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WORLD MARITIME UNIVERSITY
Malmö, Sweden

**MARITIME ADMINISTRATION IN
MAURITANIA:**

PROPOSALS TO IMPROVE IT

By
FASSA - Latir Setra

MAURITANIA

A technical submitted to the World Maritime University in partial
fulfillment of the requirements for the award of the degree of

POST GRADUATE DIPLOMA

in

Maritime Safety and Environmental Protection
(Operations – Nautical)
1999

DECLARATION

I certify that all the materials in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

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ABSTRACT

Title of Dissertation: **Maritime Administration in Mauritania:
Proposals to Improve It**

Degree **PGD**

This dissertation is a study of the Maritime Administration in Mauritania. It delves into various aspects that encompass safety administration, legislation, organisation and implementation of IMO Conventions but within the context of how they are applied.

To set the subject in context, the profile of the maritime activities in the country is briefly presented. The maritime legislation is then carefully examined, and analysed to provide a picture of the level of awareness in the matter concerning safety at sea. Similarly, the roles of various organs that comprise the overall safety administration structure are discussed.

Proposals and suggestions based on the various international regulatory regimes dealing with safety of vessels and seafarers are likewise identified.

Overall, the study points out weaknesses in the present maritime administration system and recommends various actions to correct them.

Keywords: Administration, Implementation, Legislation, Mauritania, Regulation, Safety.

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LIST OF ABBREVIATIONS

DNV	Det Norsk Veritas
FMA	Finnish Maritime Administration
GATT	General Agreement On Trade And Tariffs
IMO	International Maritime Organisation
ILO	International Labour Organisation
ISM	International Management Code for Safe Operation Of Ship and Pollution Prevention
LR	lloyd's Register Of Shipping
MARAD	Maritime Administration
MARPOL	International Convention For The Prevention Of Pollution From Ships
MATEMA	Mauritanienne Assistance Technique
MPEM	Ministere des Peches et de L'Economie Maritime
NMD	Norwegian Maritime Directorate
SNIM	Societe Mauritanienne Industrielle et Miniere
SMA	Swedish Maritime Administration
SOMIR	Societe Mauritanienne Industrielle de Raffinage
UNCLOS	United Nations Conference On The Law Of Sea
UNCTAD	United Nations Conference On Trade And Development

CHAPTER 1

INTRODUCTION

1.1 Background

In the past maritime casualties in various parts of the world, resulting in major losses in terms of lives, property and pollution of our shores, have caused a great deal of concern to the maritime nations of the world. Consequently, different maritime nations began to establish maritime legislation for the design and construction standards of ships, navigational safety and operation of ships with attention to the manning and qualifications of crew.

In addition, recently, legislation for the protection of the marine environment from pollution were adopted. The sinking of the great vessel “Titanic” in 1912 instigated the first International Convention on the Safety of Life at Sea in 1914. The objective was to harmonise different national maritime legislation and regulations on the safety of life and property at sea. The present form of SOLAS 1974, as amended is the result of many years of effort.

The grounding of the tankers “Torrey Canyon” and “Amoco Cadiz” prompted the Marpol 73/78 convention aiming at the protection of the marine environment from ships. The Human factors aspect, having an impact on most marine casualties, lead to the 1978 STCW Convention. This convention was adopted internationally with the aim to globalise minimum standards for training, certification and watchkeeping for seafarers as they are a vital link in the chain of safety and operational efficiency. There are other international conventions related to such matters, created by the International Maritime Organisation (IMO) and International Labour Organisation (ILO).

It is the duty of the member states (governments) of IMO and ILO to implement and enforce these conventions through their maritime safety administration. Mauritania is a member state of IMO, and it is the duty of the government to fulfil or apply the requirements of these conventions, but, unfortunately conventions ratified by the country have not been properly implemented till now. In fact, to fulfil these international obligations, the legislation needs to be up-dated through adequate and efficient maritime safety administration, well equipped with properly trained marine professionals.

1.2 Objective

The objective of this paper is intended to be an assessment of the maritime administration within the framework of the Mauritania Maritime industry. It deals with the need of the administration to fulfil its responsibilities under a new formulation of maritime policy mainly based on the relevant international conventions pertaining to maritime matters. The study intends also to promote national awareness of the maritime administration in the development of the maritime industry.

1.3 Method of Investigation

The investigation was carried out through interviews with personnel of the Ministry in charge of maritime administration, the Coast Guard (Navy), the Department of Legislation of the Parliament, the Ports Authorities as well as Shipping Agencies in Mauritania, on relevant information on the current situation and future policies. Other sources of information include the government circulars and files, the Mauritania Merchant Code Act 1995, extracts from maritime magazines, Maritime Codes of other countries, IMO and ILO publications and the various hand-outs, books, lectures and seminars at the World Maritime University. In addition, a literature search was undertaken to examine how the proposed Nordic countries manage their maritime administration with respect to IMO and ILO Convention.

Finally, visiting experts in the field have been approached for more information relevant to the concept of setting up a maritime administration.

1.4 Need for National Merchant Fleet

As is well known, transport is an integral part of the production process. Hence, transport has a direct impact on any country's economy and development. In fact, the survival of a nation depends on the movements of the goods it exchanges with other nations. Many activities that characterise the nation's life depend on these exchanges. Consequently, transport is vital in order to achieve national objectives. There is an intimate relationship between national security and economic and social development because without security, development is impossible and the reverse is true. There is a special link between transport and development in international interactions. This is shown through the mode of transport, which is maritime, and developments through international trade.

However, considering the very large drain of foreign exchange (hard currencies) resources in the form of freights paid to foreign shipowners and above all, a dangerously low capability to provide carriage for the country's trade, it can be said that there is only one way for Mauritania to master its own destiny and be independent: it is to develop its own fleet. In doing so, the state will ensure the conservation of foreign exchange and the availability of the means (tools) of transport at any time (peace or war).

Despite the great importance of shipping to the economy a clear perception of this pertinent remark was significantly lacking in the past both in the private sector as well as in the government. So, establishing a national shipping fleet is therefore vital for the security, international trade and overall economic development.

CHAPTER 2

MARITIME ACTIVITIES AND RELEVANT HISTORY

2.1 Position of the country regarding the ocean

Before discussing maritime development, it seems to me important to point out some basic facts about the historical background which had, and still has a great influence on the formulation of the path in the development of the country with all its present capabilities and restrictions.

Forty years ago, Mauritania did not even have a capital city, and was under French occupation. Its entire territory was claimed by Morocco, until 1969 and its population of black Africans and Arabs/ Berbers Moors straddled two worlds and felt comfortable with its resources. They were mostly dependent on traditional and rural economy, rather than maritime, based on livestock and agriculture, until the rapid development of the mining industry in 1960`s and 1970`s, which changed the composition of the economy in favour of mineral based export earning.

In addition, the history of French colonial policy in Mauritania has been closely tied to that of the other French possessions in West Africa, particularly to that of Senegal, on which Mauritania was economically, politically, and administratively dependent until independence on November 28, 1960. The French policy of assimilation and direct rule, however, was never applied with vigour in Mauritania, where a system that corresponded more to British colonial` policies of assimilation. Moreover, very little attempt was made to develop the country`s economy under the French policy.

Finally, the inability of the different regime to extricate Mauritania from its economic problems combined with social differences between components of the population, as well as persistent and severe droughts and the military conflict in Western Sahara achieved to undermine the perspective of the development of public

and maritime administration. In the meantime, the maritime sectors have been seen by the different regime to have no priority.

By concluding this passage, it can be said that in the past there has been no awareness, neither qualified personnel among political and governmental staff, having an overview of the benefit of a good orientation of our policy in maritime development. Despite our important potential in mineral and fishing resources, the concern did not start to be taken into consideration until the beginning of the 1980`s when the state took over certain economic decisions regarding maritime development.

2.2 The Ports and their statutory foundations

2.2.1 Background

Early on, after the independence of Mauritania and the foundation of a new capital Nouakchott, the concept of building a port in order to secure the country's supply of goods had been properly addressed to the authorities. However, it should be remembered that only a fishing harbour including a quay for mineral iron ore shipment was registered as port activity in the country. This harbour, Nouadhibou, situated in the extreme Northwest of the country, was useless for eastern, southern and central regions. The reason was the specialisation of the port, and the poor network communication.

Therefore, several port projects have been considered since the dawn of independence. However, the relative weakness of the specified traffic and the particular shape of the coastline (shallow water near the coast) associated with the lack of natural lee were the factors affecting the building of a quay port. Finally, the first step was reached by the construction of Nouakchott wharf, which started and entered into operation in 1966.

The wharf quay is located 11 km SSW of downtown Nouakchott. It was originally designed for traffic of 50,000 tons, which can be increased to 100,000 tons by simple strengthening of the equipment. In the past year its capacity has been raised

progressively from 200,000 tons to 320,000 tons, in order to enable the export of the copper ore of Akjoujt and the supplies to the country. In the meantime, Nouakchott's capacity was expanded to 950,000 tons with the completion, in 1986 of a 500,000 tons deep-water facility, financed and constructed by the People's Republic of China. This development reduced the country's dependence on transportation through the Republic of Senegal, and the excess capacity that the port currently represents could be used for gypsum and copper exports, and for traffic to the Republic of Mali.

With a view to ensuring more efficient management, the government raised the status of the Nouakchott Port Authority to that of commercial public establishment with a legal status and to financial autonomy. Its statutory foundations were erected by Decree no 87-253, October 15, 1987 and given the name of Nouakchott Port Authority so called "Port of Friendship" as is clearly stated in article 1 of the decree. The entity shall have perpetual succession and a common seal and shall sue or be sued in its own name. Nouakchott Port Authority is under the direct tutelage of the Ministry of Equipment and Transport (MET), enjoying a relative degree of financial and administrative independence. The corporation was given the authority to run and develop the port using all resources available to facilitate effective cargo handling.

2.2.2 Legal framework

Mauritania, at the present time, is endowed with two ports (Nouakchott and Nouadhibou), having two jetties for iron ore and petroleum in Nouadhibou. Two artesian fishing ports are nearly being built, one of which is nearly completed. The two most important, that is, The Autonomous Port of Nouadhibou and The Autonomous Port of Nouakchott, are governed by Decrees of creation and organisation in establishments.

Organisation and functioning of these ports unduly exposes the port users to different rules in the same sector of activity depending on the location (Nouadhibou or Nouakchott). So, this paradoxical situation does not, at all, secure and win the

approval of vessel operators, the labour force, the general public and, finally, those accountants in foreign lands who must interpret and audit port voyage accounts.

In other words, in the author's opinion, the formal framework of the legislation, administration and operation of ports, while important, will be considered as secondary to the most vital factors of all: the appointment of men of executive and administrative ability and men of vision, and the co-operation of the labour force.

Laws, rules and regulations, navigational and operational facilities and equipment, and tariffs have their proper place. But it is men who will determine whether the primary objective, the free and rapid flow of commodities through ports at the lowest possible cost, is attained. Unfortunately, in Mauritania the dilemma is that the executives in Port Administration are inexperienced, excessively empowered by law, and have little awareness of the highly significant role which ports play in world's trade economy.

Another concern addressed to the government, is the legal framework of the above mentioned maritime structures which are under the tutelage of different ministries, and therefore without common policy.

The Autonomous Port of Nouadhibou, founded by Decree 75.035 February 1975 was reorganised in 1983 following its attachment to the Ministry of Fisheries and Economic Affairs (Decree no 83.186 19 July 1983). The reorganisation made the Autonomous Port of Nouadhibou, a public, commercial and industrial establishment in charge of the management of port infrastructure. In other respects, it is governed by two departmental orders:

- . Order no 82, 20 September 1977
- . Order no RO95, 17 June 1984

The other structures “Iron Ore Terminal” owned by SNIM and “Petroleum Terminal” owned by SOMIR both in Nouadhibou harbour have no framework regulations. These latter structures are respectively under the tutelage of the Ministry of Trade and Industry, and the Ministry of Energy and Hydraulic.

