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TOWARDS THE DEVELOPMENT OF A NATIONAL MARITIME
ADMINISTRATION IN GHANA

BY

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THE WORLD MARITIME UNIVERSITY, MALMÖ, SWEDEN

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ADMINISTRATION IN GHANA

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A PAPER SUBMITTED TO THE WORLD MARITIME UNIVERSITY
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THIS PAPER REPRESENTS PART OF THE AUTHOR'S STUDY
PROGRAMME WHILE AT THE WORLD MARITIME UNIVERSITY,
THE VIEWS STATED THEREIN ARE THOSE OF THE AUTHOR AND
NOT THE UNIVERSITY OR ANY OF ITS RESIDENT PROFESSORS.
THE AUTHOR ACCEPTS FULL RESPONSIBILITY FOR THIS WORK.

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CHAPTER 1

INTRODUCTION

Shipping as an industry is very complex and specialized and entails the interaction of several factors, namely government policy, development of ports and cargo handling facilities, acquisition of vessels and the provision of adequate training facilities from which a very specialized corp of individuals may be recruited. In Ghana the initiative for the above mentioned developments has largely come from government, owing to the high capital requirement necessary in the maritime industry and since it is government that has the capability and capacity for overall economic development.

In consequence therefore, government in realizing the immense contribution to be made by the maritime industry in the economic development of independent Ghana, established a national shipping line in 1957 and went further to finalize the construction and development of the two ports of Tema and Takoradi. In addition to these the Ghana Nautical Academy was established in 1958 to facilitate the training of personnel needed for the industry. These developments were intended to enable Ghana to make a break from the pre-independence foreign control of the maritime sector of the economy and to facilitate trade and overall economic development.

As an initial step the rules and regulations governing the industry were based on British models and institutions. This was to enable the country to gradually gain an insight into the various activities necessary in the

maritime industry and in 1963 the Ghana Merchant Shipping Act was enacted.

Alongside these developments State owned Corporations were floated to manage and operate the different aspects of the industry, namely the Ghana Ports Authority, State Shipping Corporation, Cargo Handling Company Limited and the Shipyard and Drydock Corporation.

Regrettably, however, these initiative made some 27 years ago towards the development of the maritime industry in Ghana have not yielded the desired impact and several problems affecting both the operating companies as well as the conduct of the industry in general have tended to overwhelm government. Apart from the management and operational problems confronting the different State Corporations operating the different spheres of the industry, which are being given all forms of assistance by government, it is the absence of a coherent national maritime policy that is regarded as the central source of these problems which is given importance in this paper. The lack lustre performance of the industry has been inter alia, due to governments inability to sustain it through appropriate policies which in turn is due to the absence of a specialized maritime administrative machinery that has the capacity and capability of regulating and providing the focal point for the effective co-ordination and development of the entire industry.

OBJECTIVES: It is the object of this paper to examine the

existing system of Maritime Administration in Ghana within the context of central government administration and hopefully to stimulate the interest and attention of Policy Makers, through an understanding of the many maritime activities that have to be attended to, towards the development of a maritime administration infrastructure that will rationalize all these activities into a comprehensive and effectively co-ordinated maritime regime/programme.

SCOPE: In order to achieve the objective set above, the paper is focused on capacity and capabilities necessary for the reorganization of the existing system of maritime administration. It takes cognisance of the main activities involved in maritime Administration as well as the main maritime issues in Ghana and analyses the type of organization and expertise necessary in the development of a Maritime Administration infrastructure.

With regard to the scope, an attempt has been made to focus mainly on the arrangements to be made in order to develop capacity for maritime administration and refrained from any critical assessment of the existing system. This is because as the writer of this paper is a serving public servant, bound by an oath of secrecy, there is a limit to which specific government policy issues and administrative shortcomings can be discussed.

APPROACH: The approach taken has been mainly empirical, that is, to describe and analyse how maritime administration capabilities can be developed in Ghana and to recommend

approaches for its development. The paper is divided into eight chapters. Chapter 1 has dealt with the introduction and described the background, objectives, scope and approach of the paper. Chapter 2 (i) examines the main activities involved in maritime administration and (ii) discusses issues of major international conventions, codes and practices. Chapter 3 (i) touches on the institutional structure of both central government and maritime administration whilst (ii) discusses the main maritime issues in Ghana. Chapter 4 (i) discusses organizational arrangements and proposes an approach to maritime administration in Ghana and discusses its objectives, organization and structure as well as its roles. Chapter 5 discusses the staffing and financing of the proposed administration and chapter 6 presents conclusions and recommendations. The paper is followed by a bibliography at the end.

CHAPTER 2

(i) MAIN ACTIVITIES OF A MARITIME ADMINISTRATION

The main activity of any maritime administration is the superintendence of the merchant shipping act of a country. The merchant shipping act is the legislation of rules and regulations necessary to maritime development and the enforcement of appropriate maritime standards of safety and environmental protection. The laws, rules and regulations which govern maritime transport activities and services are, inter alia, of an administrative, technical, economic, social and environmental nature. These determine the conditions under which maritime activity should be carried out. Its primary objective is to promote development and regulatory regime necessary for providing a law-abiding atmosphere and the facilitation of relevant international laws and conventions.

The promotion of development by a maritime administration involves participation in policy formulation processes in government and deciding on the options and activities necessary to such development. These roles contribute to the overall policy decisions of the government and entails the appropriate analysis of the structure of a country's maritime industry vis-a-vis ports, ships, ship building and shiprepair capabilities as well as the provision of training facilities.

On the other hand the promotion of a regulatory regime consistent with international laws and conventions ensures

the safety of lives, ships and property as well as the protection of the marine environment which in turn has economic implications regarding the efficiency in ship operations, conservation of national property, reduction in the maintenance cost of ships, avoidance of disasters with consequential loss of lives and property cum endangering the living resources of the marine environment and finally the projection of a good maritime image of the country will enhance the commercial viability of its shipping.

The maritime administration is therefore necessary for providing the infrastructure for managing the developmental and safety aspects of any maritime initiative. As has been mentioned earlier on in the preceding paragraphs the performance of administering the merchant shipping act of a country involves the performance of various activities.

These are namely:

1. General Superintendence and Co-ordination
2. Registration of ships and related functions
3. Nationality and status of ships
4. Duties of flag States
5. Surveys, Inspections and Certification of Ships
6. Certification of seafarers and manning of ships
7. Inquiries and investigations into shipping casualties
8. Contingency planning for the combat of marine pollution
9. Maritime search and rescue
10. Crew matters relating to discipline, personal safety and employment conditions regarding wages and welfare
11. Provision of training facilities

12. Functions related to Port development
13. Functions relating to the administration of government programmes regarding fleet development structure and size
14. Participation in the development, adoption and implementation of international conventions

Having itemized the various functional roles of a maritime administration it is essential to describe in detail the actual activities these entail in order to gain an insight into conditions necessary for maritime development.

GENERAL SUPERINTENDENCE AND CO-ORDINATION

A maritime administration assumes the responsibility for exercising the function of general superintendence and co-ordination of the developmental and safety administration of maritime affairs in a country. It is the statutory appointed body that is appropriately empowered under the merchant shipping act and provides the focal point for harmonizing a country's maritime policies, just as the role played by an administration responsible for other areas of industrial development.

REGISTRATION OF SHIPS AND RELATED FUNCTIONS

A maritime administration is responsible for the registration of ships in a country. The registration of a ship is requisite to the right to fly the flag of a state as well as the right of ownership and of mortgages. The registration of a ship is therefore necessary for purposes of nationality and as proof of title. The maritime administration ensures

that the requirements and formalities enacted under the merchant shipping act are observed before effecting appropriate entries into the ships register, which it maintains, and issues a certificate of registration.

At the same time the administration is responsible for ensuring that regulations under the merchant shipping act relating to mortgages and transfer of ownership are followed. In order to carry out these functions the maritime administration appoints a registrar of ships, as a requirement of the merchant shipping act and ensures that the registrar is conversant with the Statutory provisions and procedures.

NATIONALITY AND STATUS OF SHIPS

The maritime administration is responsible for the management of the regime, under the merchant shipping act, that sets the conditions for granting nationality to ships, for their registration in a country and for the right to fly a country's flag. It issues flag documents to ships permitted to fly the flag of a country. Further the administration ensures that such ships flying its flag shall be subject to the exclusive jurisdiction of the country and may not change its flag except a transfer or change of registry has been effected.

DUTIES OF FLAG STATE

The exercise of control and jurisdiction in administrative, technical and social matters over ships flying the flag of a country is the function of maritime administration. As has been mentioned earlier on, countries maintain a register

of ships that fly its flag and assumes jurisdiction over them. This means that it takes measures related to the safe construction, equipment and seaworthiness of ships, prevention of collisions and the appropriate manning levels are maintained in order to ensure safety at sea. In order to carry out these activities, the maritime administration is responsible for ensuring that before a ship, is registered and during prescribed intervals, it is surveyed by a qualified surveyor to ascertain compliance with regulation as well as carrying out investigations involving the misconduct of ships having the nationality and flying the flag of a state.

SURVEYS, INSPECTIONS AND CERTIFICATION OF SHIPS

As has been mentioned earlier on, one of the most important functions of a maritime administration is to ensure the safety of life at sea, the safety of navigation and the protection of the marine environment. These functions are carried out through the form of various types of surveys, inspections and the certification of ships. These rules and regulations are usually in conformity with internationally approved standards and culminate in the issuance of prescribed certificates. The surveys and inspections are carried out by the administration in order to ensure that ships and their equipment continue to be maintained in a manner consistent to the continued validity of certificates. These surveys and inspections are also carried out on foreign ships calling the ports of a country in order to ascertain their compliance to national

and international standards regarding seaworthiness and safety of shipping. It is important to note that this particular aspect is an obligation under international law. In certain cases where the country does not possess the capability of performing these functions, the maritime administration co-ordinates the work of classification societies to whom these statutory functions have been delegated and maintains technical records of national ships. This role is important in the sense that even though the statutory functions of surveys and inspections may be delegated by a country, it still has the responsibility of ensuring compliance.

