- Guarantee of possibilities to participate into international forums relevant to the CNCT activities
- Effective employment and control of independent agents representing the CNCT interests in foreign ports.
- As close relationship with the Maritime Directorate and better connections with other maritime sectors.

b. The national merchant marine would operate more profitably by undertaking the following:

- Close cooperation with the MD as regarding safety and labour matters, better understanding with other shipping companies and a policy link with the remaining marine sectors.
- Provision for coordination with the MD and the secondary port of Kpeme.
- A long-term policy for the fleet development in order to be competitive without any backed force for this purpose.
- Clear boundaries to be set between economic and
non-economic factors. While, for commercial safety operations in shipping, the latter should be backed up by appropriated funds, operations within the first factor must be submitted to strict management rules.

c. The Port Authority (PAL) would be more developmental if it expanded its co-operation policy. On the national level, clear definitions as to the relationships between the port and the MD should be given. Such concurrence should be more specified regarding safety of navigation. The MD will therefore steadily play its role that is partly accomplished by the port at present. The closer work of the port with the MD will help getting rid of obsolete regulations presently applied in the harbour. Because of its close position to some ports in the neighbouring states, the PAL should remain competitive by:

- continuous adaptation of its strategies regarding economy and commerce,
- enhancement of the port services quality by keeping pace with new technology and clients needs,
- consequently improve the personnel competencies and facilitate the maximum use of such competencies to serve the port's needs for economic development
- establish an economic planning Department in the port to deal solely with the economic aspects, statistics and relevant useful up-dated information worldwide, studies of market conditions and strategy plans,
- monitor the necessary concurrence bilaterally or regionally with other foreign ports to better achieve some economic but also safety aspects. Safety and port environment protection should be effective through cooperation because its equipment is expensive and the PAL can
not afford such. Among the necessary equipment is that concerning oil combating.

4. Training and Other Maritime Labour Matters

The present training policy is to be encouraged by the following:

- efforts to keep pace with training and education with the marine environment requirements
- a policy of regional cooperation in training
- training of the whole maritime labour, not only in one sector, so as to reduce training costs and make them more effective.
- acceptance of training based on the international maritime standards. To fully attain the required levels some points still have to be achieved in this area. These requirements are stated below:

* A national maritime training board should be set up to work solely on man-power matters viz training and certification. The board should take part in appreciating the regional training programmes, study conditions, evaluation systems and thus remain competent, among other things, to issue certificates.

* The board should be headed by the MD and should include all the maritime activities involved.

* The board may successfully work to solve the actual marine labour unemployment problem and its significant consequences.
5. Maritime Standards Policy

None of the maritime standard aspects have been effectively undertaken. Therefore and having in mind the importance of such legal tools for the country's maritime development, the following proposals would help to properly cover the gap.

The Maritime Directorate (MD) has to promote, adopt and develop the national maritime legislation, law and regulations with the effective cooperation of all the maritime bodies and institutions concerned. These will include the Maritime Law and the Law of the Sea aspects.

The Maritime Law comprises

* The international commercial law
* The law of shipping and navigation, aimed at protecting lives and property
* The maritime infrastructures viz ports, maritime labour, etc. regulations.

The enforcement of the Maritime Law at the national level will increase the country's maritime development since the adopted regulations are in conformity with the commonly accepted international shipping economics and commerce and ship safety and environment protection.

- The law of the sea not only regulates sea and sea-uses but also ship safety matters. Articles 91, 93 and 94 of UNCLOS III are relevant to the question of registration of ships.

Under the auspices of the MD the national law of the sea committee will be set up. The Committee will review the following, after careful consideration of the pro-
visions of the New Law of the Sea (UNCLOS III)

*National maritime boundaries
Transit rights.
Delimitation and the High Seas jurisdiction.
The boundaries question remains unclear and the baseline not defined.
*Environmental protection and other duties of the country
*Ocean resources management and conflicts resolution.

The question of greatest importance, the establishment of a proper Maritime Administration for a developing country in general and for Togo in particular, has been raised earlier. Such a necessity is being stressed through the afore-suggested tasks to be undertaken for the country's maritime development. Moreover the only body that may properly vouch for the implementation of any international standards is obviously the Maritime Directorate. Since the functions of the Maritime Directorate contribute to the country's economic development and considering the fact that in Togo the duties and responsibilities of this Directorate have to a certain extent increased, the MD must accordingly be empowered to effectively accomplish its duties. The roles and functions of the MD have to be clearly set up within the Merchant Shipping Act. The necessary legal tool would include:

- National maritime policy promotion, coordination, integration and implementation body.

- Maritime standards draft-adoptions-implementation.

- A central governmental Institution for national maritime economic promotion plan-adjustment among maritime sectors
of activities and with the country’s economic development plan.

-Central Institution for the conciliation of conflicts of interests:
  * maritime safety constraints on the one side and maritime economic needs on the other (shipowners, shippers and all concerned)
  * the training and defense of all maritime labour interests (employers, employees, seafarers, offshore personnel of the maritime and maritime related sectors)
  * safety and administrative matters

-A Central Informative Institution concerning the country’s maritime matters that sees after the creation and development of new maritime activities in the country and the appropriate institution to vouch for them.

-As the national maritime training and certification body, the MD is directly concerned with marine scientific research and technical cooperation with organizations on the national and international levels. The MD should have the leading role as regards the promotion of:
  - crew matters
  - examination and certification
  - manning of ships and
  - training.

*Role of MD regarding training, crew matters, examination and certification and manning of ships.*

This is an important task. The national economic develop-
ment is closely linked to human resource development.

- Marine training, examination and certification of seafarers are three essential areas that are closely linked in the chain which determines the standards of safety and efficiency of shipping. Therefore, to better achieve such duties in the maritime sector, the maritime administration (MD) as the government representative, has to play the leading role. The MD in my point of view appears to be the most appropriate body to work socially, politically, and economically in harnessing maritime labour, utilizing it appropriately to the maximum national advantage with the simultaneous protection of seafarers' interests and the national maritime industry benefits.

The MD, dealing with the training and maritime labour matters should:

1- assess the maritime man-power needs
2- plan for and ensure the availability of such man-power both in quantity and in quality
3- ensure that the laws and regulations applied to the maritime labour suit their extraordinary working environment which is under nationally and internationally derived pressures.
4- have the leading role in coordinating the efforts of the National Maritime Training Board to efficiently achieve the training objectives.