The Autonomous Port of Nouakchott so called “Port of Friendship”, has been created by Decree no 87.253, 15 October 1987 under the tutelage of the Ministry of Equipment and Transport.

As can be seen above, regarding the legal framework of ports in Mauritania, different ministries share the responsibilities of their supervision which, together with uncoordinated participation by various governmental departments such as customs, immigration and quarantine, each acting separately and independently, have contributed to the decentralisation of authority in the field of port operations to such an extent that its basic objectives can no longer be attained.

Ideally, in order to redeem this state of affairs and to simplify matters, a central on the spot authority (Ministry) should be entrusted and empowered to direct a common policy for all ports within the country. It should be charged with responsibility of seeing that all vessels are accorded a courteous reception and quick despatch at moderate cost.

At the outset the problem must be reduced to its simplest terms: ports are gateways for a country’s exports and imports, for domestic trade and for travellers; they should be gateways planned from a forward-looking viewpoint, simply and with adequate, even ample, approaches by land and sea; gateways simply administered and operated, with the fewest obstacles to quick, easy and economical handling of cargo; gateways were the friendly and able co-operation of all functionaries may be expected; gateways, finally, which can be operated at minimal cost. Such ports will enjoy many advantages, not the least of which will be frequent services and reasonably ocean-freight rates (**A. Tarasca, 1969, 3**).

CHAPTER 3

MARITIME ADMINISTRATION IN MAURITANIA

3.1 The Mauritania Maritime Legislation

3.1.1 The Merchant Marine Code

The maritime legislation referred to as the Merchant Shipping Legislation Act, is mainly a compilation of laws developed by the Ministry of Fisheries and Economy to administer the maritime activities. It is considered by the authors as the framework for maritime legislation despite the characteristic of being too simple. For many years Mauritania maritime affairs were operated with no official national maritime law, but by rules/regulations set forth by Ministries concerned until the Merchant Marine and Fisheries Code was promulgated for the first time on February 28, 1978 by law no 78.043. Since that, recently, due to the new political orientation adopted by the government, the fisheries laws previously incorporated under the above mentioned code, have been removed in the contents of the new Marine Merchant Code. The National Assembly and the Senate approved the new Merchant Marine Code and subsequently it was promulgated by the President of the State on January 31, 1995, law no95-009. The new Marine Merchant Code consists of the following chapters, which includes 511 articles:

- Preliminary – General Provisions
- Part 1 - Maritime Navigation
- Part 2 - Ship's Status
- Part 3 - Security of Ships
- Part 4 - Sea Events
- Part 5 - Wrecks
- Part 6 - Ships Abandoned
- Part 7 - Public Maritime Domain
- Part 8 - Pilotage & Towage

- Part 9 - Seafarers
- Part 10 - Commercial Exploitation of Ships
- Part 11 - Jurisdiction Competence And Administrative Procedures

It is worth mentioning that Mauritania did not start to ratify IMO conventions until 1995 (see **appendix 1**). However, the Code has not been amended nor updated. Consequently, this deficiency needs to be rectified as a matter of urgency. In addition, it was not developed in conformity with the relevant international conventions. The Code and the ratified conventions are considered as being the primary maritime legislation. So, the Merchant Marine Code does not cover all safety matters needed to be included. Thus, it should be modified in the light of the new ratified conventions. Nevertheless, the present maritime legislation contains some important provisions, which need to be highlighted. Among them, the provisions empowering the Ministry in charge of the Merchant Marine to care for the elaboration and the implementation of government policies and decisions affecting the maritime industry. The areas covered by the Decree no 0067/1998, article 1 are fisheries, oceanography, marine environment, and merchant marine, maritime transport as well as maritime training.

3.2 Organisation of the Ministry in charge of Maritime Activities

3.2.1 Present Structure of the Maritime Administration in Mauritania.

The administrative structure of the maritime administration in Mauritania is basically as a centralised organisation and that is because Mauritania is still a centralised state, a system inherited under French administrative policy as mentioned earlier. This structure is directly under the authority of the Ministry of Fisheries and Maritime Economy, "Ministere Des Peches et l' Economy Maritime" (MPEM).

The Ministry of Fisheries and Maritime Economy cares for the elaboration and the implementation of government policies and decisions affecting the maritime industry in general. The organisation is headed by a politician assisted by a General-Secretary, a civil servant. As the head of the Ministry's officials, the General Secretary is responsible for the preparation and execution of policy. However,

ultimate responsibility remains with the Minister. There are seven policy-making bodies, "Directorates" dealing each with particular fields (see **appendix 2**). The Directorates consist of:

- Fishing Directorate;
- Merchant Marine Directorate;
- Development Fishing Resources & Research Directorate;
- Promotion of Fish Product Directorate;
- Maritime Training and Administrative Affairs Directorate;
- Supervision and Control of Fishing Activities at Sea Directorate;

As this dissertation is focused mainly on the technical aspects of maritime administration matters, it is not so important to describe the functions of all directorates. Nevertheless, only the functions of the following directorates will be underlined:

3.2.1.1 The Merchant Marine Directorate

The Merchant Marine Directorate initiates and develops the elaboration and the implementation of government policies and decisions affecting the following maritime areas:

- Maritime transport;
- Safety of maritime navigation;
- Administration of maritime wrecks;
- Management of the public maritime domain;
- Control and follow-up of ports and coastal infrastructures;
- Protection of the environment.

3.2.1.2 The Maritime Training and Administrative Affairs Directorate

The directorate is in charge of all aspects related to the training programme and its improvement according to the needs.

3.2.1.3 The Maritime District Directorate in Nouadhibou

The Directorate represents at the local level (regional) the Ministry of Fisheries and Maritime Economics in all aspects as in the central level.

3.2.1.4 Supervision and Control of Fishing Activity by the Sea Directorate

The Directorate is based in Nouadhibou and under the direct authority of the Ministry of Fisheries and Maritime Economics. The Directorate has the responsibility of setting up and co-ordinating follow-up operations, control and supervision of all activities related to fishing in collaboration with the Navy and the Air Force.

3.2.1 Surveys, Inspection and Certification of Ships

3.2.1.1 Responsible Bodies

The Merchant Marine Directorate is entrusted with the task of surveying, inspecting and certifying ships to ensure compliance with the relevant national and international requirements. However, in fact, these tasks are not fulfilled by the administration. Meanwhile, it is stated in the Merchant Marine Code, which constitutes the framework of maritime matters that surveys and certification of ships will be carried out by a Technical Safety Committee (article156). The role of the committee is confined to an advisory organ without any power to enforce regulations.

The following matters are covered:

- Acquisition of ships more than 50 gross tons;
- Safety of ships and navigation;
- Report on ship's casualties;
- Report on ship's pollution;
- Proposals for the protection of the marine environment;
- Proposals for the adoption or modification of safety measures in general.

In the same vein, the maritime administration may authorise a society or experts to act by reporting on its behalf for certain tasks (inspection and control) article 154 of the Merchant Marine Code. So, it can be seen from the poorly worded article 156 that, there is a gap in the formulation of the maritime legislation concerning these matters. Since most of the surveys and inspections conducted on ships are based on international conventions, it can be seen above that the content of the provision in the Merchant Marine Code related to survey, inspection and certification does not cover in detail, at all, any requirements in this respect. Therefore, the question is: who is really entrusted with the inspection and certification of vessels in Mauritania? The answer is found with the private society called MATEMA “Mauritania Maritime Technical Assistance” based in Nouadhibou Port. This society owned by a Mauritanian citizen, has been granted the privilege by the Ministry of Fisheries and Economic Affairs (MPEM), without any competence in this area, with an agreement for the survey and certification of Mauritanian vessels on behalf of the MARAD. The personnel running the society consists of one Italian expatriate expert from the classification society RINA and two part-time non-qualified nationals. The privilege for the survey and certification granted to this private owned family business is obscure and has no valid grounds. According to the information received from the fishing vessel owners during the author’s investigation, there is no proper survey conducted by the so-called surveyors of this institution. However, the fees charged per certificate delivered by the society seem to be very expensive compared to the service rendered.

In addition to the above organs, another body “Supervision and Control Of Fishing Activities At Sea”, under the authority of the Ministry of Fisheries, mainly financed by the Republic of Germany, is concerned with the area of inspection and control of fishing vessels, combating of marine pollution and participation to salvage operations etc. This Directorate was created by Decree no 125-94 of 31st December 1994. The personnel in charge are exclusively from the Naval Defence (Navy). Its

area of activity is the maritime public domain including the territorial waters. However, pertinent remarks should be made that the requirement to observe all these activities throughout the territorial sea would be a formidable task demanding extensive equipment, personnel expenditures as well as qualified personnel out of Mauritania's budget. Therefore, it is important that the country implement regulations pertaining to the survey, certification and inspection of vessels into the national legislation, and seek further for inter-regional and international co-operation to achieve these tasks.

3.2.3 The Need for New Structure and Surveyors

As said before, the organs mentioned above do not appear to have valid grounds to continue to exist as at present. Accordingly, they may be phased out and instead responsible and qualified surveyors should be appointed to carry out the functions and surveys retained as usual with the maritime safety administration. The Technical Safety Committee may be replaced by nominated permanent surveyors located at central level for the administrative work and able to move where it is necessary to conduct surveys.

Four categories of surveyors may be created:

- (i) Nautical Surveyors ;
- (ii) Engineer Surveyors ;
- (iii) Ship Surveyors (Naval Architects), and
- (iv) Radio Surveyors.

The Nautical surveyors need to be responsible for:

- Plan approval
- Approval and survey of safety equipment (LSA, FFA, lights, shape, signalling equipment, navigation equipment, etc.)
- Survey of safety equipment and navigation equipment for the purpose of issue of passenger ship safety certificates
- Enforcement of dangerous goods regulations

- Examination and certification of deck personnel
- Investigation on shipping casualties.

(Matthiesen, Ib, 1989, 16)

The Engineer surveyors need to be responsible for:

- Plan approval
- Safety aspects of engine room
- Survey of machinery for the purpose of issue of passenger ship safety certificates
- MARPOL matters in connection with classification societies
- Examination and certification of engine personnel
- Participation in investigations casualties

The Naval Architects surveyors need to be responsible for:

- Ship's structure
- Stability
- Fire protection integrity and subdivision
- Accommodation
- Survey of hull etc., for the purpose of issue of passenger ship safety certificates
- Load lines in connection with classification societies and for ships not classed
- Tonnage measurement
- Noise level
- Participation in investigations into casualties when required

The Radio surveyors need to be responsible in connection with the National Radio Communication Centre for:

- Survey of radio installations and equipment
- Issue of the radio certificates

3.3 Present Basic Maritime Problems

Maritime development in Mauritania depends on the creation of the required capabilities through the establishment of the proper maritime administration. This, seems to be the main problem area, and the first step to realise, amongst the following basic problems prevailing:

- (i) Lack of consistency legislation (both primary and subsidiary) ;
- (ii) Inadequate infrastructure, as regards organisation and personnel to ensure safety standards on ships and ports and protection of marine environment ;
- (iii) Lack of Inter-Ministerial and inter- agencies consultation;
- (iv) Lack of information flow, from top downwards in the hierarchy of the administration ;
- (v) Inconsistencies and conflicting aims when several policies come together;
- (vi) Lack of instructions on how to implement the relevant legislation ;
- (vii) Non-participation in the evolution of International Standards ;
- (viii) Lack of revaluation policy objectives in the light of changing technical, managerial and economic circumstances;
- (ix) Lack of training facilities within the country for officers and seamen

CHAPTER 4

PROPOSALS AND SUGGESTIONS

4.1 Maritime Policy Formulation

The role of the government in shipping and ports, the initiation of a guideline framework, and regulations to be observed by national shipping and ports is what is known as “Maritime Policy”. The roles and procedures may be partially embodied in the maritime legislation.

Maritime policies divide broadly into two aspects:

- a) The operational aspect ;
- b) The commercial aspect.