CERTIFICATION OF SEAFARERS AND MANNING OF SHIPS

In order to ensure safety standards in shipping it is imperative that a country ensures that ships are operated by the appropriate crew, in terms of adequate numbers and qualifications. The maritime administration is responsible for the approval of the organisation and conduct of various examinations for the purpose of granting certificates of proficiency and competence to seafarers. It sets the standards of examinations for various grades of seafarers and their appropriate certification, which are intended to establish and provide proof of their competence and constitutes the determining elements of safety and efficiency for a country's shipping. Similarly the rules and regulations governing the certification of seafarers are being harmonized on the international level and these are to be harmonised in addition to the safe manning of ships by administrations.

INQUIRIES AND INVESTIGATIONS INTO SHIPPING CASUALTIES

A maritime administration is responsible for carrying out investigations into shipping casualties for the main purpose of ascertaining the facts, obtaining the relevant information and determining the precise cause(s) of a marine casualty and to advise government on the necessary steps to take in order to avoid the future occurrence of similar accidents. Under the merchant shipping act, a responsible official is usually appointed to carry out these functions. This function has three aspects, firstly informing government of the occurrence of a casualty within the area of its jurisdiction, secondly carrying out investigations to find out causes and thirdly suggesting the best possible courses of action to government in order to avoid repetition.

CONTINGENCY PLANNING FOR THE COMBAT OF MARINE POLLUTION

In order to ensure maritime safety and the prevention of marine pollution from ships through the various schemes of surveys and certification mentioned earlier on, a maritime administration must possess the capability of combating pollution in the event of their occurrence. This capability is evidenced in its participation and co-ordination of national contingency plans for combating pollution. It must ensure that there is a contingency plan so as to be able to co-ordinate all available national resources for the purpose. Furthermore if there is a regional contingency arrangement, it is the maritime administration that will provide the national focal point

for co-ordinating such efforts.

MARITIME SEARCH AND RESCUE

A maritime administration in ensuring safety performs the role of co-ordinating and participation in maritime search and rescue efforts when casualties occur. It ensures that there is an arrangement in a country for responding to maritime distress situations in waters under its jurisdiction. There are various sources of international law that facilitates the co-operation of countries in marine search and rescue efforts and it is the responsibility of the administration to harmonize these into national search and rescue plans. This involves the introduction of ship reporting systems in order to determine the actual position of vessels for prompt action as well as outlining operational procedures, including procedures during emergencies and their co-ordination.

CREW MATTERS RELATING TO DISCIPLINE, PERSONAL SAFETY AND EMPLOYMENT CONDITIONS REGARDING WAGES AND WELFARE

It is the function of a maritime administration to supervise the employment conditions of seamen in a country. These include conditions relating to payment of wages, welfare and discipline as well as adjudicating disputes arising therefrom. Under the merchant shipping act it is the duty of the administration to ensure this supervision through appropriate guidelines and officials. With regard to discipline on board ships the administration ensures that

it supplements the efforts of the master through appropriate mechanisms that will enable criminal offences to be prosecuted by the flag state. In addition it is the responsibility of the administration to maintain a register of seamen and manage regulations for their employment.

ADMINISTRATION OF MARITIME TRAINING

A maritime administration is responsible for making the assessment with regards to national manpower needs of the maritime sector in a country. It involves the planning and ensuring the availability of such manpower both in numbers and competence/proficiency and facilitates the optimum utilization of such manpower to national advantage.

The administration of maritime training entails the development of training facilities in a country. Maritime training, examination/certificate of seafarers and manning of ships are three inseparable factors that determines the safety and efficiency of operating ships. Consequently the maritime administration plays the role of acting in concert with the shipping industry or leading the efforts in establishing an adequate infrastructure for maritime training.

ACTIVITIES RELATED TO PORT DEVELOPMENT

A maritime administration is responsible or plays the advisory role in the development of port infrastructures in order to ensure the safety of ships in port, ship-handling and berthing operations in port as well as the formulation of any other developments. These includes matters relating to the navigability of channels to port,

shore based navigational aids and safety standards for tugs etc.

In addition to the safety role played by an administration, questions relating to the manpower requirements of the ports, regarding pilots, marine engineers berthing personnel are handled as well working out the modalities for the acquisition of essential equipment for the port.

FUNCTIONS RELATED TO THE ADMINISTRATION OF PROGRAMMES REGARDING FLEET DEVELOPMENT, STRUCTURE AND SIZE

The administration of various government initiated programmes towards the development of a country's fleet is the responsibility of the maritime administration. These programmes may cover subsidies, securities for vessel acquisition and contracts, bilateral and multilateral agreements and enforcing the regulatory aspects forming the basis of such programmes.

(ii) ISSUES OF INTERNATIONAL CONVENTIONS

It has been stated in the preceding section that the main activity of a maritime administration is to superintend the merchant shipping act of a country. In carrying out this function it is involved in the various activities discussed earlier on. However it is important to note that the merchant shipping act of a country in turn gives effect to that country's obligations under various international rules, regulations, conventions, codes and practices governing maritime activities and from which national laws are drawn. It is well recognized that the maritime industry is

essentially international in character, and rules and regulations are agreed and implemented on the international level. It is therefore imperative for governments to adopt the various international maritime conventions and provide the machinery for implementing them among other activities.

The major conventions and other instruments adopted on the international level, affecting maritime transport activities are inter alia.

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (SOLAS 74)

The SOLAS convention is the most important convention aimed at the protection of human life at sea. It contains provisions in respect of the construction of ships, including subdivision, stability, machinery and electrical installations and fire protection and extinction. It further prescribes standards for life saving appliances as well as radio communications, including radio-telegraphy and radio telephony. It also deals with navigation, including the carriage of shipboard navigational equipment as well as setting out rules for the carriage of grain and dangerous goods. The convention finally ensures that standards are maintained through a system of surveys and certification, which is discussed further in this section.

INTERNATIONAL CONVENTION ON LOAD LINES, 1966 (LL)

The convention on load lines lays down the minimum free board,

or maximum draught up to which a ship is permitted to load. It seeks to provide guidelines to administer, supervise and perform work involve in ascertaining, by measurement and computation the gross and net tonnage of vessels.

CONVENTION ON THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (1972) (COLREG).

The collision convention, 1972 sets out the basic rules which regulate the behaviour of vessels at sea in respect of other vessels in order to prevent collisions. It deals with such matters as steering and sailing rules, lights and signals, sound signals and conduct in restricted visibility. It takes into account, the sizes and characteristics of modern vessels, particularly large tankers. This convention makes mandatory traffic separation and other routing schemes, in operation for certain sea areas around the world.

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

This convention establishes the basic requirements on training, certification and watchkeeping for seafarers on the international level. It lays down basic principles to be observed in keeping navigational and engine room watches, mandatory minimum requirements for the certification of masters, chief mates, officers in charge of navigational watches, chief and second engineer and engineer, officers in charge of watches, and radio officers, operators and radio-telephone operators. Mandatory minimum requirements

are also stipulated for ratings forming part of a navigational/engine room watch and minimum knowledge (Theoretical) requirements for certificates are also incorporated in the convention.

INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979

The maritime search and rescue convention is intended to facilitate co-operation between states and those participating in the search and rescue operations at sea by establishing an international search and rescue plan. It provides arrangements for the co-ordination of search and rescue services and facilities as well as the establishment of rescue co-ordination centres and the designation of rescue units and their facilities and equipment. It also deals with the procedures during emergencies, in addition to ship reporting systems, the objective of which is to provide up to date information on the movement of vessels in order to allow the rapid determination of vessels requiring assistance in a distress situation.

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS(73/78)

The pollution convention of 1973 with its protocol of 1978 seeks to regulate pollution of the sea by oil and other substances. Its main object is the protection of the marine environment, that it achieves by prescribing certain zones within which the discharge of oil and other materials from ships are controlled and carried out. The convention requires every ships to carry on board oil record books of

a specified form and to record such operations as ballasting, deballasting and cleaning of cargo and fuel tanks as well as discharge of oil residues. It recommends that these operations use certain equipments and follow certain approved practices.

The convention applies to any ship of any type and size, including hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms operating in the marine environment. It demands that States issue out the international oil pollution prevention certificate and carry out surveys and inspections in order to ensure compliance. Finally it requires the provision of oil/waste reception facilities in certain designated special areas.

THE TERREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS (1977)

The Terremolinos convention applies to the safety of fishing vessels measuring 24 meters in length and over and recommends safety standards for the design construction and equipment of such fishing vessels, with a view of promoting the safety of these vessels and their crews. It provides regulations for the construction of these vessels, fire protection, detection and extinction as well as fire fighting procedures, protection of crew, lifesaving appliances, emergency procedures, musters and drills and regulations on radiotelegraphy and radiotelephony. The convention requires administrations to carry out surveys and inspections

to ensure compliance and to issue out a specified form of an international fishing vessel safety certificate.

THE INTERNATIONAL MARITIME ORGANIZATION (IMO) CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS (MODU 1979 CODE) AND IMO GUIDELINES FOR THE DESIGN AND CONSTRUCTION OF OFFSHORE SUPPLY VESSELS

The MODU code is designed to regulate the design and construction of offshore drilling units in order to ensure the safety of life. It tries to establish an equivalency with the safety of life at sea convention of 1974/78. It deals with matters regarding the stability, machinery and electrical installations, fire safety and life saving appliances, cranes and operating requirements spelt out clearly in a manual. This is to ensure that the units operate under sound engineering principles. It recommends that states carry out surveys and inspections as well as issuing out certificates to ensure compliance with the various safety standards necessary for the operation of these units.