Course programmes should cover:

for ratings - deck department
- engine room department
- catering department
for officers-deck department
-engine room department

Additional special courses should be programmed if needed.
-recruitment policy to be formulated (number and quality)
-assistance through and from IMO for those training needs which are costly.

Role of MD regarding the national port development

Aspects pertaining to the port and in which the MD would need to be involved in entail for
-the necessary relationship between MD and port (to maximum national advantage).

In Togo while the port has been developed the MD and thus its safety branch has not received the attention that it deserves. This aberration is probably due either to the lack of understanding of the advantages of effective co-operation or to the lack within the MD of any adequate infrastructure to play the relevant role within the port, or due to both factors.

The advantages of such cooperation between the MD and the port of Lome are derived from the obvious fact that since the port is for the use of ships and port safety is inter-linked to the ships' safety matters which are carried out by the MD safety branch services, both institutions (MD and Port) remain complementary. Sharing the point of view of an eminent MSA professor (2), MD functions will contribute directly to the port development and enhance its regulatory machine.

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-the port development functions include expertise in various areas (3) such as: suitability of the port to the intended ships
- assessment of the port needs in marine personnel
- assistance in the development of regulation for port safety

-The regulatory functions are related to:
- registration of port crafts.
- survey/inspection and certification of ships
- ensuring adequate provision of reception facilities conforming to the regulations
- ensuring the port participation to SAR and to the national contingency plan for combating marine pollution etc.

The role and the functions of MD regarding national fleet development.

In Togo the MD contributions to national shipping development are directly given through
- marine labour resource development
- assistance in economic and commercial strategy (4)

As earlier stated, within future plans for maritime development in Togo, the role of the MD towards the national fleet must ensure:
- safety of shipping and marine environment protection
- marine crews development and advice to the government on matters pertaining to:
- implementation of maritime standards.
-shipping policy such as acquisition of ships, marine insurance and the fleets fiscal regime matters, freight rate and other shipping strategy matters.

In dealing with this issue an Author (5) has advocated that the Maritime (safety) Administration is expected to have roles and functions covering three main areas:
1. government support/incentives, as earlier mentioned (Chapter 4 section 1)
2. cost aspects including: -capital equipment -running costs -insurance and taxes.
3. regulatory aspects as mentioned above (section 5)

Again, the above will not be efficiently and effectively performed, unless there is a close co-operation between the MD and the shipping industry, especially the national fleet.

Firmly attached to the economic importance of the Maritime Administration, the latter should be properly equipped for its work. Such efficiency of the MD will be largely dependant on the adaptability of its structure to the country's risks and the regional and international implications of maritime affairs. Taking into consideration all the above statements, the new pattern for the national Maritime Administration is presented in chart 1 (page...). The functions and duties involved are as follows:

-The Government of the country: top decisions in the maritime field influencing the country's interests are directly rele-
vant to the Government's power.
They are generally long term matters initiated by relevant experts, viz
approvals, international regulations etc.

-The Ministry of Commerce and Transport (MCT)

This is the ministry titular of the country's merchant shipping and the national marine and maritime related industry. National and international trade and transport is under MCT control, including maritime commerce. Therefore, even though the below mentioned maritime entities keep useful relations with the MD and other ministries, they have to report to the MCT. These are, SOTONAM, PAL, CNCT, NAVITOGO, Fisheries, private shipping companies and all groups envolved in maritime activities.

-Permanent Panel for maritime affairs (MPP)

The proposed body acts for quick solutions to interministeriel maritime problems. The panel comprises professional personnel representative of all the Ministries or institutions involved in maritime matters. The president of the panel is the ministry titular of the maritime affairs namely the Director of the MD. Each delegation has one representative from each of the following ministries or institutions:(6).

-MD for the MCT
-Ministry of Foreign Affairs (LOS)
-Directorate for Fisheries for Ministry of Rural Equip-
ment and Ministry of Rural development
-Direction of fellowships and post training for the Ministry of Training and Scientific Research
-Ministry of Health and Social Security
-Ministry of Planning
-Ministry of Economy and Finance
-SOTONAM
-CNCT
-PAL

The panel meets under the auspices of its president or the MCT to work on matters that need quick solutions that should not be delayed because of the interrelation of the relevant maritime matters. The institutions may be called to meetings by the Director General of the MD who is the president of the Panel; other ministries may call for the meeting of the MPP by contacting the minister titular of maritime affairs. The relevant matters falling under the MPP may involve economic, commercial or safety interests. Copies of the report on the meetings are distributed to each of the ministries for approval and institutions interested in receiving information. The original of the report is kept within the MD as a reference.

-The Maritime Directorate (MD)

The role and objectives of the MD have been stated earlier. The MD works directly under the MCT on the one side and shares some competencies with the MPP on the other.

As for the functions and types of officials/staff required within the pattern and the desired qualifications/experiences of the officials concerned, these requirements
are stated in the description of the organization chart.

5.4 Organisational structure

Indeed, at its current stage, the Togolese maritime infrastructure as a whole needs to be more effective and efficient. The country’s future maritime development entails the setting up of a new organisational structure (chart) for its administration (MD), (chart 1).

5.4.1 Description of the Organizational Chart.

From the new proposed organisational chart as may be seen on the subsequent page, the MD is headed by a Director General and is made up of two Departments headed by two Directors under the Director General. These two departments are:

- The Safety Department,
- The Shipping Department.

Each Director of these two departments reports to the Director General (DG) to whom they are assistants.

A. Safety Department

This is composed of four divisions. Each division is supervised by a head of division.

1. Technical Division

Is composed of three sections as below:
In order to fulfil properly its duties the latter section is divided into three sub-sections:
- Nautical Survey sub-section
- Radio Inspection sub-section
- Engineering Survey sub-section

The three functions collaborate in their work. As for the naval architect duty it is allocated, at least for the time being and over the next ten years, to part-time officials, namely a Technical Advisor or a Classification Society. This sub-section is not yet one of the country’s maritime priorities. Functions can eventually be delegated, but it is of major importance that they are performed by the MD after that time when skilled personnel have been obtained.

2. Legal/Administration Division

Comprises three sections. These are:

a- Section of Registration of Ships
b- Administration and Financial Section.
   This section deals with matters relating to the general staff of the MD (social, promotions etc), functions of the MD, the budget and related matters of the MD.

c- Section of Legal/Technical Regulations
3. *Operation and Equipment Division*

Is composed of three sections:

a- Pollution Prevention/Control section.