The former involves safety of life at sea and the protection of the environment, while the latter covers the commercial aspect of shipping. Although there are differences in the operational policies between states, the objectives are frequently similar. The maritime commercial policies may have quite different objectives between states, being in line with their general economic, political and strategic goals. It is difficult for a country to formulate its maritime policy disregarding the international implications since the international maritime conventions are the basis of many aspects of maritime policies. In this context, the International Maritime Organisation influences all aspects of safety at sea and protection of the maritime environment.

UNCTAD influences trade and the broad area of promotion of shipping and ports in developing countries, protection of shippers’ interests and port efficiency.

The ILO is concerned with the field of social and economic conditions of seafarers.

Other United Nations bodies, which may influence maritime policies, are the World Bank because of its loan priorities and conditions, the UNCLOS III, the United Nations of Trade and Law, and GATT. In addition to the above, various other

international bodies may also exert influence, for instance, CMI, P&I Clubs, and other insurance institutions, classification Societies.

One can say that two sets of policies should be considered when formulating national policies, namely those which need internal consultation and implementation and those which are international matters but have little effect on other countries.

However, in pursuit of a national maritime policy a country needs to:

- 1) Define its maritime goals and objectives ;
- 2) Consider all national available means to arrive at such goals and objectives ;
- 3) Consider key areas for development to achieve goals ;
- 4) Adopt a compatible body of laws, rules and an organisational structure to achieve such goals ;
- 5) Co-ordinate all national resources and efforts (private and public) to arrive at such goals ;
- 6) Seek co-operation in the international for best leads to achieve such goals.

(Vanchiswar, 1996, 1-25)

Maritime objectives are not merely the acquisition of ships, construction of ports, harbours, shipyards and other facilities in isolation from other economical and developmental policies of the country as whole. An overall view may be considered taking into account the national economic needs, the social development, the employment, the environmental protection, the national security, the education, the training of seafarers and the marine resources. All factors should be carefully analysed and how best they fit into the national development policy of the country.

4.2 Up-dating the Merchant Marine Code

Shipping, being an international business, requires an international maritime legislation as a means of control. It can be said that the maritime legislation of any country is derived from two sources:

- 1) International Conventions ;
- 2) National Laws.

Beside that, the Merchant Shipping Legislation is a condition precedent to the maritime development and the effective enforcement of appropriate maritime safety standards particularly in developing countries. As the result of this statement, it is suggested, **in appendix 3**, a model of Merchant Shipping Code.

(Vanchiswar, 1996, 25-41).

4.2.1 International Legislation

The basis of such legislation /laws is generally of an international nature, since they are derived from international conventions, protocols, resolutions. IMO and ILO have adopted a series of conventions whose requirements are to be incorporated into the national maritime legislation carried out by a National Maritime / Safety Administration for their implementation and enforcement.

Once a state becomes a party to any convention it needs to take certain steps to introduce the same into its legal system. These steps may be done in parallel and not necessarily one after the other since they are linked together and one cannot exist without the other.

4.2.1.1 Implementation process for an International Convention

Phase 1

- a) Ratification / Accession ;
- b) Preparation of national legislation (primary and subsidiary) ;
- c) Documentation ;
- d) Preparation of the executive orders and instructions to the officials concerned ;
- e) Development of an appropriate and adequate maritime infrastructure and maritime administration

Phase 2

- a) Implementation of National legislation through the exercising of appropriate functions by the maritime administration officials.
- b) Certification of ships / Seafarers and the issue of clearance to ships to proceed to sea.

4.2.2 Need for the state to follow up ratification of international conventions

As mentioned before, up to now, the government of Mauritania has not paid enough attention to the ratified conventions. As a matter of fact the non-awareness and non-involvement in the evolution of international standards appears to have led to this anomaly.

The inadequate national legislation needs to be up-dated and enlarged to cover the requirements of the conventions needed to be ratified. As a developing maritime nation it will be most desirable that the government ratifies as many international conventions as possible. However, before taking any decisions as to ratification it is important that the implications of ratification are given adequate consideration. It is of great importance to know and consider whether the country has the technical manpower and adequate infrastructure which will facilitate the implementation and the enforcement the requirements of the conventions as they become obligations to the country.

In this connection the author suggests the procedures for ratification of any international maritime convention to be as follows:

An appropriate body consisting of experienced officials from the maritime administration and legal advisers of high level and with knowledge of such matters to be nominated by the Ministry in charge of maritime matters to collect reports on the convention (any convention) and then the body will make its own report and send

it to the Minister who will in his turn send his proposal to the legislature, stating why he recommends that the government should ratify/accede to that particular convention. Generally his recommendation should include the advantages and disadvantages of ratifying that convention.

If the head of the state approves the proposal then a legal committee headed by the Ministry of Justice with the collaboration of officials from maritime administration and the assistance of nominated IMO experts (if required), is called upon to draft the instrument of ratification which will later be signed by the head of the state before it is deposited to the International Maritime Organisation (IMO) in London for circulation to all member states.

4.2.3 Supporting Legislation

The primary maritime legislation is not always sufficient on its own. It gives guidelines and presents the overall maritime legal system only. Therefore the necessity arises for rules and regulations to supplement the primary legislation and to elaborate on it in more details. Such rules and regulations are known as supporting or subsidiary legislation.

Having approved the primary maritime legislation, the supporting legislation may be issued by the Minister or the Administration through the enabling provisions of the former. The list below shows the most important required rules and regulations:

- 1) Registration of ships ;
- 2) Safety convention certificates ;
- 3) Use of distress signals ;
- 4) Navigation warning;
- 5) Life-saving appliances;
- 6) Fire appliances;
- 7) Muster;

- 8) Pilot ladder and mechanical hoist;
- 9) Navigational equipment;
- 10) Preventing collisions at sea ;
- 11) Carriage of nautical publications ;
- 12) Closing of openings in hull and watertight bulkheads ;
- 13) Official log book;
- 14) Radio installation;
- 15) Tonnage measurement ;
- 16) Crew accommodation
- 17) Medical scales ;
- 18) Load line;
- 19) Carriage of deck cargo ;
- 20) Carriage of dangerous goods ;
- 21) Carriage of grain ;
- 22) Cargo ship construction and survey;
- 23) Local cargo ship safety certificate (in most cases ships under 500 grt, non-convention ships) ;
- 24) Passenger ship construction;
- 25) Anchor and chain cable;
- 26) Apprenticeship to sea service ;
- 27) Certification of skippers and second hands of fishing vessels ;
- 28) Certification of rating, deck officers, marine engineers etc... ;
- 29) Marine pollution prevention ;

One final important thing is that the necessary forms and documentation are to be prepared and ready at the same time as the primary and supporting legislation enter into force.

4.3 Developing the Maritime Administration

To meet the objectives of a maritime policy, which may vary between countries, different approaches on the type and organisational structure of the maritime administration around the world could be studied. In several countries matters such as safety at sea, licensing of marine officers, seaworthiness of ships etc come under Ministries of Transport or similar bodies, while the economics of the shipping trade and legal matters come under the departments of trade and justice. Other Ministries involved in the process are education and health. It is unusual to have one single Ministry covering all functions related to maritime affairs.

As mentioned earlier, it is necessary to have a maritime organisation/ administration in Mauritania that can cope with the changes and developments in the maritime industry. Such an organisation needs to play both a developmental and regulatory role. The developmental functions can take the form of participation in the process of formulating the government's maritime policy. Such functions could contribute to the overall economic policy of the government through the finance and trade ministries, and may include:

- 1) Participation in the process of formulating the government's policy with regard to maritime development in the overall national development plan ;
- 2) Providing, analysing and assessing the most suitable types and numbers of ships required to meet the scale of development planned and the sources of financing ;
- 3) Estimating the man-power needs of the shipping industry ;
- 4) Developing the marine man power needs of the ports ;
- 5) Developing ship repair capabilities ;
- 6) Developing marine ancillary industry industries ;
- 7) Assessing the suitability of national ports for the intended ships and proposals for required developments and improvements.

The regulatory functions of the maritime administration are:

- a) Ensuring safety of lives, ships and property at sea ;
- b) Protecting the marine environment.

The following topics would come under the safety /regulatory functions of a maritime administration:

- Tonnage measurement of ships ;
- Assignment of load lines to classed and non-classed ships ;
- Approval of stability information of ships ;
- Surveys for safety construction certificates and issue of certificates ;
- Passenger ship surveys ;
- Crew accommodation and approval ;
- Safety equipment surveys and issue of certificates ;
- Issue of documents and authorisation for grain carriage ;
- Dangerous goods, approval of stowage ;
- Gas carriers and chemical tankers for certificates of compliance ;
- Safety regulations for fishing vessels and sailing vessels ;
- Examination and certification of seafarers ;
- Investigation into shipping casualties ;
- Maintenance of records ;
- Plan and equipment approval of ships ;
- Engagement and discharge of sea going personnel ;
- Seamen welfare and other crew matters ;
- Manning of ships ;
- Marine pollution prevention, control and combat ;
- Air/sea search and rescue ;
- Navigational warnings to ships ;
- Power to grant exemptions to ships from rules requirements ;
- Withdrawal / Cancellation of certificates ;
- Power to detain ships ;
- Hydrographic surveys ;
- Wreck and salvage ;

Generally the operational aspects of such an organisation may take the form of:

- a) General superintendence and co-ordination ;
- b) Adopting and implementing international maritime conventions ;
- c) Advising the government on maritime matters ;
- d) Surveys /inspections ;
- e) Port state controls ;
- f) Investigations ;

4.3.1 Proposed Organisational Structure

Having dealt with the functions that need to come under the maritime organisation, it is necessary now to elaborate on the proposed organisational structure that needs to be established. Before coming to any conclusions it is better to define the infrastructure and how much organisation is necessary to perform such duties. In this context one needs to consider:

- 1) The extent and scope of activities that are expected to be attended now and in the future;
- 2) The types of officials required and their qualifications ;

With those considerations in mind it is proposed that the Maritime/Safety Administration may be developed in a phased manner.

4.3.2 Phase I

Under this phase, the following personnel would be needed:

- A director, who may also be a maritime administrator/surveyor ;
- A master mariner and ships registrar ;
- A nautical administrator/surveyor ;
- An engineer administrator/surveyor ,
- A marine Officer in charge of navigational aids ;
- Part time officials/bodies ,

- Administrative/clerical staff.