On the other hand the guidelines for the design and construction of offshore supply vessels reinforces the requirements of the SOLAS convention to ensure the safety of life on these vessels. It deals with the intact stability, damage stability, machinery, fire protection and life saving appliances. These vessels are also to be inspected and certificated.

UNITED NATIONS CODE OF CONDUCT FOR LINER CONFERENCES UNCTAD CODE

The UN liner code is an international agreement that will

affect the economic, trading and shipping philosophies of both the developed and developing worlds. It represents an effort to achieve universal comity among trading nations and to resolve liner shipping problems confronting international shipping. It governs relations between shippers and conferences, between conferences and carriers and among carriers.

The objectives of the code are to facilitate the orderly expansion of world seaborne trade, to stimulate the development of regular and efficient liner services adequate to the requirements of the trade concerned and to insure a balance of interest between suppliers and users of liner shipping services. These objectives are based on the principles that conference practices should not involve any discrimination against shipowners, shippers or the foreign trade of any nation, that conferences should hold meaningful consultations with shippers organizations, shippers representatives and shippers on matters of common interest with the participation of appropriate authorities and that conferences should make available to interested parties pertinent information about their activities which are relevant to those parties and shall publish meaningful information about their activities. The provisions of the code becomes binding upon being incorporated in national laws.

OBLIGATIONS UNDER INTERNATIONAL CONVENTIONS

The enforcement and implementation of provisions of conventions relating to maritime safety and pollution prevention by states fall under two broad categories:

1. Enforcement by administrations (Government of flag state), which includes surveys and certification of ships in respect of design, construction and equipment, and
2. Enforcement by port and coastal states, which include the port state control of ships certificates and the surveillance and detection of discharges in contravention of conventions

SURVEY AND CERTIFICATION

It is the responsibility of states to ensure that ships flying their flags are constructed and maintained in accordance with that standards enacted in conventions. The SOLAS, Load Line and Marpol conventions contain provisions that ships must be surveyed during construction and periodically thereafter. In general the surveys include the initial survey, periodical survey, intermediate survey and annual survey. After satisfactory completion of surveys the prescribed certificates are issued or endorsed as complying with convention requirements. It is important to note that the surveys are either carried out by an administration or by recognized and appointed classification society.

PORT STATE CONTROL OF SHIPS AND CERTIFICATES

In order to supplement the functions of flag states, the conventions provide procedures for the control of ships to be exercised by port states. This control generally involves the inspection of valid certificates which offers evidence that the ships complies with the requirements of

the conventions. In the event of any deficiency being detected, the port state can request rectification before the ship sails and the action taken by the port state reported to the diplomatic representative of the flag state.

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The Development of Maritime Administration Infra-
structure

(A series of Lectures presented at the World Maritime
University By Professor Georgandopolous, Piraeus Institute)

CHAPTER 3

(i) THE INSTITUTIONAL FRAMEWORK OF GOVERNMENT
AND MARITIME ADMINISTRATION IN GHANA

The existing institutional framework of both central government and maritime administration provides the starting point for understanding the actual role the maritime administration in Ghana plays in the activities discussed in chapter 2 and to provide the guidelines for restructuring this within the general context of government administration.

STRUCTURE OF CENTRAL GOVERNMENT ADMINISTRATION

A basic characteristic of the institutional order of government administration in Ghana is its organization into two separate levels. These are ministries and boards or departments. The ministries are primarily responsible for the framing of state policies and are usually staffed by technocrats/civil servants. The fairly large number of board or departments act as specialized agencies for the implementation of specific national goals drawn up by government and are usually constituted under general purpose ministries. These are usually staffed by professionals in the specific tasks performed by the department. The political responsibility lies with the minister of the ministry under which they are constituted. These boards/departments operate and are organised on a semi-autonomous lines and usually under its own budget.

STRUCTURE OF MARITIME ADMINISTRATION

The administration of maritime affairs in Ghana is

primarily the responsibility of the Ministry of Transport and Communications and its minister in charged with the responsibility of administering the merchant shipping act under which the main activities of maritime administration, as discussed in chapter 2, are drawn. It is recalled in chapter 1 that during the initial stages of maritime development in Ghana, rules and regulations were based on British models and institutions until 1963 when the Ghana merchant shipping act was enacted and it became necessary to empower local institutions to provide the umbrella organization for administering these rules and regulations. Specifically therefore, under the supplemental clauses of the merchant shipping act, 1963 sub-section 308 of part IX, the preceding point is made clear in the statement:

"The Minister (Transport & Communications) shall have the general superintendence of all matters relating to Merchant Shipping and seamen and is hereby authorised to carry into execution the provisions of this act and all other enactments relating to Merchant Shipping and Seamen for the time being in force except where otherwise provided by those enactments"

Similarly under the miscellaneous clauses of part XV Section 308 of the Ghana Ports Authority Decree, 1977, it is also stated inter alia:

"The Commissioner (Minister) may, by legislative instrument, make regulation for the good order and government of traffic by sea or by land to, in, or from ports, and with regard to the use of the terms and conditions on which the same may be used....."

In addition to these responsibilities mentioned under these

acts, the Minister is responsible for monitoring the conduct management and operations of the various state Corporations operating the different aspects of the industry in Ghana. These are namely the State Shipping Corporation, Ghana Ports Authority, Nautical College, Ghana Cargo Handling Company Limited and Shipyard and Drydock Corporation. In this regard the Minister appoints the governing Boards of Directors on behalf of the government and usually a representative of the Ministry of Transport and Communications is a member.

In order to facilitate the discharge of these functions there is the Shipping Commissioner's office at the Ministry. This is a section of the Ministry that works up to the Minister. It has no separate budget and is regarded as part of the Ministry and its Head known as the Shipping Commissioner is usually a Senior Civil Servant. The staff are also civil servants. The office of the Shipping Commissioner is what comes close to being called a Maritime Administration in Ghana.

Apart from this, are other government institutions that are involved in activities of the maritime sector in one way or the other. These include the Seamen Employment and Welfare Board, responsible for attending to issues related to the employment of seamen and their welfare. This Board is placed under the Ministry of Labour and Social Welfare. Its staff is made up of general purpose civil servants. In addition other government Ministries such as the Ministries of Trade, Finance and Economic Planning play

an indirect role.

With this arrangement the co-ordination of activities is done at the Cabinet level.

The organization of the existing structure of government is attached hereto on page 32.

(ii) MAIN ISSUES OF THE MARITIME INDUSTRY IN GHANA

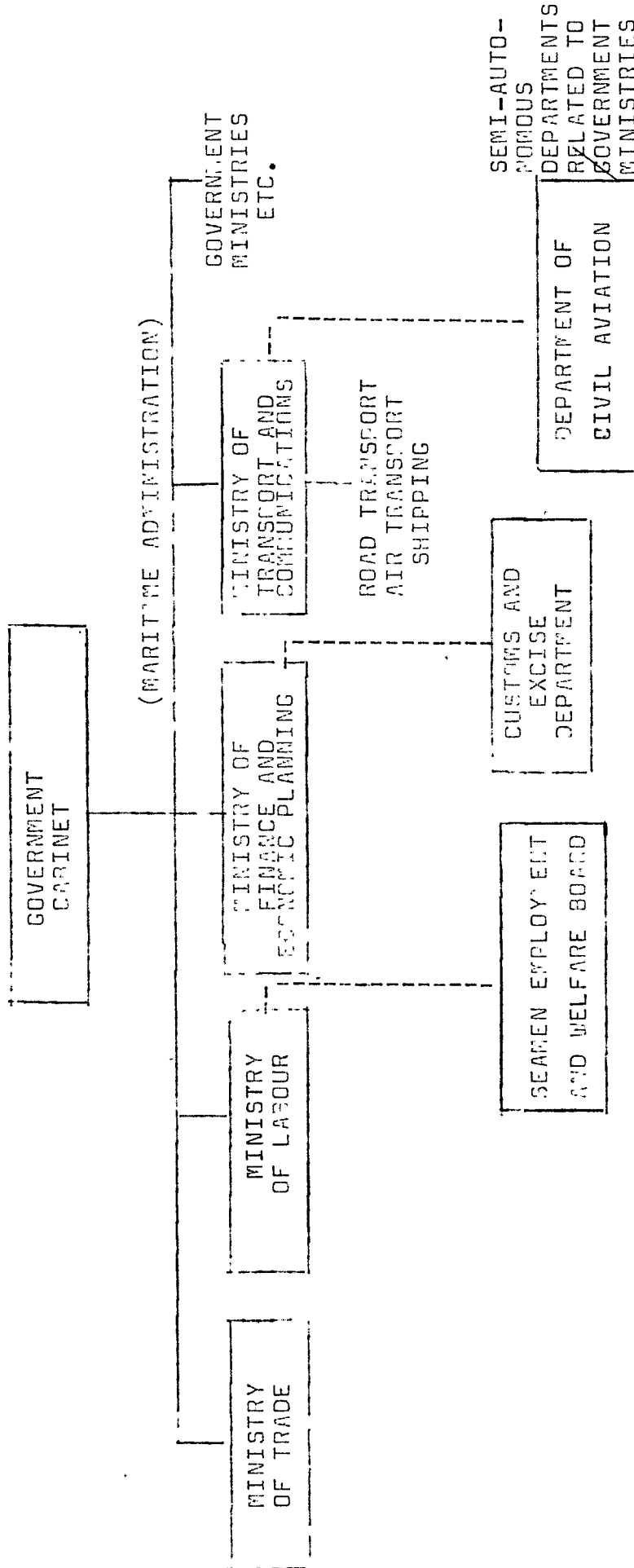
The main issues of the maritime industry in Ghana relate to:

1. Infrastructure (construction, maintenance, repair, operation),
2. Facilitation (including maritime transport rules and regulations, administrative barriers),
3. Training and management,
4. Planning and financing.