This deals with the control and prevention of marine pollution and also with all matters relating to environment protection.

b- Equipment section

c- Fishing Matters section

It includes industrial and artisanal fisheries control (safety and commercial measures application)

4. *Manning Division*

Is composed of the following three sections:

a- Registration/Employment of Seamen section
b- Other Crew Matters section

c- Education and Training section.
B Shipping Department

This department is composed of two divisions. The Head of each division reports to the Director of Shipping Department. The two divisions are:

1. The Legal Division

This is concerned with the national maritime legislation; the enforcement of international maritime standards and labour work regulations.

2 Planning and Development Division

This is composed of three sections:

a. National Shipping Policy Planning, Coordination and adjustment Section

Through the above development, the author has emphasized the necessity of maritime policy adjustment within the sector itself and vis a vis the national economic objectives. The accomplishment of this task calls for the creation of the Planning and Co-ordination Section under the Shipping Department.

b. Maritime Economics Assessment and Statistics section

This section contributes to shipping policy plan-
ning by its reports on economic performance measurement and the publication of statistics and forecasts on national and international shipping activities.


As earlier stated, this section works mainly for the country’s participation in the IMO and other international forums and leads all matters related to maritime and marine scientific research.

On the basis of the objectives and functions described in the previous sections (5.2 and 5.3), it is now proposed to deal with the types of officials and the experience and qualifications required.

5.4.2 Qualifications and experience required for the professional staff.

1. Director General.

The Director General is a principal official assuming the responsibility and exercising the functions of general superintendence and co-ordination of the Maritime Directorate as a whole. He has to be a statutory official duly appointed and appropriately empowered under the Merchant Shipping Act. He should possess the following qualifications:

He has to be highly trained and the best available personnel.

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In this connection he should have:
- Master (MSc) Degree (Maritime Safety Administration) from the World Maritime University (WMU) (8) or
- Equivalent degree or certificate or be a
- Sea-going Officer (Captain or Chief Officer) with a wide knowledge of International Maritime Conventions including safety Standards and a great deal of experience in preparing and administering Government maritime policies.

2. Director of Safety Department.

He will assume the given responsibility; also he should be competent in effectively performing in the major functions relevant to his Department. As a Deputy DG he will have to be a statutory official duly appointed and appropriately empowered under the Merchant Shipping Act. He should possess the following qualifications and experience:

- MSc Degree in Maritime Safety Administration (MSA) from the WMU with a wide knowledge of International Maritime Conventions including those from the ILO and the Safety Standards or
- Officer (Chief Officer) with a number of years experience within the Government Maritime Administration, having provided technical advice with
regard to safety requirements to the Government and giving the directives for ship surveys, inspections and Marine Casualty Investigations.

Considering the importance of their functions, the Heads of the Divisions, whether coming under the Safety or Shipping Department, would have to be duly appointed and appropriately empowered under the Merchant Shipping Act. They would assume their role and report to the Directors of their Department. They should also be functional officials, carrying out as seniors members, the team work within the sections relevant to their Divisions. Apart from some General staff within the Administrative section, officials constituting the sections of the Divisions should be statutory officials, thus duly appointed for their functions. The following are the required qualifications/competence for the officials of the four Divisions constituting the Safety Department:

a. Head of Technical Division.

-Captain (Chief Officer first class) having a number of years experience as Senior Surveyor (Engine and Nautical)
-A Wide knowledge of Safety Standards for design, construction, operation and maintenance of ships, their machinery, equipment and handling and,
-preferably a high degree in MSA.

The Head of the Technical Division directs and exercises the work of functional specialists within the sections composing the Division, as earlier stated. The heads of the sections, must possess, the following qualifications and experience:
- Nautical Officer/Surveyor
- Marine Engineer/Surveyor
- Radio Officer/Inspector.

Senior Surveyors responsible of the above stated sections should have served as chief officer on board Sea-going merchant ships and gained experience in the appropriate area concerning ship surveys, examinations and certification, MCI, SAR organisation, oil combating and in the Maritime Safety Administration.

b. Head of Legal and Administrative Division

He should possess the following qualifications and competence:
- MSc Degree (GMA) from the WMU or
- Equivalent degree with a very good background in Law and some knowledge in Economic Sciences, experience in preparation and administration of rules and regulations pertaining to maritime affairs,
- Equivalent degree with a number of years experience in financial affairs and in dealing with interpretation, implementation and enforcement of procedures of International Maritime Standards.

The Heads of the Sections under this Division should be specialists in their respective sections with the following qualifications and experience:
- Experience as a Registrar of ships and be well acquainted with ship manning matters.
- A good knowledge in accountancy/book-keeping and experience of the Government administrative and financial control procedures, in personnel matters, and public relations.
-Seafarer's (Officer) background with a knowledge of Law and International Conventions and Maritime Safety Standards and the necessary experience in dealing with interpretation, implementation, enforcement of legislation and related matters.

Head of Operation and Equipment Division

He should be a marine Safety Officer with a very good knowledge of ships and ship safety equipment, technical aspects of marine environment protection and -experience in MSA, and in SAR organisation, - contingency planning for oil combating and related matters.

As far as their respective functions are concerned, the Heads of the Sections under the above Division should have the following qualifications/experience:

-Marine Safety Officer specialist in marine pollution control and prevention with experience in the studies related to the efficiency of preventing and combating pollution incidents, cooperation and promotion of SAR organisation.

-Safety Officer with knowledge of Economic Services and experience in documentation.

-Fisheries inspector and safety Officer with experience as a Surveyor ensuring safety of fishing vessels and other small fishing craft.
d. Head of Manning Division

The following are the required qualifications and experience for the Head of Manning Division in assuming his role and exercising his authority:

- A Degree in Law and training as a ship Registrar, experienced in the registering and manning of ships, registration of seamen, implementation of ILO and other International Labour Conventions, controlling crew employment rules and other crew matters or

- High Degree (MET) from the WMU.

The Heads of the Sections under this Division should possess with respect to their functions, the following qualifications and experience:

- Service as Shipping Master
- Registrar of ships and
- Sea-going ship Officer/Engineer with a number of years of experience in Maritime Training matters.