Since the duties to be performed by such an administration are of a specialised nature, it is necessary that the appointed officials/surveyors (under the proposed updated maritime legislation) be capable of assuming a multiple role; for instance, jobs registration of ships and seamen may be combined and vested in shipping matters. Also the director may conduct surveys himself and exercise other duties with other surveyors, such as port state control, conduct marine casualty investigations, and conduct of examinations and the licensing of seafarers. **(See diagram A).**

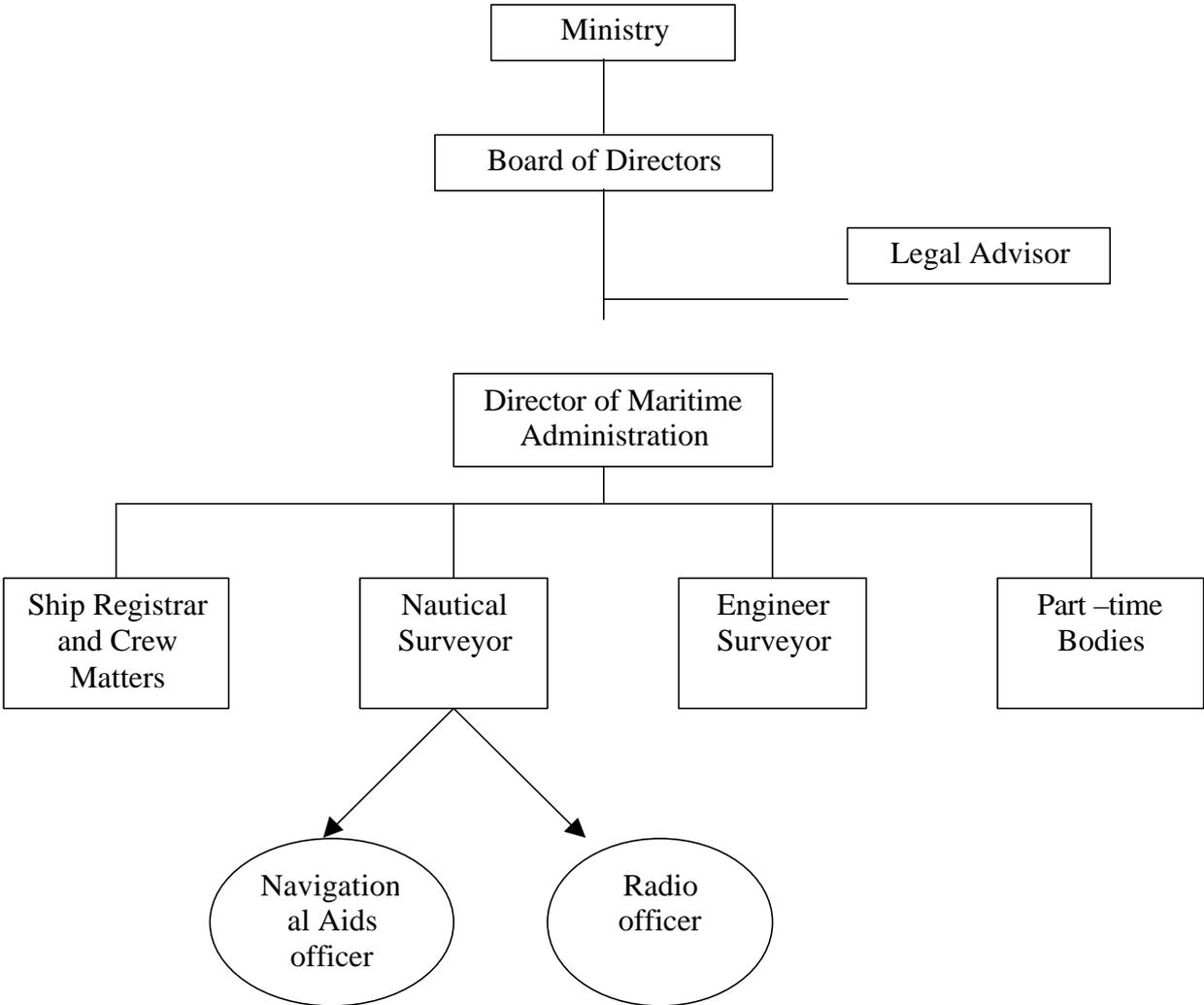
The same officials may conduct services in the existing ports. At this phase of organisation some work may be delegated to part-time officials such as wreck receivers. On the other hand substantial duties may also be delegated to the classification societies such as Lloyds Register of Shipping (LR), Det Norske Veritas (DNV).

Certain duties/surveys may be better conducted by classification societies due to their tremendous facilities and experience gained over the years.

In fact many countries, developing and developed alike, have delegated certain duties to those societies by making contract agreements with regard to delegated duties and conditions thereto. At the same time the administration keeps control and demands reports on such work. Since they are practically in charge of flag state inspection and surveys made by the appointed organisation under SOLAS 74 Chapter I regulations 6(a) and 6(e) as amended.

In the light of the above it is proposed that at the beginning of the establishment of the maritime administration, such survey work may be delegated to classification societies. At a later stage, when national qualified surveyors and officials are recruited/trained some of the delegated duties may be taken over by such officials. In any case certain supervisory controls should be exercised from time to time to ensure the fulfilment of the agreement.

Diagram A



During this phase (phase 1) after the necessary preparatory work is completed and professional's officers appointed, the following functions may be taken over immediately:

- 1) Ships registration according to the laws ;
- 2) Crew matters ;
- 3) Issuing of certificates based on surveys completion reports received from Classification Societies;
- 4) Carrying out the general control of ships calling at Mauritania ports ;
- 5) Carrying out safety equipment surveys on Mauritania ships ;
- 6) Assuming powers for granting exemptions and withdrawal of certificates ;
- 7) Inspecting and certifying non-convention ships (ships less than 500 grt) and ships not classed ;
- 8) Operating and maintaining the existing navigational aids and proposing the erection of new ones ;

4.3.3 Phase II

As a result of establishing the Maritime Administration, more maritime activities are bound to occur in the country thus leading to the enlargement of the organisation in the following manner:

- Director ;
- Ship master (mercantile superintendent) ;
- Ship's registrar ;
- Nautical surveyors ;
- Engineer surveyors;
- Radio surveyors ;
- Marine pollution expert officer ;
- Casualty investigators ;
- Examiners ;

- Naval architect ;
- Wreck receivers and part-time bodies.

Also during this phase the Maritime Administration may be developed so as to contain another office to deal with maritime economic activities. The main organisation would deal with policy matters while the maritime safety division may be enlarged to contain officials as mentioned above. Such officials would take practical charge and assume the full function as regards safety. Delegated duties may be decreased to the absolute minimum, but certain matters could be better still left to the classification societies since no administration can afford to match the facilities and a world wide network of experienced surveyors as the classification societies do. In any case the officials would gain experience to enable them to keep track of what the duties of classification societies are.

In general, during phase II the following duties may be performed:

- Ships registration in accordance with the laws ;
- Inspection and certification of non-convention ships and ships not classed ;
- Safety equipment surveys and issue of certificates ;
- Port State Control of ships calling at Mauritania ports ;
- Approval of new/ converted ships plans as regard accommodation ;
- Constructional divisions, fire protection, water tight integrity and stability ;
- Assume powers for granting exemptions and withdrawals of certificates ;
- Control the system of examination of seafarers ;
- Participation in protection of marine environment ;
- Control of carriage and stowage of dangerous goods ;
- Crew matters and records ;
- Participation in related maritime activities with the concerned bodies

At this phase, district offices may be opened and surveyors may be stationed at the ports. At a later stage of development all the functions should be taken over by the administration officers.

N.B: See diagrams B(B1, B2).