ISSUES OF INFRASTRUCTURE

Presently the problem of maritime industry infrastructure in Ghana has a two-fold aspect. The capacity, let alone the condition of existing infrastructures is insufficient to meet present and future needs, and new infrastructures are therefore needed. Apart from this, the main issue is not the construction of new ones but the preservation of existing infrastructures and equipment, maintenance should be a continuous activity performed throughout the life of any maritime investment. In Ghana government has made large investments in maritime transport infrastructure,

ORGANIZATION OF EXISTING GOVERNMENT AND MARITIME
ADMINISTRATION IN GHANA



- Staff of Government Ministries are Civil Servants with General Purpose Functions
- Staff of Semi-Autonomous Departments usually perform specialist functions and related to general purpose Ministries.

such as ports and cargo handling facilities, acquisition of vessels, training facilities etc., as well as inland lake transport facilities. These infrastructures, if adequately maintained, could meet a substantial part of the country's transport needs. Unfortunately, in Ghana, public authorities have not given sufficient attention to the maintenance of these infrastructures and many of them have consequently deteriorated in recent years. In consequence therefore, the critical maritime infrastructure issue in Ghana is primarily the preservation of these assets, which require an effective programme of rehabilitation which will be continued through an appropriate programme of maintenance.

Another issue is that, the development of a viable and efficient maritime initiative depends to a large extent on the availability of appropriate institutional facilities in addition to physical infrastructures. These include adequate fleet, trained national expertise and suitable schemes for training needed personnel in all fields, national capacity to adhere to applicable global technical standards of safety, efficiency of operation and prevention of marine pollution, adequate development and safety administrations and maritime legislation, as well as efficient port operations and port management. Regrettably the existing institutional arrangements in Ghana, especially at the national level does not meet the requisite levels of adequacy, in terms of capacity and capability. As mentioned in Section (i) of this chapter

the administration of maritime affairs is the responsibility of the Minister of Transport and Communications, thus the Ministry, and some activities under other government departments and ministries. The Ministry of Transport is a general purpose Ministry and its activities cover aviation and road transport issues of the country as well. Whilst a department of Civil Aviation has been created to deal with the specialized activities of the airline industry, the administration of maritime affairs still remains with the Ministry. The staff at the Ministry who are general purpose civil servants, lack the requisite specialist/professional technical knowledge necessary for administering maritime affairs as described in chapter 2 of this paper. Coupled with this problem is the fact that it has almost been impossible to recruit professional maritime people into the civil service, owing to the low salary scales in the civil service compared to the industry. Also the structure and bureaucracy in the civil service is not suited to handle maritime issues which often require prompt action in order to maintain competitiveness. The next shortcoming is the absence of co-ordination among the multiplicity of agencies involved in maritime transport policy. This fact was recognised in chapter 2.1 of the Ghana Five-Year Development Plan (1975-1980) in which it was stated inter alia,

".....At the moment there tends to be multiplicity of agencies involved in transport policy and there is no co-operation among these various agencies and institutions involved in transport policy and as a result, there is a great deal of duplication of efforts."

The direct consequence of these deficiencies is its impact on the overall environment of the maritime industry in Ghana. The maritime legislation (merchant shipping act) is obsolete/outdated and does not adhere to global technical standards of safety and the prevention of pollution. Even where the enforcement of certain rules and regulations have been delegated to classification societies, there is no machinery for analysing their reports and co-ordinating them in national policy. There is also no co-ordination in the development of the industry, namely fleet development and operations, port development and operation as well as manpower development and utilization in the overall national development efforts. These deficiencies lead in turn to an appreciable reduction of net returns from maritime activities.

Therefore apart from the maintenance and replacement of inadequate physical infrastructures, priority should be given to the improvement/development of an appropriate institutional infrastructure in Ghana to deal with the issues discussed above.

ISSUES OF FACILITATION AND ADMINISTRATIVE REGULATIONS

The rapid development of transport technologies in recent times have necessitated the establishment of laws, rules and regulations which govern maritime activities. As has been discussed earlier on in chapter 2 these laws, rules and regulations which govern maritime activities are, inter alia, of an administrative technical, economic,

social and environmental nature. They determine the conditions under which maritime transport activities are to be carried out. A number of international conventions, regulations and codes of recommended practices have been discussed in chapter 2 (ii) and these relate to safety and environmental protection, on Load Lines, on standards for training and certification of seafarers, on the code of conduct for liner conferences, on the safety of mobile drilling units etc. These have been concluded under the aegies of organizations of the United Nations system, namely the International Maritime Organization (IMO) and the United Nations Conference on Trade and Development as well as the International Labour Organization.

Through a policy of facilitation, many countries ratifying these conventions, have harmonized their laws and regulations to ensure conformity with international regulatory standards and practices. But Ghana has not adhered to this policy of ratification, let alone facilitation, with the result that the regulations under the merchant shipping act has become outdated, having been superseded by new international requirements and standards. Specifically, under the merchant shipping act 1963 of Ghana recognition is given to Safety of Life Convention of 1948, load lines convention of 1930, Oil Pollution Convention of 1954, International Regulations for Preventing Collisions at Sea, 1948, International Labour Conference Convention 92, etc. Clearly these conventions have been superseded or replaced and reinforced under newer conventions discussed in.

chapter 2. Even the enforcement of regulations in the merchant shipping act, based on these obsolete conventions is not properly carried out, due to the absence of an appropriate administrative machinery. Today offshore activities going on in the country require the standards of safety are ensured on the units there in order to protect the lives of nationals employed on these units. Similarly the fishing industry has grown from a predominantly canoe fleet to factory trawlers and ships which require rules to ensure safety and environmental protection. Furthermore the ratification of the UNCTAD code by Ghana poses many challenges. The code gives the country the right to ship 40% of its maritime freight on its own vessels and leaves 20% to shipping companies from third parties. To implement the code will require certain national and regional co-operative arrangements. In addition to these, the country has to cope with technological developments in shipping, such as unitization, especially containerization. All these require an examination of the national institutional arrangements and policies.

In consequence therefore the maritime situation in Ghana can be notably improved if the country ratifies and adheres to international conventions which govern International Maritime transport. In this context attention should be given to the establishment of an administrative and regulatory framework for implementing international maritime instruments.

TRAINING AND MANAGEMENT

In Ghana the inefficiency of the maritime sector is attributable not only to the lack of adequate infrastructures, but also to scarcity of trained manpower in both the technical and administrative areas and to the absence of adequate organizational structures. In order to improve this situation, there is the need to give priority to manpower development. There is the need to train personnel in technical matters as well as maritime transport economists and administrators. Presently the government with the assistance of the government of Norway and the International Maritime Organization, has upgraded the Ghana Nautical Academy into a regional Maritime Academy to facilitate the training of sea going personnel in the country and the West African Subregion. What is needed is the facilitation of these initiatives at the national level for the successful functioning of the academy through the creation of conditions of service for staff which will attract and retain competent staff from the region as well as the world in general. With respect to high level training, advantage should be taken of multinational training institutes, such as the World Maritime University in Malmo where courses are structured to meet the specific requirements of developing countries. In order to achieve the objective of training, it is necessary that there exists a machinery for assessing the manpower requirements for the industry and harmonising its development to meet the desired levels.

ISSUES OF PLANNING

Because the maritime industry is by its very nature a service for other social/economic sectors, it needs to be planned within the framework of the overall development plan. Careful planning will ensure a rational use of existing infrastructure and enable the needs of the sector to be foreseen and the subsequent resources required for subsequent development to be allocated in an orderly way, so that any inadequancies do not impede progress in other sectors.

Unfortunately, very little planning goes into the maritime sector in Ghana. Nevertheless the necessity to develop adequate facilities to cope with the country's overall development targets require more consideration to be given to maritime transport planning today than in the past. It is necessary to develop a master plan covering the maritime sector and defining these in the national transport policy. This will involve the identification of all major projects in the sector and a description of their objectives as well as their linkages with overall development plans. This in turn will require a specialised appraisal of the capacity of the infrastructures which will result in a more efficient operation and better maintenance of same.

ISSUES OF FINANCING

It has been mentioned in the introductory chapter that the initiative for the development of the maritime sector in

Ghana has largely come from government. This relates to financing the original investments in the sector as well as their maintenance. Unfortunately the lack of adequate financial resources in recent years, is the most critical bottleneck to overall economic development in general and sustaining the initiatives made in the maritime sector in particular.

It is against this sombre background that the large scale financing requirements of the maritime sector must be considered. The financial requirements for dealing with the major maritime transport needs of Ghana far exceeds the internal and external resources that are available for the purpose. There is therefore the need for government to rationalize the distribution of scarce resources to priority areas and to look outside for external sources of finance, which is also limited in scope in our world today. The main measures that will help solve the problems of financing the development of maritime transport infrastructures and their maintenance in Ghana are among others. To study the advisability of establishing appropriate funds by collecting and managing money from local sources earmarked for the sector. Such funds should be supplied by various sources, including contributions from the private sector as well as various donations and taxes levied from the maritime sector itself. The other measure is to overcome the bottlenecks and inefficiencies which reduce the aid absorptive capacity, by organizing an appropriate machinery for the preparation of projects and programmes, for co-ordination

of activities between different administrative bodies responsible for receiving aid and for implementing projects and programmes.