3. Director of Shipping Department

In order to properly assume his role as a Director of the Department and the second Deputy Director General and as a senior functional specialist in the Shipping Department, who can efficiently provide functional directions to functional specialists, He would also have to be duly appointed and empowered under the Merchant Shipping Act. He should possess the following qualifications and experience:

- MSc Degree from the WMU (GMA or TMS) with Law
and Economic Sciences background or
- A high Degree in Economic Sciences or an e-
  quivalent certificate, with a number of 
  years experience in preparation and admin-
  istration of rules and regulations rela-
  ting to maritime matters

The Director of shipping Department reports to the 
Director General and the following two Heads of Divi-
sions report to his Department:

a. Head of Legal Division

He should possess the following qualifications and expe-
rience:
- MSc Degree (GMA) from the WMU (preferably) or a
- High Degree in Law with experience in interpre-
tation, implementation and enforcement of Interna-
tional Maritime Conventions and relevant legal
instruments.

Note: This Division, though important enough is not
subdivided into sections because of the closely inter-
related nature of the tasks to be carried out within it,
such as:
- National Maritime Legislation (Merchant shipping
  Act) draft and adoption
- Studies and interpretations of the Maritime
  Standards
- Implementation and enforcement of relevant
  International Laws and Regulations
- Legal issues regarding ship control and navi-
gation, cargo, environment protection and offshore
activities.
b. Head of Planning and Development Division

He should possess the following qualifications and experience:

- MSc/High Degree in Economic Sciences or an equivalent degree or certificate with a wide knowledge of the International Market
- have extensive experience as an official in maritime research, documentation and statistics or a
- High Degree in Statistics and extensive experience in the following:

* Direction and co-ordination for a number of years of matters pertaining to the ongoing assessment of maritime policies to ensure their compatibility/integration with the Government's goals, priorities and policies for national economic development,
* Identifying and evaluating external factors that may serve to influence future marine activities and formulating appropriate responsive strategic policy,
* Documentation and statistics provision for maritime activities development.

The Heads of sections composing this Division should possess, as far as their respective functions are concerned, the qualifications and experience mentioned below:

- Economic/Legal background and extensive experience in planning, programming and coordinating objectives and policies leading to maritime economic develop-
ment, experience in plans review or adjustment within the maritime sector or the latter and the national (-Government) economic plans and developments.

- An economic background, having served for a number of years as a statistitian and analyst in marine services and activities.

- Legal official, preferably with a seafarer's background and some knowledge of economic sciences, well acquainted with the maritime law and the law of the sea, well experienced in promoting and leading negotiations for the international maritime scientific research and technological agreements, co-operation and capable of providing expert assistance in marine and maritime development.

Having presented the qualifications and experience required for the concerned officials, it is now proposed to consider the Search and Rescue (SAR) organization.

SAR is an independent safety body, organized at a National level to ensure the intervention of search and rescue services in the event of major incidents.

SAR within the model of the Maritime Directorate Organization is presented as an entity co-operating with the Maritime Safety Department to better achieve its objectives. The Maritime Safety Administration (MD) promotes and vouches for an effective SAR organization, participates in the development of its policy and assess-
ses the efficiency of its actions. In this connection, SAR will operate by coordinating the pool of facilities and resources provided by the following bodies:

- Maritime Directoriate
- Ports
- Navy
- Air Forces
- Health Department
- Fishing Organizations, etc.

Under the chapter "Proposals for Maritime Infrastructure Development" some of the conditions for a country's maritime development have been analyzed. One of the most important is the effective organization and development of a proper Maritime Directorate regarded as a governmental, central co-ordination body dealing solely with maritime affairs. The model of the organizational chart of the Maritime Administration (MD) proposed above would not become effective in the short-term. The training and education of the professional staff needed within the new model will take more than five years; therefore the implementation of the proposed organizational structure would be executed in two phases; the first phase would last from one to five years and would present a certain improvement in the present situation. Some new highly trained officials would join the few maritime officials at present in office in order to contribute to the promotion and development of plans for the development of the National Maritime Infrastructure. The second phase, from five to ten years, would probably be the period of the complete implementation of the required new Maritime Directorate.

The Maritime Directorate once effectively established
has to deal with the whole national maritime economy development. To do so, priorities have to be set and plans for actions to be followed. As mentioned earlier among those points concerned with the Togolese Maritime Development are the following:

- the urgent need to be equipped with the relevant legal tools and
- the overall maritime development policy which should guide the drafting of the national maritime legislation.
Footnotes

1. Lecture on maritime administration op. cit. 23 Chapt. 4.


3. These functions would be carried out within the new maritime administration.

4. The national shippers' council, headed by the MD Director, sees to the implementation of the maritime cargo share policy.


6. The suggested list is not exhaustive.

7. In case of offshore oil and Gaz drilling, this section will be in charge of the platforms and related equipments' safety.

8. MSA, of Preference; it may eventually be TMS or GMA or MET, from the WMU.

9. General Staff here points out the few number of personnel providing with secretarial/clerical services.
CHAPTER 6

GUIDELINES FOR NATIONAL MARITIME DEVELOPMENT.

Two main points are covered in this chapter:
- Proposals pertaining to the basic international legal instruments and
- An abstract of Recommendations for the maritime sector promotion.

6.1. Proposals pertaining to basic International Legal Instruments.

Throughout this study it has been emphasised that Togolese national economic development may be successfully assisted by taking advantage of the important contribution of the country’s maritime sector. Though the physical aspects of the State are not of the most advantageous, maritime potential is a current and future attribute that can be counted as among the best economic resources that the Togo Republic can rely on. The promotion of the maritime sector entails not only the enhancement of the present national maritime infrastructure but also plans for its further development. As ear-
lier suggested, the important administrative role to be undertaken in this connection by and under the auspices of the new MD will lead to important maritime economic developments with the inevitable consequential implications at the national, regional and international levels (see Chapter 4.2). Therefore the foundations of the suggested priorities, in the process of real maritime economic growth include the following:

- Firstly to set up a new maritime infrastructure on a solid legal basis,
- Secondly, provide the laws and regulations to cope with and guide the long-term maritime (shipping) industry developments, providing for the solutions to the aforementioned inter-related problems derived from the functions of the whole sector.

At the present stage of its development, the country's maritime sector needs in its improvement, to be urgently supported by certain important legal instruments. Furthermore, the use of these legal tools will have to follow certain effective procedures.