Diagram B

**Recommended Organisational Structure
for of the Maritime Safety Administration in the Phase II**

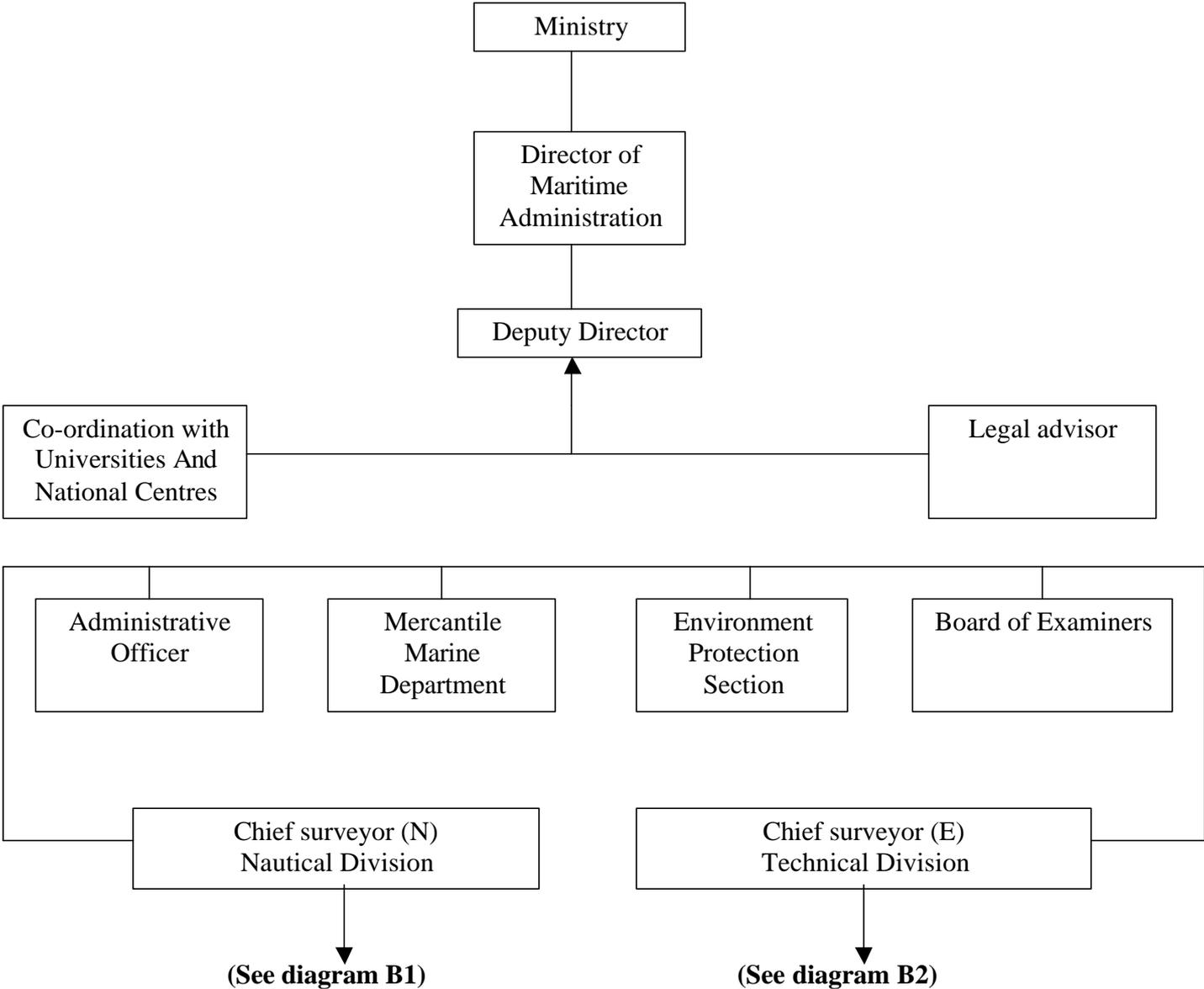


Diagram B1

Recommended Nautical Division

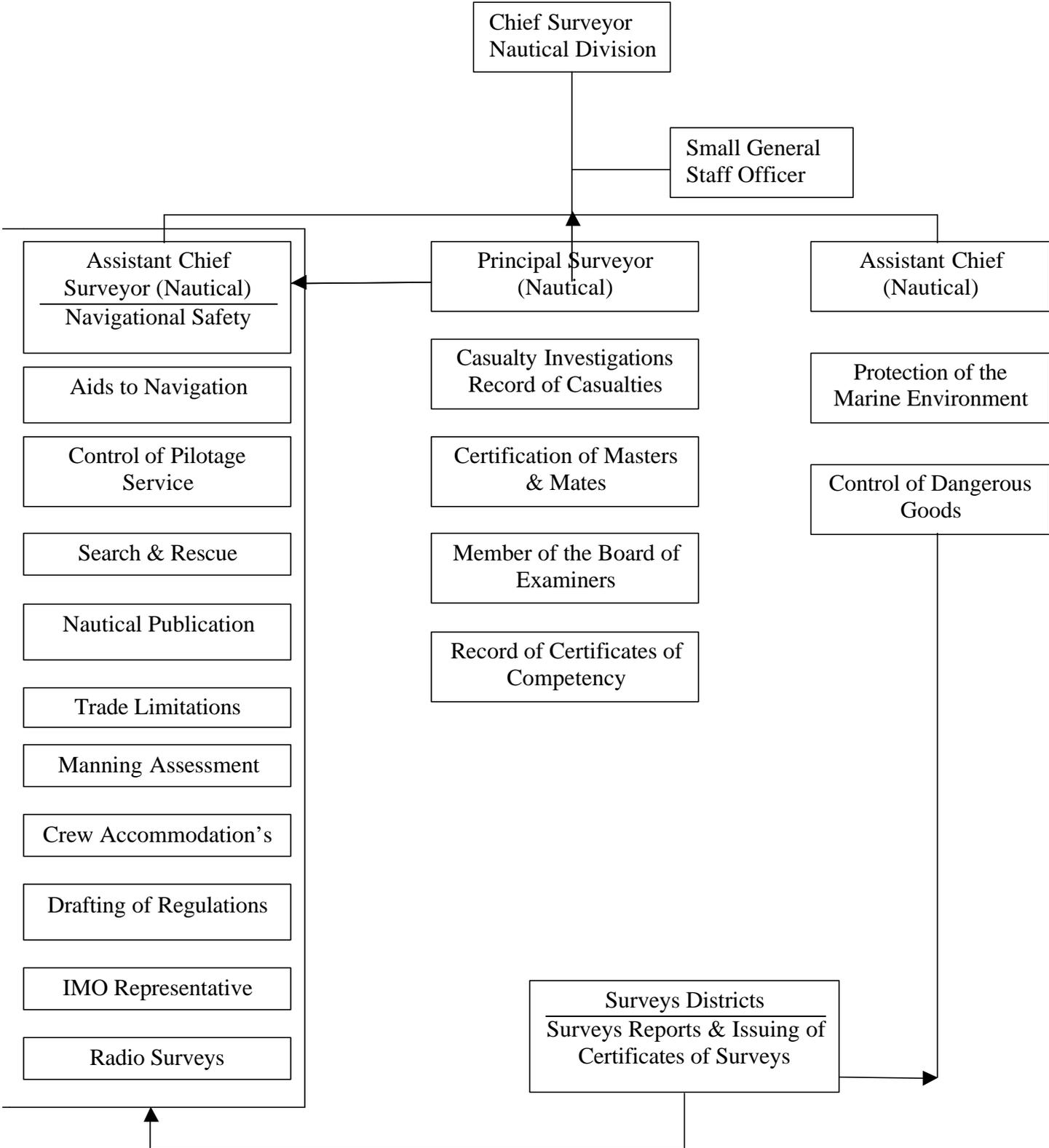
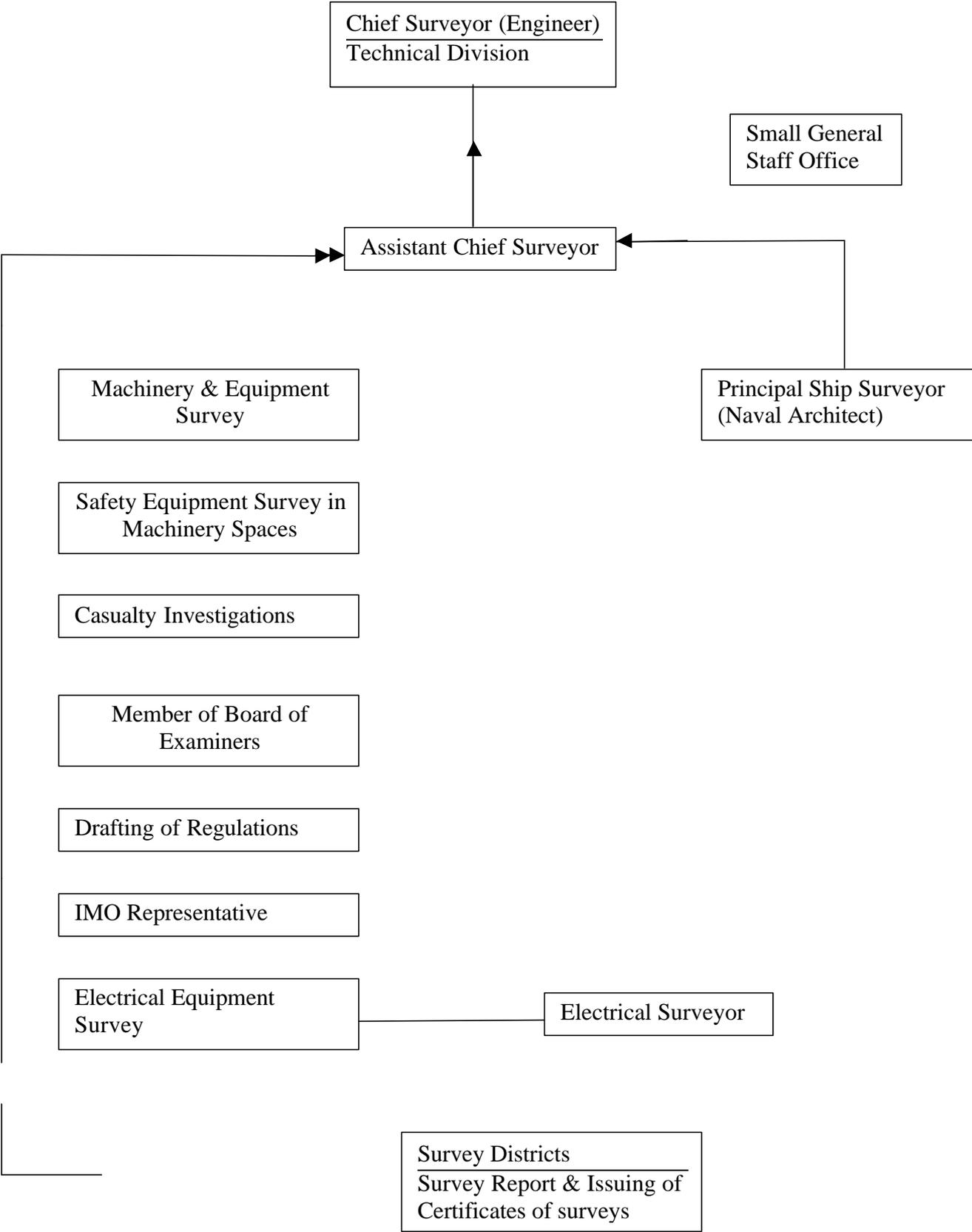


Diagram B2

Recommended Technical Division



4.4 Proposals for training of Mauritanian seafarers

Although there is a definite stand on the part of the government to establish a Maritime Training Institution in the country, no such institution currently exists and consequently, there are no rules syllabuses and proper procedures to conduct the necessary and appropriate examinations to evaluate the qualifications of marine officers.

To acquire the higher level requisite qualifications, the officers have to go abroad, based upon the personal initiative of candidates. The marine officers training system abroad is at present sufficient for the purpose as it meets the international requirements. The establishment of a merchant marine institution in Mauritania is at the moment neither practical nor necessary, at least in the foreseeable future. Therefore, it is advisable to arrange training abroad for officers and concentrate on the establishment of a seamen training centre for ratings.

It is recommended that the training programme should cover:

- 1) Deck ratings ;
- 2) Engine room rating ;
- 3) Electricians and Mechanics ;
- 4) Port labours, equipment operators, technicians etc ;

Concerning items (1), (2) and (3) the training may include:

- a) Pre-sea training for the new entrant which needs to include personal survival techniques and so on ;
- b) Subsequent refresher training for rating with appropriate sea service so as to meet the mandatory minimum requirements for rating as specified in the STCW Convention. It is most desirable that such training lead to the efficient deck-hand certificate or its equivalent and the proficiency in survival craft certificate ;
- c) Fire-fighting training ;
- d) Training in basic first aid.

4.5 Co-operation Between Ports and Maritime Administration

Without doubt there is a very strong correlation between ships and ports: one cannot exist without the other. There is a strong correlation with regard to safety.

An unsafe port may be the reason for ships becoming involved in accidents, with far reaching consequences. On the other hand, unsafe ships may cause severe damages to port installations and/or the port environment. In other words, port safety and the safety of ships in port are inter-linked. Therefore, an important contribution could be made to port developments by the Maritime Administration with respect to its high level of technical maritime expertise.

If a limited number of technical experts on maritime matters are registered in a country; close co-operation between Port Authorities and the Maritime Administration will be needed in the extent of maximum benefit derived from it.

In the absence of adequate maritime expertise within port administration as is the case now in Mauritania, a well staffed maritime administration can be helpful by providing advice and assistance in the assessment of suitability of national ports for the intended ships from the point of view of navigation, pilotage, safety of ships, shiphandling, and in formulating proposals for required development.

For the purpose of what has been said, the following areas would be considered:

- (i) Suitability of the approach (navigable) channel from sea to the port
- (ii) Shore based navigational aids
- (iii) Alignment of navigable channels in port areas
- (iv) Standards of pilotage assistance required
- (v) Width and depth of navigable channels and minimum under-keel clearance
Required for ships using national ports
- (vi) Ease of navigation and ship handling during approach and in port
- (vii) Availability of effective berthing aids
- (viii) Adequacy of berthing space

- (ix) Fending requirements at berths
- (x) Safe anchorage of ships
- (xi) Berthing needs for ships carrying dangerous goods
- (xii) Assessment and development of the man-power needs of ports as regard marine personnel, that is , pilots, berthing personnel, marine personnel for port craft and marine engineers
- (xiii) Assistance in the identification of suitable tugs and other port craft, Including those required for fire fighting and for rescue service
- (xiv) Requirements for mooring ships
- (xv) Assistance in development of regulations concerning port safety

With regard to regulatory and allied functions in port which are an essential part of its role, the Maritime Administration is in the best position to harmonise and co-ordinate the following matters:

- (i) Registration of port craft
- (ii) Survey, inspection and certification of port craft
- (iii) Ensuring that port safety regulation are adequate
- (iv) Ensuring safe manning of ships in port
- (v) Taking over statutory control over wrecks in port areas
- (vi) Inquiries/Investigations into shipping casualties in port areas
- (vii) Ensuring the participation of the port in the Maritime Search and Rescue system
- (viii) Ensuring adequate provisions of reception facilities in port for receiving oil wastes and chemical wastes from ships
- (ix) Ensuring the participation of the port in the national contingency plan for combating marine pollution

4.6 Contribution of the Maritime Administration as regard Development of the National Shipping Fleet

4.6.1 Developing the National Shipping Fleet in Mauritania

The progression from a world of isolated communities to today's integrated global community was made possible by shipping and sea trade, but this has been a two-way exchange and has, in turn, forced major adjustment on the maritime industry itself. It is a coincidence that shipping matters have played such a large role in the dealings of the United Nations Conference on Trade and Development.

The role of sea borne trade as the catalyst of economic development is not new. Shipping is seen as one of the principal stepping stones to economic development and the source of cheap transport.

Shipping is also a capital intensive industry, and therefore a government's involvement in its development should be necessary. The government should decide on the policy whether the shipping industry should be kept exclusively in the public sector or whether private parties in the country (Mauritania) will be allowed to operate it.

In order to have a systematic and sustained growth of shipping, it is desirable that the government should lay down a shipping target to be achieved over the years, commensurate with the overall transport development strategy for Mauritania.

The study should cover the following:

- The projections of cargo
- The trade route analysis
- The selection of size and types of ships
- The cost and source of ship acquisition
- The arrangement of finance for buying the ships
- The organisation of the management of the shipping line

- The man power requirements and their source of recruitment, etc.

During the above study, particular attention should be given whether it would be desirable for the government to register a (Mauritania) shipping company and start its operations by chartering one or two foreign ships. In this way the company should gain experience in the different aspects of shipping operations and a Mauritanian national can get the necessary training in ship operations and management techniques. The acquisition of ships could follow after sufficient experience has been gained by the company.

4.6.2 Roles and Functions played by the Maritime Administration

It is well known that shipping investment contributes to the flow of income in developing countries. It has also indirect effects which are particularly significant such as:

- (i) Prevention of disruptions of shipping services during hostilities in which the country concern is not directly involve
- (ii) Reduction of economic dependence
- (iii) Influence on conference decisions
- (iv) Economic integration
- (v) Promotion of exports
- (vi) Diversification of employment
- (vii) Improvement of the balance of payments

In addition to the above mentioned, the Maritime Administration Officials will need to remember other essential elements of a national maritime development policy as follows:

- a) Government support/incentives:
 - direct

- indirect
- b) Cost aspects:
- capital equipment
 - operations
 - crew
 - fuel
 - maintenance and repair
 - insurance
 - taxes
- c) Regulatory aspects:
- Safety
 - Environmental
 - Social/political
 - Anti-trust
- d) Equitable cargo access:
- free trade
 - bilateral agreements
 - UNCTAD line Code

As regard the aforementioned elements the Maritime Administration of Mauritania is expected to have roles and functions relating to a, b, and c above, and therefore to actively assist in the qualitative and quantitative development/expansion of shipping.