CONCLUSIONS

From the discussion of the main issues of maritime transport in Ghana, it can be concluded that the absence of an adequate organization and structure for carrying out the various activities, necessary to maritime development, is the root cause for all the problems confronting the industry. The present system of administering the industry as a function of the general purpose Ministry of Transport has been ineffective. This system has not been sensitive to the political pressures, trade practices and international regulatory practices in addition to not providing government with the framework for evolving major policies aimed at maritime development.

The maritime industry of today is going through a lot of dynamic changes and this means that the laws and policies within which it operates has to be clearly understood and the capabilities necessary, developed. There, therefore exists the need for establishing an administrative machinery in Ghana, capable of meeting the managerial challenge posed by the maritime industry to incorporate the different activities of maritime administration.

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CHAPTER 4

(i) PROPOSED APPROACH TO MARITIME ADMINISTRATION IN GHANABASIC INSTITUTIONAL-BUILDING STRATEGY

The decision to create or change the institutional arrangement for the administration of maritime affairs in Ghana is the result of a judgement involving two sets of criteria: the first is the external or functional criteria and the second, by contrast, is the internal or organic criteria. By external criteria is meant the measures of value related to the way in which the existing system of maritime administration is expected to perform a function, that is the administration of the merchant shipping act as discussed in chapter 2. The judgement made on the basis of the external criteria involves an evaluation of the real need for the institution, present or future and of its effective insertion into the existing administrative structure. In simple terms, the establishment of a new institution is necessary following the assessment of the main issues of the maritime industry, as discussed in chapter 3, against the background of the main activities involved in maritime administration which indicates that what the present system is supposed to do is not done properly, in an acceptable way and that a new institution will be able to interact and perform these same functions effectively.

Secondly by internal or organic criteria is meant the measures of value related to the inadequacy of means (people, procedures, facilities, funds etc.) in the existing

arrangement which renders it incapable of performing what is expected of it. The decision to create a new institutional arrangement has been made on the realization that it is the only way to ensure that provision and effective use of the means.

The principal challenge is to establish the right type of organizational structure. Here two requirements can be identified. First, any institutional arrangement must be instilled with a maritime affairs orientation and secondly there must be requisite degree of specialization in the relevant fields of interest to a maritime administration.

Next is the location of the proposed maritime administration in the government administration machinery. The need for a central organization to enforce regulations and promote and assist maritime development in Ghana has been generally stressed in this paper. The fundamental question is whether to retain this within the already existing structure of government ministries, in other words the Ministry of Transport, or should be autonomous as a board of maritime administration. This is a matter for policy makers to decide on, since both options are feasible under the existing arrangement of government administration machinery.

However it is the view of this paper that an autonomous board of maritime administration will be a better choice. This is the result of dissatisfaction with the restrictions of civil service procedures and regulations which have evolved in Ghana for the primary task of

ensuring stability and uniformity rather than flexibility and rapidity of action. The administration of maritime affairs concerns activities dealing with regulating and promoting development. For this purpose, qualities of imagination, risk-taking and rapid decision are required completely different from the attitudes common in the civil service, where the methods and rules have not changed rapidly enough to encourage or even allow these qualities.

Hence there is a strong case for supporting the view that dynamic maritime regulatory and development activities can be successfully carried out only if they are freed from outmoded civil service traditions and allowed to make a fresh start in a modern way. This proposal sounds attractive for the administration of the maritime industry where practices require prompt decisions and actions.

Other arguments for autonomy are that, there is the need to offer salaries based on market competition rather than on civil service levels in order to attract professional/specialist personnel, the need to base decisions on reasoned professional judgement rather than on hierarchical legal responsibility. An autonomous maritime administration will also have greater access to resources and easier contacts with the industry than would a similar service within a regular ministry. The view that government administration will become fragmented and political responsibility and cohesiveness lost with the creation of an autonomous board should be discarded on the grounds that ministerial responsibility for the administration of

maritime affairs could still be retained by the Minister of which ever ministry will be made responsible, in this case the Minister of Transport and Communications. Other related ministries can be represented on the Board.

With the elements of strategy presented above general guidelines with respect to objectives and organization and structure as well as the roles of the proposed autonomous Board of maritime affairs can now be established. The brief description of the activities involved in the administration of maritime affairs as well as the issues of international conventions in chapter 2, together with those general considerations of issues of the maritime industry in Ghana given in chapter 3, serve to identify the design criteria for the Board of Maritime Affairs.

OBJECTIVES

The main objectives for the establishment of a maritime administration infrastructure can be formulated under three broad headings, namely ensuring

1. The safety of shipping
2. The prevention of marine pollution
3. The economic viability of the Ghanaian merchant fleet/maritime activities

In order to attain these objectives, the activities of the proposed maritime administration can be structured and the specific roles instituted. There is however no denying that the objectives set above exist in the statutory maritime laws of Ghana already. But what is missing is

providing the machinery for carrying out the activities to attain them. There is the need to establish proper measures/regulations to ensure safety of life and property at sea and the prevention of marine pollution. This in turn entails the establishment of legal mechanisms through the facilitation of international regulatory trends. There is also the need to establish a comprehensive system for promoting the development of the maritime industry through appropriate national responses to developments on the international maritime scene.

ORGANIZATION AND STRUCTURE

Based on the above stated objectives, the characteristics that the proposed maritime administration should have, can be suggested. Of course, what follows is a particular interpretation and translation of these objectives into organizational terms.

The highest policy body for the proposed administration could be a maritime policy board, to be presided over by the Minister for Transport and Communications. Membership of the Board can be drawn from other relevant government ministries and organizations as well as the maritime industry in general and other interested groups. These may include the Ministries of Trade, Finance and Economic Planning, Labour and Social Welfare, Defence and the Environmental Protection Council. It may also include the State Shipping Corporation, Ports Authority, Ghana Cargo Handling Company Limited, Shippers Council and the Maritime and Dock Workers Union.

The Maritime Policy Board, by means of convening both regular and special commissions, could perform all co-ordinating functions for the industry, including formulation of the component policies relating to maritime regulations, economic policies and overall co-ordination of the activities of the secretariat of the Board of Maritime Administration.

An executive secretariat of the Board could implement decisions of the Board and carry out the promotion of policy studies needed for the Board's deliberations, as well as providing the framework for co-ordinating operational functions entailed in the administration of Maritime Affairs. The secretariat should be made up of the requisite technical/administrative divisions necessary to attain the objectives set above. These divisions are to be the Manpower Development and Utilization Division, Legal and International Affairs Division, Port and Marine Technical Affairs Division and the Economic Policy Division. These divisions will provide the specialized competences for the activities of the Board.

The national role of the proposed Board of Maritime Affairs within its sphere of competence may be described as covering regulatory, catalytic, supportive and lead functions. All relevant activities should come under its purview. However where specific functions have been assigned and responsibility therefore assumed by other government organizations, the task of the Board will primarily be to monitor, co-ordinate and assist. In its catalytic role, new areas

for development and attention could be identified by the Board and necessary support could be provided. This mode of operation will gain general acceptance in the initial phase of operation in a climate in which respective interest and competences are closely guarded in the face of the new trend towards the intergration of the administration of maritime affairs in the country. The organizational structure of the proposed Board of Maritime Administration is presented at the end of this chapter.

Having identified for the organizational structure of the administration of maritime affairs, it is necessary to describe the roles of the various divisions.

ROLES

THE MANPOWER DEVELOPMENT AND UTILIZATION DIVISION

The role of this division will be to maintain and administer programmes for the development of personnel for the maritime industry in general and to take action with regard to the documentation, licensing and utilization of merchant seamen in Ghana. To do this the following functions will have to be performed:

1. Plan and follow up on the development and administration of the standards and procedures and practices under which marine personnel are regulated.
2. Initiate or review such rules and regulations as related to the licensing and certificating of merchant marine personnel and the discharge of seaman.
3. Develop policy for the development of examinations for

merchant marine personnel, as performed by the Nautical Academy.

4. Receive and examine papers relative to the issuance of seamen's licenses or certificates.
5. Receive copies of shipping articles together with copies of certificates of discharges and records of entry issued to the crew and check for compliance with manning and citizenship requirements.
6. Maintain central records, showing the service record of every seaman, and other related records and to provide statistical and other information to answer any inquiries.
7. Keep generally informed as to the availability, competence, conduct and service records of merchant seamen and keep the Ports/Technical Affairs Division informed of developments relating thereto.
8. Review and initiate action on appeals made by merchant seamen, which are made regarding matters under the cognisance of the division.
9. Plan for the training of personnel in all aspects of the maritime industry.

THE LEGAL AND INTERNATIONAL AFFAIRS DIVISION

This division will be responsible for providing legal services to the Board of Maritime Administration, aimed at assuring that the operations and activities of the Administration are legally consistent with the requirements of national and international law, arising out of treaty obligations. In this regard, the legal and international

affairs division shall perform the following functions:

1. Give general direction to the Board of Maritime Administration of matters under its cognisance to ensure uniformity in application of statutes, rules and regulations.
2. Plan and administer a system for the registration and documentation of Ghanaian flag vessels. This entails the initiation or review of rules and regulations in conjunction with the Port and Technical Affairs Division and develop standards and procedures under which vessel documentation is regulated, as well as following up on administrative practices relative to such documentations.
3. Co-ordinate the development of responses to all requests for legislative proposal comment requested of the administration.
4. Determine the legal ramifications of proposed action of the development in the discharge of its duties.
5. Serve as the principal legal officer/advisor to the Board of Maritime Administration, furnishing advice and opinions as to the legal implications and consequences of all its actions.
6. Provide advice, assistance and opinions to officials of the administration on international law matters involving treaties, agreements, conventions etc.
7. Furnish legal advice and opinions to officials representing the board of maritime administration at International Organizations and Conferences.