6.1.1 Proposed Basic Maritime Standards

Working towards the promotion of its maritime sector, Togo as a maritime Nation would have to be part to certain International Maritime Standards during the present and coming decades for its maritime industrial development. To be bound by the following Laws and Conventions, will constitute the priority and first step in the country's process in setting up the National legal framework:


It unnecessary to analyse any of the above mentioned Conventions since a review of the latter has been made earlier (Chapter 4.3) Areas to be regulated as a matter of urgency in the National Maritime Sector include Sea pollution control and protection of sea and its resources from land generated wastes. Regulatory measures should be taken for this purpose as well as for the control of all dumpings into the sea. Substances should be defined and the limitation in the number and quantity of substances to be dumped within the national sea boundaries should also be stated. Besides Maritime Law, the National Law of the Sea needs to be reviewed and established on a clear basis, to serve for long-term ocean resource management. It is now intended to examine the procedures by which the International Maritime Standards become National Law, effectively applied to the country’s maritime industry.

6.1.2. Implementation of Maritime Conventions.

In drafting the National Maritime Merchant Shipping Act, one should have in mind that the primary objectives of Merchant Shipping Legislation need to be developmental, regulatory and in conformity with the relevant International Maritime Standards(1). Therefore before any undertaking leading to the adoption of the aforementioned International Laws and Conventions, the latter should be
carefully reviewed regarding its probable advantages to National Maritime Safety and Commercial development(2). Such tasks are not only relevant to the officials of the National Maritime Directorate but also include the concerted work within all bodies involved in the country's maritime sector and when necessary, to some extent expanded to neighbouring States. As stated earlier, the main reasons for the country to be bound by any International Convention are linked to the State's concerned safety and economic enhancement. If the consequences from the implementation of the maritime standards are likely to be similar to all the countries involved, the processes to be bound by these International Laws and Regulations differ. The two main procedures pertained to are:

Firstly the State concerned is at an early stage associated with the draft process of a future Convention at the rank of relevant experts and as a member State of the Organization concerned (IMO), and has actively taken part in the diplomatic conferences convened by the General Assembly for the review and formal adoption of the Convention; for the above mentioned States, steps to be followed in this connection are: adoption, ratification and implementation.

Secondly the States not party to the earlier stages in drafting and adopting the Convention, the author's country in this context, will adopt an appropriate procedure to implement the same standards. The enforcement of any Convention is done here through two main stages: the preparatory stage and the secondary stage.

1. The preparatory stage
This consists of the country's accession to the Conven-
The accession combines two main steps: the approval or adoption of the Conventions and the formal acceptance of the aforesaid. These steps must include the following measures:

- Study, interpretation and assessment of the Conventions by the legal Section of the MD

- Review and appreciation of these international legal instruments as the right tools for National Maritime promotion as regards mainly Safety and Economic matters, by both the Safety and Shipping Departments of the MD, under the auspices of its Director General

- Evaluation of the impact of the aforesaid Conventions on the economic and political development of the country by all the parties involved in maritime activities, under the chairmanship of the MD

- Proposals of the list of worthwhile Conventions to be adopted nationally, with a brief explanatory statement concerning the necessity for the Nation to be bound by these Conventions, to the Government and the Parliament, through the titular Minister

- Authorization of the Parliament and the Government to accede to the proposed Conventions

- Formalities of accession at the IMO General Assembly, after the Secretary General of the Organization has received due mandates with the set of Conventions authorized.

The accession to a Convention is equivalent to its
ratification by the first type of States as mentioned above. Such ratifications mark the conclusion of the first stage of the process. Again, the onus of the action moves back to the Government of the State concerned for the effective implementation of the acceded Conventions.

2. Second Stage

At this stage the MD is empowered by the relevant authorities to take the necessary measures for the implementation of the Conventions which the State has accepted to be bound to.

New discussions and consultations are engaged by the MD with the whole National Maritime Sector. Such consultations must result in taking practical decisions for practical compliance to the New Law requirements, such as:

- Provision to the national port with new reception facilities as the Law requires,
- New equipment fixed to the national fleet (existing vessels) and other measures.

On the subsequent page, a reference model on the process for the implementation of any International Maritime Convention is indicated. A copy of this tabular form has been mentioned by an eminent professor in his lecture concerning the administration of maritime affairs in Developing Countries. (3)

The table is a three phase model:
### TABLE No: 4

**Process For Implementation of an International Maritime Convention**

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Phase 2</th>
<th>Phase 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Ratification/Accession</td>
<td>Implementation of National Legislation through the exercising of appropriate functions by the officials of the Maritime Administration</td>
<td>Certification of ships/seafarers and Issue of clearances to ships to proceed to sea</td>
</tr>
<tr>
<td>b. Prepare National Legislation (Primary &amp; subsidiary)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Documentation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convention</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Prepare the Executive orders/Instructions to officials concerned</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Develop appropriate and adequate Maritime Administration Infrastructure</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PHASE 1. The steps mentioned have been explained earlier; but the National Legislation must of necessity be of both forms: Primary and Subsidiary.

The Primary form indicates the main body of the Code; (See Table about the implementation Process).

The Subsidiary form of the Code is also very important since it embodies various rules and regulations which are promulgated under the aforesaid Primary Legislation and for the latter's effective application.

As for the documentation, they include certificates, forms and other details that need to be made available to all concerned at the same time as the Legislation enters into force.

PHASE 2.
Predetermination, organization and accomplishment of on the spot tasks to effectively enforce the National Legislation. These include Training of ship surveyors for Port State Control, provision with Administrative and Legal tools for the Officials concerned, the repartition and control of functions pertaining to.

PHASE 3.
Grant and verification of Legal instruments given as proof of compliance with the new law.

After the proposals relating solely to the Legislative framework for the National Shipping promotion, it is now proposed to summarise the recommendations for an inte-
grated development of the country’s maritime industry.


6.2.1 Organisation and Administration

1. Reorganization and reinforcement of the MD under the M.C.T. to serve as a national central body dealing solely with matters pertaining to Maritime Industry development.

2. Establishment of a Safety Department within the M.D. for ship safety and marine environment protection and matters thus pertaining.

3. Restructuring of the Shipping Department of the M.D. such as to enable it to vouch for the following:

   - new maritime policy promotion, integration coordination and development,
   - maritime technical co-operation and marine research development,
   - shipping development and maritime economy assessment.

4. Establishment of a maritime Permanent Panel as a new and fair maritime cadre constituted of Representatives of Ministries and private bodies involved in shipping or marine activities for
better economic solutions to problems beyond the M.D. capabilities as aforementioned (Chapter 5).