By concluding this passage, it can be said that the development of a national merchant fleet for the carriage of foreign trade or for local trade involves public finances or public financial institutions, or other kinds of formal commitment by the

government. In such circumstances it is natural for the governments to ensure in the national interest that:

- a) The most suitable types and number of ships are acquired for the intended Purposes
- b) Acquisitions of substandard ships are prevented
- c) The prices of the proposed ships are reasonable, and
- d) The ships are operated sufficiently, efficiently and safely by the personnel manning them.

The proper exercising of the roles and functions of the Maritime Administration as explained in the previous chapters, will ensure that items (b) and (d) above are properly addressed. However, a well staffed maritime administration will also be able to offer sound advice with regards to items (a) and (c) thus ensuring that proper use is made of public funds.

4.7 Global Co-operation Programmes

4.7.1 Co-operation with Classification Societies

Due to the nature of international trading by shipping, unless operating on a liner trade, ships are liable to cross the globe without calling at home ports; and to control and monitor the continued adherence to the laws of the flag state imposed on the specific ship makes the task of the governmental authorities almost impossible.

The classification societies which, through the nature of their business, are internationally recognised for their presence in most parts of the globe, are best equipped in every sense of the word to provide the support the governmental organisations need in fulfilling their task. It is for this reason that the classification societies have received authorisation from major and minor countries in the implementation and enforcement of internationally adopted conventions.

As stated also in the previous chapters, no administration has sufficient and extensive resources to deal with all statutory surveys required under the conventions without the assistance of the classification, who maintain worldwide networks of qualified surveyors. Classification societies are not normally used for inspection purposes as it may be considered invidious to have them checking on the standards on board a ship for which they have dealt with the statutory surveys.

The problems for administrations lie not in deciding whether to delegate but in deciding what to delegate. Traditionally, classification societies have a long story of issuing Load Line certificates on behalf of administrations and, in fact, regulation 1 of the Load Line convention in referring to the general structural strength of the hull, states that: `ships built and maintained in conformity with the requirements of a classification society recognised by the administration may be considered to possess adequate strength`. In exercising this function and dealing with the structural strength of ships for classification purposes, the major societies have established resources far in excess of those available to the marine administrations of national governments. It is, as a consequence, the custom for the major part of the Load Line and Cargo Safety Construction Certificate work to be delegated to these societies.

On the other hand, many administrations retain the Safety Equipment (SEC) Surveys and the Mandatory Annual Surveys (MAS) for their own surveyors. They may also employ their own surveyors to the greatest extent in the surveys of passenger ships, ships carrying liquefied gases in bulk, and chemical tankers.

The retention of the Safety Equipment Certificate (SEC) and the Mandatory Annual Surveys (MAS) gives a regular presence on board their ships annually except in those cases where ships are trading continuously abroad for which special arrangements are necessary.

4.7.2 IMO'S Technical Assistance Programmes

As the membership of IMO has grown, an increasing number of members have not had the background of training and expertise of the traditional maritime nations.

IMO's technical co-operation programme has therefore concentrated on the training of the senior personnel of those countries in order that they might conduct their maritime affairs in an effective and independent manner. The organisation has created or developed training establishments on a worldwide basis according to the needs of regions. These include institutions, academies or national projects in Africa, the Arabs States, Asia, Latin America, the Pacific, and Europe. Among the projects, the most successful is the World Maritime University opened in Malmö, Sweden in 1983. It provides post-graduate maritime education for some 100 senior personnel yearly, mainly from developing countries. On completion of 17-month course, graduates will provide the expert administrators, surveyors and teachers for the marine administrations and colleges of their countries and further the objectives of IMO.

To assist governments in the establishment and improvement of safety matters in the transport, handling and storage of maritime cargo, IMO maintains a small but effective team of regional and inter-regional advisers who will, on request, provide advice on a wide range of subjects. These advisers will identify the immediate needs of the country and assist in the meeting of those needs, if necessary, by arranging further assistance.

The organisation also has inter-regional advisers who, although based in London, spend most of their time abroad providing advice on safety measures in the transport, handling and storage of maritime cargo, and establishing and improving maritime training in general, submitting practical proposals based on specific investigations and identified needs. They also participate in the preparation of plans for the organisation and modernisation of maritime training in accordance with the best international standards, including the optimum location of schools, use of facilities, type and amount of equipment, qualifications and numbers of teaching staff. Much of their work is connected with the implementation of the Standards of Training, Certification and watchkeeping (STCW) Convention. Model courses and teaching

syllabuses have been produced for the basic watchkeeping certificates for deck and engineering officers. These are being used as the basic reference documents for the development of syllabuses and curricula in some countries.

Assistance to developing countries is also provided through seminars and training courses normally arranged on a regional basis and are aimed at administrators, senior technical officers and others who are responsible for implementing decisions reached within IMO. In addition, IMO has taken part in several hundred different projects which have been designed to improve the maritime expertise of developing countries. They have been concerned with maritime training which is undoubtedly the single most important aspect of IMO'S work in the maritime safety and pollution prevention field.

Chapter 5

The Organisational Structure of Maritime Administrations in some Nordic countries

5.1 Norwegian Maritime Administration (NMD)

5.1.1 Overview

The general responsibility for the maritime transport industry and safety at sea is placed with the Ministry of Foreign Affairs. One of the tasks of the Ministry is to look after the interests of the shipping industry on a national and international basis. The administrative responsibility in the maritime industry is divided between several ministries. The main ministry under which Norwegian Maritime Directorate operates is the Ministry of Trade and Industry. The other related ministries involved are the Ministry of Environment, the Ministry of Oil and Energy and the Ministry of Local Government. It should be mentioned here, that there is continuous co-operation between the authorities involved in maritime affairs in one way or other. The main legislation regulating maritime matters is stated in the following acts:

- Maritime Safety Act (9 June 1903 no.7)
- Maritime Act (24 June 1994 no.39)
- Seamen's Act (30 May 1975 no.18)
- Public Administration Act (10 Feb 1967)

5.1.2 Objectives and activities

The Norwegian Maritime Directorate with its external organisation has the responsibility to maintain and improve the maritime safety in the matters related to vessels, health, and protection of the life and the marine environment. The Norwegian Maritime Directorate has eight departments, advisory body and seven maritime investigators. **(See appendix 4).**

The departments are:

- Department of Administration
- Seamen's Department
- The Fishing vessel, Cargo vessel, Passengers ship, Inspection and Off shore Departments.

In order to cope with the functions mentioned above the NMD has developed tools based on:

- Norms
- Control
- Motivation
- Information

The activities of the Directorate can be summarised as follows:

- Survey of new buildings
- Inspections and Surveys
- Tonnage measurement
- Control of crew's qualifications
- Control of certificates
- Registration of vessels
- Control of occupational Safety and Health
- Casualty investigation
- Manning of Ships

5.1.3 Delegation of Authority

Maintenance and performance of all functions and duties described above by the staff are burdensome for any administration. So, the NMD has delegated authority on the basis of an individual agreement to five major classification societies in accordance with SOLAS and IMO guidelines. The classification societies recognised are:

- American Bureau of Shipping (ABS)
- Bureau Veritas (BV)
- Det Norske Veritas (DNV)
- Germanischer Lloyd (GL)
- Lloyd's Register of Shipping (LR)

The delegation of authority is applicable only for cargo vessels of 500 gross tons and above registered in Norwegian International Shipping with exception of issuing MARPOL certificates. However, as it is generally accepted through the IMO conventions, the responsibility of the state remains.

The classification societies are obliged to ensure, that the work undertaken by them in accordance with the Norwegian Acts, is carried out by qualified personnel, and will to the best of their ability, be done to the satisfaction of the Norwegian Maritime Directorate.

Classification Societies undertake, on behalf of the NMD, to carry out surveys and to issue certificates and, where necessary, other documentation for Norwegian ship registered in Norwegian International Shipping on those conditions stated in the agreements.

Classifications Societies shall keep the NMD informed of the work being carried out in accordance with the agreement as well as major defects or deviation from the standards required in international conventions if found.

In addition to the above delegation, the directorate has agreements and co-operation with the following governmental agencies:

1. Norwegian Post and Telecommunication Authority
2. Coastal Directorate
3. Petroleum Directorate
4. Labour Directorate
5. State Pollution Control Authority

5.1.4 Implementation of IMO Conventions

5.1.4.1 Port State Control

Norway is a member state of the "European Memorandum of Understanding on Port State Control " (MOU), generally known as " Paris Memorandum". There are 18 members' states. The Memorandum consists of an agreement and a number of annexes including guidelines for surveyors. Consequently, all members' states have the right to inspect ships visiting their ports to ensure they meet IMO requirements regarding safety and marine pollution prevention standards. In addition, the Paris MOU requires each maritime authority which is signatory of the agreement to establish and maintain an effective system of port state control and sets an annual required total of inspections of at least 25 % of the estimated total number of foreign merchant ships entering the ports during the year. Furthermore, the Paris MOU encourages exchange of information so that ships which have been inspected by one port state and found to be complying with all safety and marine pollution prevention rules are not subject to too frequent inspections. While ships presenting a hazard and those ships, which have been reported by another port state as having deficiencies, which need to be rectified, they will be targeted. Without going into details regarding the organisational structure of the Paris MOU, it appears the core enabling the surveyors to perform efficiently their duties, is the SIRENAC information system. This database of more than 43000 ships gives the daily percentage of deficiencies found those ships. To sum up this paragraph in port state control, the Director of the Department and Head of Norwegian Ship Control Mr.Odd V.Vollene said "experience has shown that port state control works best when it is organised on a regional basis". Further concentrated inspection campaigns in port state control have been undertaken by member's states since 1996. The most recent one concerns the structural safety of Bulk Carriers (1 April 1999 - 30 June 1999).

5.1.4.2 Implementation of STCW 95 in Norway

Before talking about STCW 95 in Norway, it is worth noticing, here, that previously standards of training, certification and watch keeping of officers and ratings were established by maritime states individually without reference to practices in other countries. This situation had resulted in wide variations in standards, even though shipping is international in character. Therefore, there were attempts to set up minimum standards at an international level which led to the adoption of the so-called STCW 78 Convention, and later on STCW 95 under the auspices of IMO. This convention prescribes minimum standards for certification, training of seafarers that states have to meet or exceed.

In Norway, the overall policies on education as well as maritime education are under the responsibilities of the Norwegian Ministry of Education, Research and Church Affairs. So, maritime education is an integral part of the national education system. But, the Norwegian Maritime Directorate is the administrative authority under the STCW Convention and approves all maritime education through its appropriate organs, which ensure that training and assessment of seafarers are administrated, supervised and monitored in accordance with the requirements in STCW (Reg.I/5, I/6, I/8 and I/10).

5.1.4.3 Implementation of ISM on Passenger Ships in Norway.

The Norwegian Maritime Directorate has taken steps for the implementation of ISM early, before the IMO deadline in July 1998. So, experience has been gained, and conclusions drawn that the ISM system will cost twice as much as estimated and twice as many man hours. But when the system is implemented the company will make a profit in the long term. However, the profit will also depend on how the company is managed. On the other hand, it has been found that the most common mistake of many companies is the use of a small ISM staff, which results in too low capacity of processing the documentation. The implementation of the ISM system shall enable the company to follow rules and regulations, and therefore learn from mistakes. The system, which has been developed by IMO, must include the following items:

- . Safety and environmental protection policy and objectives;
- . Organisation plan;
- . Designed person;
- . Masters responsibility and authority;
- . Resources and personal;
- . Ship board operations;
- . Emergency preparedness;
- . Maintenance plan and system for the ship;
- . Documentation of system, rules and mail;

- . Internal audits

Below is the certification process for passenger ships in Norway:

- . Development of ISM documents;
- . Internal audit;
- . External audits carried out by Norwegian Maritime Directorate;
- . The Norwegian Maritime Directorate issues audit report,
- . The company evaluates the report and corrective actions are carried out;
- . The Norwegian Maritime Directorate evaluates the corrective actions;
- . The Norwegian Maritime Directorate issues DOC and SMC certificate or interim Certificates.