8. Co-ordinate the international activities of the board of Maritime Administration.
9. Provide Legal services in development of the Administration's legislative programme for submission to government.
10. Furnish legal advice and assistance for the review of national maritime legislation.
11. Provide legal counsel, advice and guidance to the Port and Technical Affairs Division with regards to regulatory responsibilities.
12. Provide legal counsel on the initiation and conduct of investigations of major marine casualties and review for legal sufficiency reports thereon, recommending action to be taken by the Administration.
13. Counsel, guide and participate with other officials of the Administration in the formulation and development of Administration positions, policies and programmes relating to international law matters.
14. Provide drafting assistance to the legislative authorities on legislation affecting the administration or in which it has an interest.
15. Provide active support to the Ministry of Justice in the various stages of litigation arising out of the operational activities of the Administration where decision of the national courts may impact upon operational programmes (eg. search and rescue, aids to navigation, inspections and oil pollution litigation).

PORT AND TECHNICAL AFFAIRS DIVISION

This division should have the responsibility of overseeing the Administration's programme to ensure safety and the prevention of pollution of ships and at national ports, including inspections and administering various schemes of certification to ensure compliance with established national and international standards. In realizing this general role, the Port and Technical Affairs Division must perform the following functions:

1. Determine basic plans, systems, procedures under which marine safety activities are to be carried as dictated by legislation, and consider and make recommendations as to broad policies which should control these determinations.
2. Issue by direction of the Administration, such directives as may be necessary or appropriate to produce a correct and uniform administration of marine safety and pollution prevention activities.
3. Perform inspection of vessels or port facilities to ensure compliance with safety standards.
4. Provide liaison with the Legal Division to determine legal ramifications of proposed actions of the division in its operation activities.
5. Maintain and administer a programme for the investigation and analysis of marine casualties and accidents involving commercial vessels and cargo safety operations in ports.
6. Administer a national programme for ensuring commercial

vessels and ports are designed in accordance with national and international safety and pollution abatement standards.

7. Develop or provide technical assistance in the development of technical standards affecting vessels and ports safety and pollution abatement. Represent Ghana in discussion of such matters at the international level through the International Maritime Organization (IMO) as well as other international bodies.
8. Review and approve plans and specifications for the design, construction, repair and alteration and inspection of boilers, piping systems, radio and electrical equipment and systems through the maintenance of liaison with authorised classification societies.
9. Administer regulations governing the carriage of hazardous cargoes and handling procedures in Ports.
10. Maintain technical records of every vessel registered in Ghana.
11. Carry out inspections on vessels to ensure compliance with safety and pollution prevention standards and maintain records of inspections to assure uniformity and compliance with applicable inspection laws and regulations.
12. Issue safety and pollution prevention certificates and exemption certificates in accordance with the currently effective International Conventions of Safety of Life (1974) and MARPOL 73/78.

13. Administer the programme for the inspection of vessels in Ghanaian ports.
14. Administer the tonnage and Load Line regulations for vessels registered in Ghana in accordance with the 1969 Tonnage and 1966 Load Line conventions including the oversight of authorized institutions, classification societies and surveyors, in performing these functions on behalf of the administration.
15. Generally maintain a liaison with and oversight of those organizations performing inspections, equipment testing functions and responsibilities on behalf of the Administration.
16. Act as a liaison with health authorities in developing and enforcing health and safety standards and regulations on ships and port terminals.
17. Liaise with other organisations in establishing contingency arrangements for combating pollution.
18. Liaise and participate in national search and Rescue programmes.
19. Administer, co-ordinate and develop policy for off-shore activities, safety and pollution prevention programmes.
20. Administer and co-ordinate **technical policy for ports and installations.**

ECONOMIC POLICY DIVISION

The division will be responsible for carrying out comprehensive maritime economic policy studies and research aimed at increasing Ghana-flag participation in the

nation's ocean borne commerce. In this direction it will include the functions of:

1. Market Analysis and Planning programme aimed at enhancing the competitiveness of the national fleet by improving its revenue and profitability.
2. Develop studies to assist in developing national policy on major issues with market implications, gauging the health of the maritime industry and guiding the development of effective programmes.
3. Carry out studies and liaise with other government departments such as planning and trade as well as the industry in achieving the objectives of the United Nations code of conduct for liner conferences.
4. Prepare and maintain trade and shipping statistics.
5. Develop studies aimed at identifying trends in shipping and port activities aimed at fostering their improvement.
6. Administering various government assistance and subsidy programmes to the maritime industry in general.

(ii) GENERALITIES RELEVANT TO THE ACTIVITIES OF THE PROPOSED BOARD OF MARITIME ADMINISTRATION

It has been stated that the main activity of a Maritime Administration is the superintendence of the Merchant Shipping Act/Legislation in a country and the co-ordination and promotion of various policies towards maritime development. The main objectives of the proposed Board of Maritime Administration has also been stated to be:

1. The safety of shipping for the protection of man, property and the environment, and

2. Economy in shipping.

The activities of the proposed Administration will therefore be governed by several International Conventions, Codes and practices, the major ones already briefly discussed in Chapter 2. For example, the Safety of Life at Sea Convention 1974 with its Amendments of 1981 and 1983, the SOLAS Protocol 1978, the International Load Lines Convention 1966, the Regulations for the Prevention of Collisions at Sea 1972, the International Convention on Tonnage Measurement of Ships 1969, International Convention for the Prevention of Pollution (MARPOL) 73/78 and other International Maritime Conventions concerning environmental protection, the UN Code of Conduct for Liner Conferences (UNCTAD Code) etc.

The need for Ghana to ratify these conventions and give effect to them in National Regulations has also been stressed. However in addition to these, Ghana must commit itself to put into practice widespread instructions, recommendations etc. elaborated in the same international fora. The concerned areas are, among others, the transport of dangerous goods in packaged forms (IMDG Code) and issues relation to the characteristics of vessels for the transport of chemicals and gases.

Consequently the factors that will influence the dimensions of the activities of the administration and its development will tend to centre on its capacity and capabilities of implementing these conventions. Its activities will not

only be influenced by these and the magnitude and complexity of the maritime industry but also by national expectations and goals as well as by a large number of interested parties in the maritime environment. As an example of the latter these are:

1. The shipowners
2. Afloat personnel
3. Trade Unions
4. Shipyards
5. The Public
6. Trade and industry
7. Ports
8. Classification societies
9. International Organizations

Its objective with regards to the safety of shipping for the protection of man and the environment can be expressed more concretely by several objects, such as:

1. To issue the necessary regulations
2. Ensure the compliance of safety regulations
3. Work for international uniformity
4. Ensure the seaworthiness of vessels
5. Ensure the prevention of occupational illness and accidents
6. Stipulate the minimum safe manning
7. Verify the stability of ships and loading conditions
8. Supervise the handling of dangerous cargo
9. Ensure safety in ports
10. Co-ordinate the training and utilization of Maritime

personnel

11. Ensure the prevention of marine pollution and co-ordinating pollution contingency arrangements
12. Accident investigation

Its main task in this connection is to verify and ensure that ships flying the Ghanaian flag as well as foreign ships calling at national ports are built, equipped and operated in a way that makes them seaworthy. By "Seaworthy" is meant that vessels can operate without exposing neither ships, cargo, nor marine environment to danger. The importance of inspections and issuance of certificates approved under International Conventions cannot be underestimated in the realization of this objective.

The administrations activities must include plan approvals and other information describing how vessels are built and equipped. This covers mainly:

1. General construction and equipment of vessels
2. The strength of vessels and its equipment
3. The fire protection systems
4. Lodging and other spaces
5. The life saving equipment
6. The navigational aids
7. The stability and freeboard of vessels.

The administration must develop regulations for the above and these regulations must be embodied or published in legislation. In addition it must participate in work

carried out within international bodies such as the International Maritime Organization (IMO), International Labour Organization etc. with the aim of harmonizing new safety regulations in Ghana.

The supervision of vessels may however be delegated to classification societies or authorised surveyors such as Lloyds Register of Shipping, Germanic Lloyds, Norske Veritas Etc. These are institutions which at the request of the Administration execute the surveying of ships, machinery and certain equipment. The classification societies may carry out part of the Safety of Life at Sea (SOLAS) surveys resulting in the issuance of certificates. But the Administration must control and be responsible for the issuance of certificates on the basis of the Survey Reports. The Administration may furthermore delegate surveys in accordance to MARPOL 73/78, Load Lines 1966 and Tonnage Measurement to classification societies.