5. Establishment of an effective shipping information centre within the M.D.'s Maritime Research Development Section to vouch for the following:

- The centralization and propagation of updated information on the national maritime policy and activities, ship trends, international shipping markets and new strategies etc.,
- to create a Maritime Gazette
- to promote maritime skills development and encourage any marine research effort to increase and make better use of national maritime resources and enhance marine safety and environment protection.

6. Establishment and development of an effective cooperation between the port and the M.D. regarding mainly safety matters and relevant information exchange (see Chapter 5).

7. Creation within the M.D. Training Section of a Maritime Training and Education Committee enlarged to encompass all those concerned in that field including the Ministry of Professional Education for the co-assessment of Training Programmes and appropriate Certificates to Officers (Nautical/Engineer/Radio) and for the matters pertaining to the equivalence of diplomas and certificates.

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8. Establishment of the National Contingency Plan under the auspices of the Safety Department to combat pollution in the national waters and extended to the Regional basis, through co-operation with neighbouring countries.

9. perceive and promote the two Departments (Safety and Shipping) under the MD until their complete separation in the long-term, for utmost efficiency.

**6.2.2 Shipping and Management**

1. Encourage private shipowning in various ways such as National Code of Investment (so far advantageous), Legislation etc.

2. Protection of the National Shipping Company activities through the enforcement of various means and methods such as: - restructuring of the National Shippers Council to better protect the application of the UNCTAD Code - Cargo share - easy loan - berthing preferences - taxation allowances and others

3. Promote the C.N.C.T. and encourage its activities.

4. Encourage the establishment of other types of shipping associations such as shipowners, brokers etc.

5. Establish and develop the multi-sectorial approach of Marine Resources Management
coordinated by the M.D.

6. Establish a special Committee for the National Fisheries reorganization regarding legal, administrative, commercial and safety activities; the Committee should include Ministry of Foreign Affairs, the Fisheries Directorate and the M.D. as a co-ordinator.

7. Encourage and promote flexible policy adaptable to the International Shipping market.

8. Develop port operation rapidity systems and encourage the upgrading of line managers competencies and restructuring of responsibilities for the port's utmost advantages.

2.3. Training and Education

1. The Training Committee, to institute the required degree for professional staff (diploma or certificate of competency), for all maritime labour, vis-à-vis their tasks, whether ashore or on board.

2. Initiate and develop re-training for national maritime labour, to meet the new required professional standards, for economic and safety enhancement purpose.

3. Encourage the training policy through regional co-operation and development. In this connection, the technical concurrence of the IMO and other international maritime organizations such as
increase training possibilities with lower costs.

4. Formulate and execute to the utmost benefit of the country the plan for the national needs in maritime skills

5. Encourage the national University to develop with the faculty of Law and Economy sciences high maritime studies pertaining to the country's needs and hopes such as:
   - Maritime Commercial Law
   - Law of the Sea (LOS) the Third United Nations Conventions on the Law of the Sea (UNCLOS III) and National LOS.

7. Upgrade the port labour training scheme

8. Emphasize the better and rational use of foreign aid offered through technical cooperation (IMO/ICOD/DOSP and others) to their utmost limits to benefit the nation where training is concerned.

9. Encourage the use of International Advanced Training Institutions in acquiring the necessary high Maritime studies, especially:
   - The WMU which concerns itself with the LDC's needs
   - The Canadian Coast Guard College and
   - Other Ocean Study Institutions such as DOSP and ICOD in Canada for the practical and multi-purpose high level studies they provide.
Such policy contributes in lowering the national training costs, for an official trained from the aforesaid institution may efficiently be employed in the area that should be occupied by two or more officials with more restricted specializations from other training institutions.

6.2.4. Legislation.

1. Accession to the IMO conventions pertaining to Safety and Marine Environment Protection.

2. Accession to ILO Legal Instruments regarding the Maritime Labour, mainly Convention no.147 on minimum standards in Merchant shipping as provided in Annex no.IV.

3. Formulate as a matter of urgency an updated National Maritime Code in accordance with International Regulations as proposed in the text of this paper.

4. Formulate as an act of priority, the required Subsidiary Legislation needed for the implementation of the primary Provisions of the Code.

5. Establish and coordinate through the MD an on the spot National Maritime Law Committee to reassess the country's maritime boundaries, determine the baselines and define sea-resources management National and Regional implications and solutions as earlier proposed in the text of this study.

6. Revise the National Maritime Commercial Law
vis-a-vis the National Code of Investment.

7. Establish and promote within the MD the system of gathering, centralising and coordinating all existing but scattered laws and regulations pertaining to the maritime activities.

8. Authorise the MD as a relevant National Central Body to witness the establishment of new maritime or maritime related activities and to propose steps to be taken for the latter's development in the marine field.

6.2.5. Others.

1. Establish an organized national S.A.R and develop it through regional co-operation.

2. Encourage and promote the creation of the services activities derived from the implantation of the Maritime Industry such as:
   - ship repairs
   - building yards for small fishing boats
   - shipchandling and others.

3. Encourage consultations and the exchange of information relating to shipping among the West African States of ECOWAS.

4. Establish co-operation among ECOWAS States for regional marine environment protection through the following:
   - Pooling of equipment for oil combating
and other sources of marine pollution.

- Unification of some basic regulations for Marine Environment Protection.

As the title suggests, this chapter has been presented as the summary of the accomplishment of the Paper. Proposals on the one side and recommendations on the other have covered the key points touched by this thesis. From this point on, the study comes to its final stage, the General Conclusion.
Footnotes

1. See annex 3 on the proposed items to be embodied by a national merchant legislation, in the LDC, cases of Togo.

2. Being not part to a single international maritime safety convention, the port state cannot effectively inspect foreign ships; however, the national fleet is submitted to foreign port state regulations. Therefore, the first result for Togo to be bound with these legal instruments is the reinforcement of the port safety, the better protection of the country's marine environment and the enhancement of the maritime economy.

CONCLUSION

The importance of the maritime industry for the country's overall development has never been overestimated. The maritime industry contributes tremendously to the Nation's economic, social, political, and cultural promotion.