Certificates:

- . The company must hold a document of compliance DOC;
- . For ships managed by a company holding a valid DOC can be issued a safe Management certificate SMC;
- . The certificates are valid for five years with annual signing;
- . Or interim certificates for 6 months can be issued if the system is documented but not fully implemented in the company.

5.1.4.4 Marine Pollution Prevention

The activities of the Norwegian Maritime Directorate concerning the protection of the marine environment from shipping, encompass the following problems:

- . Accidents
- . Water pollution
- . Air pollution
- . Spreading of organisms
- . Other environmental issues.

These activities are undertaken at national, regional and at IMO level

To prevent accidents, prevention is the best way to manage.

The prevention is guided by:

- . The modification of national regulations based on the appropriate decision to adopt
On what's going in IMO
- . The control and inspection done by NMD surveyors and inspectors
- . The improvement of sailing conditions.

On a national basis the following activities have been done:

- . Implementation of international regulations in national legislation

- . Control of implementation through audits
- . Existence of oil contingency to reduce outflow after accidents
- . Research and development
- . Revision of classification societies and ship owners' regulations

On the Regional basis, the Norwegian Maritime Authority, a member of the North Sea Conference, is involved in all shipping matters concerning the region. The concern is directed to provide signals for IMO in certain matters and also signals to other regional mechanisms including the Memorandum of Understanding on Port State Control

At the IMO level (MEPEC), the NMD has participated in discussions in relevant bodies of the organisation concerning some issues such as MARPOL 73/78 (OPRC). The actual hot items, which the NMD is now involved in are:

- . Ballast Water
- . TBT
- . Ship Demolition
- . Provision of MARPOL Annexes

However, accidents will always happen and the NMD's role is to reduce the environmental consequences by taking appropriate measures. For instance, when the outflow of polluting substances from ships is detected, emergency arrangements such as towing and combating equipment are at the disposal of units to perform their task.

5.2 The Danish Maritime Authority (DMA)

5.2.1 Structure and Organisation

An outstanding feature of the Danish Maritime Administration is the expertise to deal with a wide variety of topics which means that the organisation is integrated. The wide scope of activities range from the development of a national shipping policy, to the development of training schemes and preparation of law bills.

The Danish Maritime Authority, under the tutelage of the Ministry of Business and Industry, carries out the responsibility of the Maritime Administration / Maritime Safety Administration in Denmark. A Director General, assisted by Deputy Directors, heads the organisation. The DMA structure consists of several divisions as presented **in appendix 5**.

- Legal Division;
- Royal Danish Register of Ships;
- Nautical Division;
- Maritime Social Service;
- Maritime Education Division;

- Division for occupational, Health and Maritime Medicine;
- Safety and Environmental Legislation Division;
- Technical Division;
- New Building Division;
- Survey and Inspection;
- Investigation Division;
- Supporting staff.

5.2.1.1 Industry Policy Unit

The industry Policy Unit operates from an economic point of view in dealing with the following activities:

- Development of the `Door to Door Chain Project`, a new industry which focuses on medium sized enterprises, the transport sector, and the high value market segment
- The Oresund region/analysis on Danish shipping: defining potentials, verifying them, and setting the appropriate strategy to fulfil them by establishing a pilot project. This activity is funded equally by Denmark, Sweden and the EU.
- The Benchmark analysis comprises of:
 1. Yearly industry statement and employment
 2. The Danish Ship Register and the Danish International Ships Register
 3. Setting up a statistical system to follow up the shipping industry process
 4. Taxation Guidelines
 5. Value added (Share of GDP)

5.2.1.2 Safety and Environmental Legislation Division

This division has a wide range of activities as listed below:

- Exercise Danish efforts in international rule-making in the IMO and the Nordic countries. It supports and operates on the basis that by pooling the limited resources, good achievements and commitments could be arranged
- Work on the MARPOL 73/78 Convention is within the responsibility of the Ministry of Industry; however, the implementation process and its enforcement on board Danish ships falls under the responsibility of this division
- Incorporate provisions of international legislation into national legislation

- Establish national legislation addressing vessels that are not completely regulated through instruments developed by the IMO and the EU
- Publish national legislation
- Evaluate technical deviations in different fields
- Conclude legal agreements with classification societies to whom certification services are delegated
- Develop software for decision supporting systems, which can include all the features for a particular ship
- Dissemination of all IMO documents/papers to the concerned parties (ship owners and various shipping industries)
- Assist the Minister of Transport on safety and environmental issues

5.2.1.3 Nautical Division

The Nautical Division generally deals with the safety of navigation in Danish waters, and on board Danish ships. It sets specific routing and reporting systems that are compulsory for ships of a particular tonnage and types of cargoes. Cargoes addressed are those that pose a threat to human health and the environment. The division has set up two reporting lines that enhance monitoring of incoming vessels. Such measures are in line with the Ship Reporting Systems required by IMO and which entered into force in June 1996.

The nautical division, of the DMA has developed one of the most advanced Vessel Traffic Systems (VTS) which monitors the highly dense traffic within the Great Belt region. This VTS operates a network of radar, infrared sensors and low light TV cameras that are indispensable in bad weather/foggy conditions. There are also three guard vessels ready for immediate assistance. Pilotage is compulsory for certain tonnage and ships carrying dangerous goods in territorial waters. It should be mentioned that pilotage in Danish waters has been made recommended by IMO Res.A.620 (Route T) and Res.A.579 (Sound Route)

5.2.1.4 Maritime Social Service

This division deals with social issues related to seafarers and focuses on the implementation and enforcement of international instruments from ILO, and takes into account the EU requirements to finally set up the Danish regulations. More than half of seafarers serving on the Danish fleet are from non-EU countries. Its scope of work covers both the Danish and the International Danish Registries. Unlike other systems, the Danish system provides for a medical care system.

5.2.1.5 Maritime Education Division

The division works closely with the Danish maritime colleges to ensure they conform to the requirements contained in STCW as amended in 1995. Furthermore,

the maritime education division is responsible for the conduct of external audits as required by the said convention. In Denmark there are eight marine engineering colleges, three nautical colleges, two skipper schools, two maritime vocational schools and one offshore school.

5.2.1.6 Legal Division

The Legal division is highly active division, where in addition to its basic tasks it has to resolve any legal matters involving the other divisions. The range of work of the legal division covers the following areas:

- General legal matters
- Co-ordination of DMA's legislative work
- Determination of possible violation of Danish Maritime Laws following the analysis of an accident/incidents reports by the investigation division
- Servicing the Minister of Transport and the parliamentary committees

5.2.1.7 Royal Danish Register of Shipping

The Royal Danish Register of Shipping consists of the Danish National Register of Shipping and the International Danish Register of Shipping. The division sets conditions and rules governing each registry. The International Danish Register provides special rules on taxation and wages but there are no waivers for safety requirements.

5.2.1.8 New Building Division

This division is a very recent one in the DMA. It deals with new buildings for the Danish flag and covers the followings areas:

- Plan approval (some parts with classifications societies)
- Survey and inspection (initial survey only)
- Certification
- Granting of trading permit (a national document)

5.2.1.9 Survey and Inspection Division

With its head office in Denmark, the division is divided into three regional offices (Northern, Eastern and Southern). The division employs thirty two field surveyors. Among them, three thirds are nautical, engineers, and naval architect. Besides conducting surveys and inspections, they also carry out operational controls especially on board passenger ships. In line with ISM certification, the DMA has adopted the policy that passenger ships and their companies should be audited and

certified by the authority itself. But as far as cargo ships are concerned, the task has been delegated to the classification societies as this would have been too much of a burden. However, ship owners that operate cargo ships have the option to request the services of the DMA, who in such a case will audit and certify the shore based company together with at least one ship of each type of those operated by the said company. This procedure has been deemed necessary because it reduces delays for the company's operations. For the certification of the remaining company vessels, the classification societies may then be approached.

5.2.1.10 Occupational Health and Maritime Medicine Division

The main purpose of this division is to prevent accidents and health damage to seafarers. Through this division, the DMA develops rules for on board safe working practices. Besides this, an 'Advisory Agency' addresses occupational health services. The division carries out also surveys focused on matters pertaining to safe working environment, working performance. Safety activities, and rest periods on board Danish ships.

5.2.1.11 Investigation Division

The Investigation Division deals with the investigation into the following matters:

- Marine accidents
- Marine incidents
- Work and passenger accidents
- Pollution accidents

The purpose of the division after carrying out through investigation is to evaluate suggestions for the amendments to the current rules, to diffuse warnings, to publish the investigation reports from which lessons may be learned. Moreover, the investigation division is keen on collecting material for its annual marine accident statistics. This information is a useful tool for analysing and visualising trends so, that action may be taken to enhance safety on board ships. Furthermore, marine accident statistics serve to measure the division's efficiency and effectiveness.

5.2.1.12 Technical Division

The Technical Division deals with a wide variety of field related matters, such as: ships in trade, types approvals, and some administrative issues. Due to the big Danish fleet in trade, the division has a total of twenty two employees: fifty surveyors (nautical, engineers, naval architects), one legal advisor, three port state control liaison officers, and four administrative staff. The three Port State Control Officers handle Danish ships having problems abroad in that area. The staff meets regularly and discusses current matters and related projects.

This division carries out both flag surveys, (the non delegated part), and port state control inspection. The Technical Division carries out type approval in accordance to European Community (EU) legislation (January 1999)/directives. The DMA also acts as an external auditor to audit notified bodies for their inclusion in EU Commission List. The task of tonnage measurement has been delegated to recognised organisation. Furthermore, the division is responsible for the training of surveyors and does so by providing a twenty- six weeks program. It also prepares all check lists for flag state inspectors' provisions including quality assurance. The division's task is extended to regulate diving systems.

The DMA has an optimum organisational structure that meets its goals, objectives and the Danish fleet's needs. Where possible, it has split up the work whilst maintaining continuous supervision and monitoring on the delegated work. Today, it is important that the maritime administration structure should compromise with appropriate departments and/or divisions to ensure efficient and effective implementation and enforcement of international maritime instruments. Supplementary to its safety tasks, the administration should also ensure that its fleet trades internationally on an equal footing

5.2.2 Port State Control in Denmark

Objective of Port State Control (PSC)

Effective Port State Control is designed to phase out substandard ships. Port State Control enhances maritime safety and pollution by making sure that:

- . A ship, from the safety point of view, is fit for the service for which it is intended;
- . A ship, from the social point of view, offers healthy, good working and living conditions, and;
- . A ship does not present any threat or harm to the marine environment.

At the same time, the Port State Control protects national ships, which are obliged to conform to the International convention standards, from unfair competition from substandard ships, which economise by adhering to lower standards.

Similarly to the context in Norway, Denmark is a member state of the "European Memorandum of Understanding on Port State Control " (MOU). So, the rules and regulations governing procedures for the Port State Control of ships are based on the agreement between the member states and followed in practice by the authorities in charge. In the case of Denmark, Port State Control of ships is attached to the survey and Inspection Division headed by a Chief Ship Surveyor.

5.3 The Finnish Maritime Administration (FMA)

5.3.1 Overview of the Maritime Authority

The administrative structure of the Maritime Administration in Finland is mainly under the authority of the Ministry of Transport and Communications. The Ministry cares for the development and the implementation of government policies and decisions affecting the maritime industry in general. A Director General, a civil servant, heads the organisation of the Finnish Maritime Administration.

At the central level of the administration (Head Office in Helsinki), there are four policy making bodies "Departments" dealing each with particular field. **(See appendix 6).**

The departments consist of:

- Maritime Safety Department;
- Traffic Department;
- Hydrographic and Waterways Department;
- General Management Department;

At the regional level, there are four regional service district administrations:

- Gulf of Finland Maritime District;
- South Western Maritime District,
- Gulf Bothia Maritime District;
- Inland Waterways District.