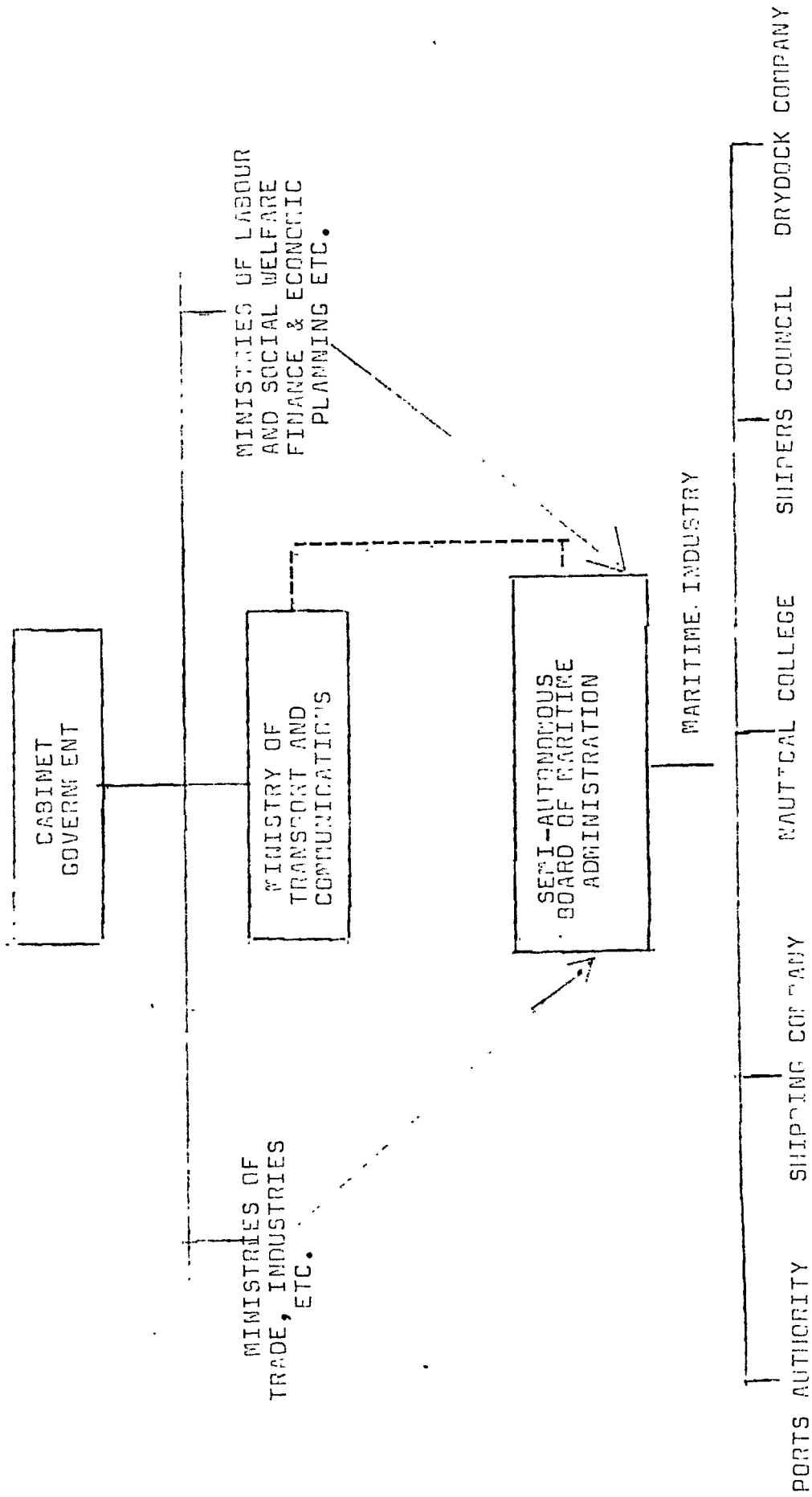
In addition to the afore-mentioned, the Administration must handle all matters concerning the carriage of dangerous goods by sea. And their handling in ports. In this connection it must be responsible for:

1. The interpretation of the IMDG Code
2. The classification of chemicals
3. The documentation of dangerous cargoes

The Administration must be responsible for carrying out investigations when national vessels or vessels in national waters are involved in accidents. Its main task will be

to assemble all relevant facts of an accident and analyze them with a view of proposing measures to avoid their reoccurrence. It must maintain statistics of accidents and investigate violations of the Safety of Life at Sea Procedures. Closely related to this is the enforcement of regulations for fairways and general rules of the sea.

ORGANIZATIONAL LOCATION OF THE PROPOSED BOARD OF MARITIME ADMINISTRATION IN GHANA

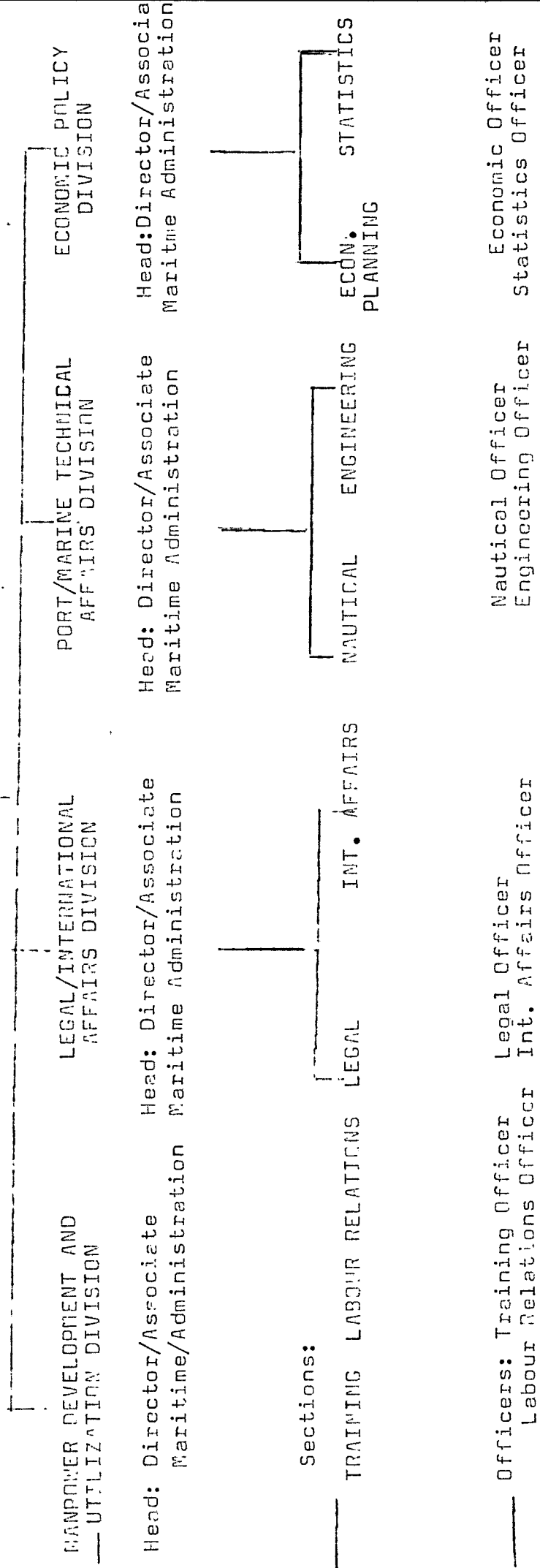


THE ORGANIZATIONAL STRUCTURE OF THE PROPOSED BOARD
OF MARITIME ADMINISTRATION
IN GHANA

BOARD OF MARITIME
ADMINISTRATION

Membership: Minister of Tran. & Comms.
Relevant Govt. Organizations
Maritime Industry
Shippers Council
Other interest Groups (Unions)

SECRETARIAT Head: Director-General/Maritime Admin.



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CHAPTER 5

STAFFING AND FINANCING PROPOSED BOARD OF
MARITIME ADMINISTRATION IN GHANA

Within the framework of the objectives and organizational choice proposed and the functional roles of the divisions discussed in Chapter 4, it is important to suggest guidelines for meeting the staffing requirements of the proposed board of Maritime Administration with regard to the types of officials, their qualifications and recruitment, job description and conditions of service.

Planning the staffing requirements will depend on the areas of work to be undertaken, as discussed in this paper, as well as establishing the methods of work for the administration. For example much will depend on the scope of functions and the extent to which these can be combined under the main divisions in addition to the degree to which some functions may be delegated to other bodies such as classification societies or independent surveyors. It is therefore suggested that methods of work should be left for the elaboration of the Administration itself.

In the case of the proposed Administration, the establishment of the following posts may be provided for:

- (a) Director-General/Maritime Administration
- (b) Director/Associate Maritime Administrator - Manpower Development and Utilization
- (c) Director/Associate Maritime Administrator - Legal and International Affairs

- (d) Director/Associate Maritime Administrator - Port and Technical Affairs
- (e) Director/Associate Maritime Administrator - Economic Policy

Other Posts

- (a) Maritime Training Officer
- (b) Labour Relations Officer
- (c) Legal Officer
- (d) International Affairs Officer
- (e) Surveyors (Nautical/Engineering) of Ships
- (f) Economic Planning Officer
- (g) Statistics Officer
- (h) Administrative/Accounting Officer

General Staff

Adequate provision needs to be made for the necessary secretarial/clerical staff. It should be noted that these duties could be combined in order to save costs.