To gain profit from Togolese maritime potential, ways and means for its development have been suggested; only through a policy aimed at global development of the Maritime Sector will its real success be ensured. Indeed no maritime development process can be achieved unless the required basis is available within the National Body. But the country should by necessity seek to start with the right priorities. At its current stage of development, the ground should be cleared so that the Togolese Maritime legal basis, its provisions and their development can be established. It is generally agreed that the most important of these requirements is the country's legal instruments; among them the Merchant Shipping Code is the first prerequisite regarding the country's maritime promotion. Such an important step needs to be usefully completed. Suggestions, proposals and recommendations in this connection have been made to successfully reach the National Maritime Economic targets.

It has not been the author's intention to go deeply into all the matters pertaining to this wide area of Study. All aspects of the Togolese Maritime Infrastructure have been reviewed and appropriate conclusions drawn. Shipping as it has been viewed in this study has the following characteristics: -Capital intensive,
Highly competitive international market,
Risky business; to mention only few of them.

Therefore the author has stressed the necessity for a policy of a co-operation without which the LDCs could hardly stand the shipping market. With the increasing gap of inequalities among maritime developed and maritime LDCs, we are in a loosing position to compete in shipping. Concurrency of various kinds of co-operation, North-South, but also necessarily South-South, is undoubtably an important help.

Moreover, ships are getting more and more sophisticated and their recently required equipment more and more expensive; thus any investment in shipping should be a sound and profitable one; in this connection, some more facts have been encouraged to satisfactorily accelerate National Maritime development. A major part of these proposals are concerned with the restructuring of the Togolese Maritime Administration and the reinforcement of the country’s Maritime Infrastructure namely the Maritime Panel policy and the MD with its Safety and Shipping Departments. Furthermore, the accent has been put on the necessary multisectorial approach of marine resources management and the consequential implications of such management.

One more step is still left to be fulfilled in arriving at a fully assessed maritime development stage in Togo; it concerns Shipping and Maritime research. Such an undertaking is of great interest and ensures, among other things, the future Maritime Development. It helps the country to achieve the best methods in using its national resources both in shipping and at sea, to the nations advantage.
It is the hope of the Author that this work will on one hand be a contribution to Togo maritime economic enhancement, remaining as one of the useful documents for the maritime Authorities and Officials in carrying out their maritime activities and on the other hand the Author has presented this work as a prerequisite for the country's maritime development and hopes that this thesis will serve as preparing the ground for a variety of profound research projects and important thesis topics to consolidate Togolese Maritime Industry Development.
THE MAIN GOODS EXPORTED
FROM TOGO

- Phosphate
- Oil product, oil industry
- Cocoa-nib
- Green coffee
- Cotton
- Palm almond
- Karite almond
- Cotton seed
- Castor oil
- Kapok seed
- Diamonds
- Palm oil
- Fish and shell fish
- Leather and brute skill
- Animals (alive)
- Manioc flour
- Manioc starch
- Tapioca
- Copra, coconut oil
- pimento
THE MAIN GOODS IMPORTED
IN TOGO

- Dairy products
- Fresh vegetables and potatoes
- Rice
- Wheat flour
- Refined sugar
- Twins of meat and fish
- Liquors
- Tobacco
- Salt
- Cement
- Clinker
- Marbles
- Infusion hearth
- Oil product, oil industry
- Chemical product
- Pharmaceutical product
- Plastic (work)
- Paper, cardboard, library stuff
- Thread and woven
- Clothes, hosiery, head-gear
- Stone, ceramic, glass making
- Iron, melting, steel
- Machine and display (Mechanical and electrical)
- Road transport material
- Precision material
- Fresh fish, chilled, etc...
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<td>8 746,7</td>
<td>5 488,4</td>
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Source: Ministry of planning and industry.
### ANNEX II

IMO main treaty instruments
(as recapitulated in July 1986)

#### 1. MARITIME SAFETY CONVENTIONS

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<th>TITLE AND DESCRIPTION</th>
<th>YEAR OF ADOPTION</th>
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<td>INTER. CONV. ON TONNAGE MEASUREMENT OF SHIPS</td>
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1969(TM) levies

CONV. Replaces Regulations Annexed
ON THE to 1960 SOLAS Conv. Among new
INTER features, provides for traffic
REGULA-
ITIONS separation schemes used now
in many part of the World.

FOR PRE-
VENTING
COLLI-
SIONS
AT SEA

INTER. Designed to maintain a high
CONV. level of safety by providing
FOR generally acceptable test
SAFE procedures and related
CONTAIN-
ERS, strength Requirements. Also
1977 1981 1983
simplifies control of the
1972 international movement of
(CSC) containers.

CONV. New communications system 1979
ON IN-
TER MA-
RIT.SA-
TELLITE
ORGANI-
ZATION.
TORREMO-
LINOS Contains safety requirements
INTER. similar to those in SOLAS
which are adopted for fishing
CONV. FOR vessels of 24 meters in the SAFE-LENGTH.

TY OF FI SHING VESSELS

1977(SFY)

INTER. Introduces for the first time, internationally accepted minimum standards for the training and certification of masters and officers and ratings. 1984

It also establishes watchkeeping standards.

FOR SEAFARERS

INTER. Provides international standards for SAR and establishes a legal frame-work for a series of SAR regions in different sea areas. 1985

1979

(SAR)

CONVENTIONS PREVENTING MARINE POLLUTION

Annex I has replaced OILPOL as the chief weapon against OIL pollution from ships. It contains measures to prevent...
prev. accidental pollution from
of poll. tankers as well as operational
from pollution from all ships and
ships also deals with noxious liquid
1973 as chemicals in bulk, chemicals in
modified package form, sewage and gar-
by the Protocol
of 1978
(MARPOL 73/78)

INTER. Gives States the right to in
CONV. tervene in incidents on the
RELATING high seas which are likely
to INTER to result in pollution of
VENTION their coast and territorial
ON THE waters. The 1973 extends the
HIGH right to intervene to inci-
SEAS dents involving substan-
1975 1973(P) 1983
IN CASES ces other than oil.
OF OIL
POLLUTION
CASUALTIES,
1969(CSI)

CONV. Adopted under auspices
on the of United Kingdom. Secre-
1978
Preven. tariat functions trans-
of Mari. fered to IMO on entry in-
Pollu. to force. Controls dumping
by Dum- into sea of waste materials
ping of produced on land.
wastes
and

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CONVENTIONS ON LIABILITY AND COMPENSATION.

INTER  CONV. One of a series of measures adopted following the Torrey CANYON
ON  CONV. disaster of 1967. Introduces a
CIVIL  system which enables vic-
LIABILITY  timos of oil pollution from
for Oil  ships to claim compensation
Damage strictly responsible for such

1969
(CL C)

INTER  CONV. Permits extra compensation
on the oil pollution damage when
Establi-it exceeds the limit laid
ment down in 1969(CL C). The
of an extra compensation comes
inter from a fund based in LONDON
fund which is made up of contri-
for buctions from major oil im-
compen- porting interests.
SATION
FOR OIL Pollu-
tion
Damage,
1971

160
CONV Specifies global limits of liability of shipowners and salvors for claims in respect of life or personnel injury and loss of or damage to property.

1976 (LLMC)

Conv. Provides, for a special regime for the payment of compensation to victims of incidents resulting from the carriage of nuclear material by sea in the field of Maritime Carriage of Nuclear Material, 1971 (LNM).

F: Entry Into Force

PA: Amendment/protocol Amendment
ANNEX III

A proposed frame-work model for a National Maritime Act

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   b- Togolese ship
   c- Togolese waters and delimitation
4- Application
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   b- Ships in passage
   c- Jurisdiction
   d- Application of foreign law on Togolese ships
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   b- Deputy Director General
   c- Director for ports’ affairs
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7- Obligation to register ship
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   d- Fishing vessel
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   h- Net tonnage
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10- Exemptions from registry

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CONVENTION CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

Date of entry into force: 28 November 1981

Article 1

1. Except as otherwise provided in this Article, this Convention applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose.

2. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.

3. This Convention applies to sea-going tugs.

4. This Convention does not apply to -
   (a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;
   (b) ships engaged in fishing or in whaling or in similar pursuits;
   (c) small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation, the decision as to which vessels are covered by this subparagraph to be taken by the competent authority in each country in consultation with the most representative organisations of shipowners and seafarers.
5. Nothing in this Convention shall be deemed to extend the scope of the Conventions referred to in the Appendix to this Convention or of the provisions contained therein.

Article 2

Each Member which ratifies this Convention undertakes -

(a) to have laws or regulations laying down, for ships registered in its territory -

(i) safety standards, including standards of competency, hours of work and manning, so as to ensure the safety of life on board ship;

(ii) appropriate social security measures; and

(iii) shipboard conditions of employment and shipboard living arrangements, in so far as these, in the opinion of the Member, are not covered by collective agreements or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;

and to satisfy itself that the provisions of such laws and regulations are substantially equivalent to the Conventions or Articles of Conventions referred to in the Appendix to this Convention, in so far as the Member is not otherwise bound to give effect to the Conventions in question;

(b) to exercise effective jurisdiction or control over ships which are registered in its territory in respect of -

(i) safety standards, including standards of competency, hours of work and manning, prescribed by national laws or regulations;

(ii) social security measures prescribed by national laws or regulations;

(iii) shipboard conditions of employment and shipboard living arrangements prescribed by national laws or regulations, or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;

(c) to satisfy itself that measures for the effective control of other shipboard conditions of employment and living arrangements, where it has no effective jurisdiction, are agreed between shipowners or their organisations and seafarers' organisations constituted in accordance with the substantive provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949;

(d) to ensure that -

(i) adequate procedures - subject to over-all supervision by the competent authority, after tripartite consultation amongst that authority and the representative organisations of shipowners and seafarers where appropriate - exist for the engagement of seafarers on ships registered in its territory and for the investigation of complaints arising in that connection;
(ii) adequate procedures - subject to over-all supervision by the competent authority, after tripartite consultation amongst that authority and the representative organisations of shipowners and seafarers where appropriate - exist for the investigation of any complaint made in connection with and, if possible, at the time of the engagement in its territory of seafarers of its own nationality on ships registered in a foreign country, and that such complaint as well as any complaint made in connection with and, if possible, at the time of the engagement in its territory of foreign seafarers on ships registered in a foreign country, is promptly reported by its competent authority to the competent authority of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office;

(e) to ensure that seafarers employed on ships registered in its territory are properly qualified or trained for the duties for which they are engaged, due regard being had to the Vocational training (Seafarers) Recommendation, 1970;

(f) to verify by inspection or other appropriate means that ships registered in its territory comply with applicable international labour Conventions in force which it has ratified, with the laws and regulations required by subparagraph (a) of this Article and, as may be appropriate under national law, with applicable collective agreements;

(g) to hold an official inquiry into any serious marine casualty involving ships registered in its territory, particularly those involving injury and/or loss of life, the final report of such inquiry normally to be made public.

Article 3

Any Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship registered in a State which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken by the ratifying State to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

Article 4

1. If a Member which has ratified this Convention and in whose port a ship calls in the normal course of its business or for operational reasons receives a complaint or obtains evidence that the ship does not conform to the standards of this Convention, after it has come into force, it may prepare a report addressed to the government of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.
2. In taking such measures, the Member shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag state and shall, if possible, have such representative present. It shall not unreasonably detain or delay the ship.

3. For the purpose of this Article, "complaint" means information submitted by a member of the crew, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to its crew.

Article 5

1. This Convention is open to the ratification of Members which-

(a) are parties to the International Convention for the Safety of Life at Sea, 1960, or the International Convention for the Safety of Life at Sea, 1974 or any Convention subsequently revising these Conventions; and

(b) are parties to the International Convention on Load Lines, 1966, or any Convention subsequently revising that Convention; and

(c) are parties to, or have implemented the provisions of, the Regulations for Preventing Collisions at Sea of 1960, or the Convention on the International Regulations for Preventing Collisions at Sea, 1972, or any Convention subsequently revising those international instruments.

2. This Convention is further open to the ratification of any Member which, on ratification, undertakes to fulfill the requirements to which ratification is made subject by paragraph 1 of this Article and which are not yet satisfied.

3. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Appendix

Minimum Age Convention, 1973 (No. 138), or Minimum Age (Sea) Convention (Revised), 1936 (No. 58), or Minimum Age (Sea) Convention, 1920 (No. 7); Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55), or Sickness Insurance (Sea) Convention, 1936 (No. 56), or Medical Care and Sickness Benefits Convention, 1969 (No. 130); Medical Examination (Seafarers) Convention, 1946 (No. 73); Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7); Accommodation of Crews Convention (Revised), 1949 (No. 92); Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5); Officers' Competency Certificates (Convention, 1936 (No. 53) (Articles 3 and 4); Seamen's Articles of Agreement Convention, 1926 (No. 22); Repatriation of Seamen Convention, 1926 (No. 23); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
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