Qualifications and Experience Required for the Professional Staff

1. Director-General/Maritime Administrator should possess the following qualifications/experience:
 - (a) M.Sc Degree in Maritime Administration (General or Safety) from the World Maritime University or
 - (b) Masters (Extra) certificate or extra first class engineers' certificate or equivalent, or
 - (c) Master or chief engineer of ocean going merchant ships, or

- (d) A surveyor of ships with at least 10 years experience
 - (e) Five-years experience in Technical or Management capacity of a Shipping Company
 - (f) A wide knowledge of International Maritime Rules/Regulations and Conventions
 - (g) Experience in the preparation and administration of rules and regulations relating to maritime matters
 - (i) A general knowledge of the organization of Government and its administrative system
 - (j) The ability to identify and analyse administrative issues affecting maritime matters and the formulation of different solutions to problems identified
 - (k) Experience in contributing to Government maritime policies
- (2) Director/Associate Maritime Administrator - Manpower Development and utilization should have the following qualifications and experience:
- (a) M.Sc degree in General Maritime Administration
 - (b) A master or first class engineer officer on board ocean vessels
 - (c) Personnel Manager of a reputable Shipping Company dealing with both afloat and ashore personnel
 - (d) Experience in initiating and co-ordinating training of personnel

- (e) Experience in the Administration of Seamen
Welfare matters
 - (f) Experience in Government procedures
- (3) The Director of Legal and International Affairs must possess the following qualifications and experience
- (a) A good legal degree with either a bias in Maritime Law or a Post Graduate M.Sc Degree in General Maritime Administration from the World Maritime University
 - (b) A good knowledge of the legal implications of Maritime Conventions
 - (c) Ability to interpret and draft maritime legislation
 - (d) A good knowledge of international maritime activities
 - (e) Experience in Government legal procedures
- (4) The Director- Port and Technical Affairs must possess the following qualifications and experience:
- (a) M.Sc degree in Maritime Safety Administration from the World Maritime University
 - (b) Extra Master's Certificate or First Class Engineer's Certificate with at least 10 years experience
 - (c) Experience as Surveyor of ships
 - (d) Experience in Maritime Safety Administration
 - (e) Experience in application of various technical provisions of Maritime Conventions
 - (f) Experience in Government procedures

- (5) The Director-Economic Policy must possess the following qualifications and experience:
- (a) A good university degree in Economics/Statistics or
 - (b) A Commercial Manager of a reputable Shipping Company
 - (c) A good knowledge of International Economic trends affecting Maritime Industry
 - (d) Experience in Government Economic policy and ability to forecast implications to Maritime Industry
 - (e) Experience in Government procedures

Recruitment and Conditions of Service

While the above-stated requirements may be generally applied, the actual degree of experience and specialization required may depend on the level of responsibility and the scope of the work attached to any given position in the Administration. The assignment of responsibilities to the different positions, especially at the lower levels, and the establishment of qualification requirements must be a flexible exercise.

In Ghana, salary levels/scales will be one of the most complicated administrative questions that may confront any such proposed change regarding the Maritime industry. Apart from the fact that personnel with the approximate qualifications and experience is almost in short supply, the proposed Administration must bid for their services in competition with other potential employers in the industry. Similarly it is generally considered that salaries offered in

Government service are usually lower than those pertaining in industry. It is therefore imperative for government to introduce a broad range of incentives in order to attract the requisite staff for such an organization. The important thing is that the professional background of those who may sacrifice attractive conditions in the industry to work in the Administration must be seriously considered.

The recruitment of staff may therefore pose certain challenges. In any case whatever may be the source of recruitment and procedures to be followed, there is the need for a carefully balanced recruitment process. One good approach is a thorough review of employment applications followed by interviews and other forms of screening in order to evaluate the qualities of the applicants concerned in relation to the positions to be filled.

Financing

Because the administration of the Merchant Shipping Act is generally recognised to be the responsibility of government, the view is widespread that all expenditure arising therefrom should be financed from government funds alone. This must not necessarily be so; where feasible the administration of the merchant shipping act should also be financed at least in part, by the users of shipping services and facilities as well as the private sector. This will remove some of the pressures on government finances that have contributed to the half-hearted manner in which Maritime Administration has been organised in Ghana.

Presently under the existing Merchant Shipping Act of 1963 the cost of administration is charged on the consolidated fund. Specifically under article 318 on page 135 of the Act it is stated that:

"The cost of the administration of this Act shall, unless otherwise recovered under the provisions of this Act, be a charge on the consolidated fund."

Similarly under article 309 of the Act all fees and fines etc. collected in respect of certificates and other items are paid into the consolidated fund.

Since the amount of money voted into the consolidated fund is limited and are intended for a wide range of activities coupled with the fact that funds generated from the activities under the Merchant Shipping Act are not enough, it is the view of this paper that there is the need to adopt other measures that will guarantee the flow of funds to finance the proposed Administration thereby removing any constraints that may arise from the over-burdened government finances.

It is therefore suggested that a study must be conducted into the advisability of establishing appropriate "funds" for collecting and managing money from local sources earmarked for financing maritime Administration activities. Such "funds" could be supplied from various sources including government subvention, contributions from the private sector, various donations and taxes levied on the transport sector itself, including the fishing and offshore industries.

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CHAPTER 6

CREATING AND ENHANCING CAPABILITIES TOWARDS THE
ADMINISTRATION OF MARITIME AFFAIRS IN GHANA

The focus of the paper has been the issues of enhancing capabilities for Maritime Administration in Ghana. Capabilities have been described in this context as the combination of organization, skills, resources, leadership and supports required for performing the activities entailed in Maritime Administration. The previous chapters which have dealt with various aspects of Maritime Administration capabilities, identified the issues of Maritime Administration in general and the existing structure in Government Administration in Ghana, identified the constraints and shortcomings under issues of the Maritime Industry in Ghana, the criteria for assessing existing capabilities and guidelines for enhancing Maritime Administration capacities. The present chapter highlights and further elaborates some of the critical variables.

Maritime Administration capacities are developed to cope with basic issues of regulating and promoting the industry which in turn reflect the needs and interests of (National and International) social and economic groups. The establishment, enhancement or reduction in the capacities in the Administrative system depends on political priorities and challenges that face the state at any one time. It has been observed that, for various reasons, the need to establish or enhance capabilities for Maritime Administration

does not always receive high priority among national policy makers. A review of the development plans of Ghana will indicate the inadequacy of the attention given to Maritime Administration requirements. The tendency to entrust the existing system with expanded duties/activities without making any changes is common in Ghana. This tendency partly reflects the inherent weakness of the existing system of Maritime Administration in detecting its own weaknesses as well as a lack of appreciation of the complexities of regulating and promoting Maritime activities.

It is also necessary to note that over the years, the approach taken by government in Ghana has been to use Ad Hoc Commissions, Committees and other special bodies to study and propose solutions to the numerous problems affecting the conduct of the Maritime industry. Having realised the ineffectiveness of such an Ad Hoc approach, this paper has subsequently recommended the creation of a central and autonomous board of Maritime Administration charged with the exclusive responsibility of administering Maritime affairs in Ghana.

The objectives and organization requires for Maritime Administration has been discussed already. This approach will start with limited functions, such as the analysis of the state of the Maritime industry as a whole and the interface of National and International regulations, revising the outdated legislation and developing procedures and methods of enforcement.

The selection of an appropriate organization and its location in the machinery of government is very crucial. In Ghana, it has been recommended that organization of Maritime Administration should be established as an independent Board (Autonomous Board of Maritime Administration) on the lines of the department of Civil Aviation. The important consideration in selecting the type of organization and its location are flexibility, organizational strength the jurisdiction that it will command and the attention it is likely to receive from the political head who is made responsible or of the general purpose ministry under which it is located.

Apart from the organizational aspects of the existing structure or Maritime Administration, it has not been effective because it lacks the right type of personnel. Maritime Administration requires personnel with experience and specialized skills in various broad categories of the Maritime sector as well as governmental activities of regulation, projection and promotion and development. The personnel of the proposed board of Maritime Administration must have the capacity to grasp and analyse complex Maritime issues with a view of providing the Administrative framework to develop appropriate National responses and solutions. Hence, it needs not only competent professional staff but its leaders should have a sound grasp of, and a sensibility to, the various institutional (National and International) and social forces that operate in the Maritime Industry and its environment.

The development of the capacity for Maritime Administration has to be achieved in the context of particular problems and inadequacies in the present system. The selection of the issues to be tackled is crucial as it will determine the extent and quality of capacity. Several aspects of the inter-relationship between the objectives/activities and the capacity for Maritime Administration can be identified.

The issues of the Maritime Industry in Ghana identified in Chapter 3 (ii) of this paper, and for which solutions have to be addressed, tend to be multi-dimensional in that it impinges on legislative and economic matters. For the development of Maritime Administration capabilities to be effective it is necessary to define the scope and objectives of same and examine their various dimensions in order to determine which components of capacity needs to be emphasised. These have been addressed in the roles of the divisions of the proposed Administration in chapter 4. However it is unlikely that all the components of capacity for the proposed Maritime Administration (i.e. Organization, skill, resources, leadership and support) will be available in sufficient quantities in the country. It is equally unlikely that all these components of capacity and the capabilities that need to be emphasised can be determined from the initial assessment of the main activities of Maritime Administration discussed in chapter 2 (i) and their interface with issues arising out of International Conventions in chapter 2 (ii). In the interest of Maritime Development and in order to ensure the

proper functioning of the proposed board of Maritime Administration in Ghana, the Merchant Shipping Act of 1963 needs to be reviewed and up-dated. Studies have to be carried out with the aim of ratifying the various International Conventions and subsequently transferring them in National legislation.

Strong political support is necessary for the development of a Maritime Administration capability or infrastructure. However political support alone cannot ensure the capacity to undertake the activities it entails. The composition of the proposed administration should have more than the technical capacity to do the job well. The right attitude and disposition to serve and assist other government agencies and programmes of the industry must be present. The Administration must have the capacity to analyse, interpret and communicate issues and developments in a simple way that is comprehensive and meaningful to various relevant groups in the Industry. The ability to assist and collaborate with other agencies in the Administrative system, through the composition of the Board, and the capacity to communicate complex issues and problems is necessary for the development of an effective and sustained Maritime Administration capability.

It is necessary for policy makers in Ghana to actively encourage the development of overall capacity for Maritime Administration. The existing system of administering Maritime affairs is not productive and shortcomings arising

therefrom does not augur well for the overall improvement of the industry and its image. The sooner these shortcomings are reduced by developing a meaningful National Maritime Administration, the better it will be for the country's Maritime Initiatives made so far. One way of encouraging this development is to commence deliberations of the issues discussed in this paper, which have highlighted the many activities involved in Maritime Administration, even though in a limited manner, towards its development.

It is hoped that this paper will achieve its objective of stimulating interest towards the creation of a National Maritime Administration infrastructure in Ghana.

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