The main responsibility of the Finnish Maritime Administration is the promotion, the arrangement and the safeguarding of shipping and boating.

Another aspect is to ensure:

- . Safe and economical fairways in the coastal and inland waters;
- . Safety administration for the merchant fleet and pleasure boats;
- . Protection of the marine environment;
- . Maintenance of communication services in the archipelago,

It should be noted that, the Finnish Maritime Administration does not have the main responsibility in the following matters:

- . Maritime education and training;
- . Labour protection on Board;
- . Environmental protection at sea;
- . Maritime radio general communication
- . Maritime search and rescue;
- . Sea border patrolling;

. Seamen's employment and social security.

However, the Finnish Maritime Administration sustains co-operation with several Ministries and other national bodies regarding the matters mentioned above.

5.3.1.2 Organisation of Finnish Departments

5.3.1.2.1 The General Management Department

This department collates statistics on shipping, data, administration, economy, organisation development and personnel administration.

5.3.1.2.2 The Maritime Safety Department

It deals mainly with:

- Navigation Safety
- Ship's certificates
- Seafarers certificates
- Domestic traffic safety regulations
- IMO co-operation
- Pollution control
- Safe manning of merchant ships
- Yachting and boating safety

5.3.1.2.3 The Traffic Department

This looks after pilotage, the ice breaker service, the design and maintenance of its own fleet and ship personnel administration.

5.3.1.2.3 The Hydrographic and Waterways Department

This department deals with hydrographic survey, chart production and printing, planning, construction and maintenance of fairways, navigation aids. Due to their geographic locations and the climatic conditions, Finnish ports are ice-locked for a good part of the year. Thus, the administration has developed a system of ship categorisation for the purpose of application of the national ice class rules and the relevant certification.

5.3.2 Implementation of IMO Conventions

5.3.2.1 Survey on Finnish Vessels

The surveyors of Finnish Maritime Administration are civil servants empowered sufficiently by law in order to perform their duties independently without internal or external influences.

New buildings and second hand ships intended for international voyages as well as domestic trade for ships of 500 gross tons and upwards are subject to an initial survey conducted by a survey group from the headquarters. Other categories of surveys, are performed at the district level of the maritime administration.

In addition, certain surveys (statutory surveys) are conducted by the classification societies authorised, which can issue only short-term certificates (5 months). All the endorsements relating to these certificates are done by the Finnish Maritime Administration. It shall also be noticed, that contracting governments according to the SOLAS Convention may assist to deliver the necessary documentations if needed by the FMA on behalf of their fleet. In the case of communication systems on board vessels, radio surveyors are nominated by Tele Administration Centre.

Below are summarised the classification societies and IMO Conventions surveys in Finland:

- . The safety equipment surveys are carried out by Finnish Maritime Administration;
- . Class surveyors carry out safety construction surveys;
- . Nominated surveyors from National Tele perform radio surveys Administration;
- . All MARPOL surveys are delegated to the class surveyors;
- . All load line surveys are delegated to the class;
- . Tonnage measurement is carried out by Finnish Maritime Administration;
- . Most surveys abroad are carried out by class surveyors;
- . All full period certificates are issues by Finnish Maritime Administration.

5.3.2.2 Implementation of SOLAS requirements on Passenger Vessels

The implementation of SOLAS requirements concerning passenger vessels relies on the national regulations and SOLAS provisions. For instance, floatability and damage stability, all passenger vessels in international traffic shall comply with the requirements of either SOLAS Chapter II-1 or IMO Resolution A.265.

For the intact stability national regulations are also used (stability Provisions for Ships 1972/1985). The regulation for sea-going ships is based on the IMO resolutions A.165 and A.206, that is, the original IMO recommendations. The more recent recommendations such as the A.749 (The Code on Intact stability) has not been introduced to its full extent into the national legislation. Relying on the shipyard

or consultants concerning the calculations of this matter, checking and approval of the intact stability calculations are endorsed by the Administration.

5.4 The Swedish Maritime Administration (SMA)

5.4.1 Structure and Organisation

The Ministry of Transport and Communications is the government body responsible for shipping and maritime safety matters in Sweden. The Swedish Maritime Administration is fully empowered to apply all functions connected with maritime safety matters. The SMA enjoys full authority in the decision making process regarding safety aspects. This decentralisation contributes greatly to positive progress to safety in general. The SMA deals with a wide range of activities maintaining a well founded co-ordination approach to serve an integrated purpose. This integration has been observed at the administrative and operational levels. The departments that deal with safety are shown in **appendix 7 and 7A**.

5.4.2 Maritime Safety Inspectorate Department

The Swedish Maritime Administration (SMA) essentially promotes merchant shipping and carries out activities along commercial lines based on the Swedish Parliament and Government regulations

The Maritime Safety Inspectorate is an important department in the Swedish Maritime Administration, having supervisory and regulatory powers in maritime matters. The Inspectorate consists of the following divisions in charge of maritime safety matters:

1 The Ship Technical Division is responsible for the following points with regard to technical matters on board ships :

- . Seaworthiness of ships
- . Physical properties, stability and load lines
- . Tonnage measurement
- . Ship's construction

- . Maintenance (electrical and machinery matters)
 - . Fire fighting equipment and fire protection on board ships
 - . Life saving appliances and navigational equipment
- 2 The Ship Operative Division is responsible for the operative matters on board ships such as:
- Manning crew competency and qualification standards. This matter has a Great importance for safety at sea. The SMA has regulations covering crew qualifications and minimum manning scales on board the national fleet. In addition, the administration engages in regular supervision regarding these matters:
 - . Registry of seamen
 - . Health protection and medical care for seafarers
 - . Passenger registration
 - . Operative conditions on board including watchkeeping and cargo securing
 - Safety management organisation
- 3 The Environment Division is responsible for matters concerning the protection of the environment and the environmental impact of shipping such as:
- Environmental impact of shipping
 - Maritime technology assessment
 - Research and development
- 4 The Accident Investigation Division is responsible for carrying out investigations in accordance with the current regulations and maintain statistics related to accidents. Other tasks involve analyses of accident reports and the findings of investigations.

- 5 The co-ordination staff is responsible for the budget, administrative matters and planning the operation of the department.
- 6 The regulation staff is responsible for legal matters and co-ordination of the department's regulatory and international work.
- 7 The quality staff co-ordinates the internal quality assurance, personnel and educational matters
- 8 The Inspectorate Areas Division is responsible for safety on board ships. This function is executed through inspection, survey, and control of shipboard operations. Moreover, the inspectorate is responsible for performing port state controls in accordance with the Paris Memorandum of Understanding on Port State Control.

Chapter 6

Conclusion and Recommendations

During the survey on how maritime administration matters are dealt with in Mauritania, problems encountered have been identified and general solutions have been proposed.

Primary legislation is not properly formulated and as said in chapter 5, this consists mainly of the Merchant Marine Code provisions. However, it must be understood that this is not enough. Accordingly, action must be taken to overcome this problem. The task is not difficult because IMO has produced most of it in the form of Codes, Resolutions, Recommendations and Circulars which must be used and not ignored. The author ventures to point that the World Maritime University graduates are equipped with the necessary knowledge to help solve the problems described.

To stand on its feet, the maritime sector needs a strong and competent maritime administration which itself appears to be in great need of qualified and competent officials. The representatives of the administration needs to understand that the nature and extent of implementation of conventions inside the country are reflected outside through its ships and ports. Therefore, the issue of implementation must be taken seriously in the interest of safety of ships and protection of the environment.

The solutions proposed have been discussed during the survey covered in previous chapters. Their summary is given below:

1 The Maritime Policy should be clearly defined in concert with all relevant sectors (at least: fishery, environment, energy, defence and planning).

The steps below need to be followed in the maritime planning process:

- (i) Definition
- (ii) Assessment

- (iii) Issue/Options
 - (iv) Formulation
 - (v) Adoption
 - (vi) Implementation
 - (vii) Monitoring and Evaluation
 - (viii) Review and corrective action to be taken if necessary
- 2 Every year, a report about Mauritania Maritime Policy needs to be published. it should also contain an evaluation of the previous one.
- 3 The Merchant Marine Code needs to be modified and updated in the light of the newly accepted conventions.
- 4 The process of implementation of conventions is to be followed as proposed in chapter five.
- 5 The Maritime Administration needs to be reorganised with the creation of the appropriate structures capable of discharging the obligations put on it including the overall responsibility regarding surveys and certification of ships.
- 6 Because safety at sea is one and indivisible, the reorganisation should include all maritime activities. Thus, an integrated organisation structure consisting of four sub-directorates may be instituted:
- (i) Administrative
 - (ii) Maritime Safety
 - (iii) Pilotage and lighthouse, and
 - (iv) Hydrography

- 7 The Maritime Administration should be supervised under one official with respect to the existing port infrastructures and the fleet available.
- 8 Ship control stations need to be created under the responsibility of the Maritime administration.
- 9 There should be only one national register for all seamen at central level to manage their careers.
- 10 The Maritime Administration should inform, advise and assist shipowners to meet their obligations as required by national laws. This may be made through their obligations as required by national laws. This may be made through the Merchant Marine Notices system, to be established and regular meetings.
- 11 The safety of shipping should also be the concern of fishing companies and masters of vessels.
- 12 The Maritime Administration's resources should also be allocated to more efficient control in respect of operational matters and the needs that may arise, for instance, Port State Control.
- 13 It is necessary to give priority to certain tasks of the maritime administration. An action plan should be set up when resources and the economic consequences Have been thoroughly analysed.
- 14 Unnecessary duplication of work between the maritime administration and classification societies should be avoided. On the other hand, it should be ensured that no relevant field is left out.
- 15 The Maritime Administration should be given the necessary insight into the

work of the classification societies by being informed of serious deficiencies and irregularities found in a ship surveyed.

- 16 The recommended supervision and close co-operation with the classification societies necessitates the availability of technically qualified and experienced Personnel within the maritime administration. Therefore, training of surveyors should be the target number one of the maritime administration in the short term.
- 17 The activities of classification societies so delegated should be carefully monitored and, where applicable, some of the delegated jobs be given to the administration's own surveyors in order to keep their technical expertise updated.
- 18 The Maritime Administration must keep abreast of developments in the field of maritime safety in all aspects as regards maritime safety management, and shipping in general. It is necessary to examine its future ability to perform both current and future responsibilities taking into account current international maritime conventions.
- 19 The initial survey carried out should be co-ordinated between the maritime Administration and the classification society and be performed jointly in such a way that official responsibility rests with the maritime administration
- 20 Old classed ships (more than 10 years of age) should be subjected to a thorough safety assessment carried out jointly by the classification society and the maritime administration under its responsibility.
- 21 The majority of certificates for classed ships may be issued by the recognised society concerned, with the exception of the passenger ships safety certificate, the cargo ship safety equipment certificate and all the exemption

certificates, which need to be dealt with by the maritime administration.

However the maritime administration should make a cost/benefit analysis before deciding on delegation and take account that hard currency will leave the country when classification societies are used.

- 22 The Maritime Administration needs qualified surveyors for the work referred to in item 21 above.
- 23 The Maritime Administration should bear in mind, that it has overall responsibility under the international conventions which means it cannot delegate it.
- 24 The maritime Administration should develop a Merchant Marine Notices system to inform and provide guidelines to the marine industry (shipowners, maritime training institutions, masters and mates, classifications societies, port authorities etc.) about any matters of interest.
- 25 To enhance maritime safety, the maritime administration should establish an efficient system of investigation into casualties and ensure that the findings are published and reported to IMO.
- 26 The Maritime Institute and training Centre should take the lead in providing the appropriate education and training to the maritime industry including the maritime administration. To reach this purpose, qualified, experienced and competent personnel should be recruited.
- 27 A suitable maritime library is the corner stone for any advancement in education and training. Therefore, it should be established as quickly as possible.

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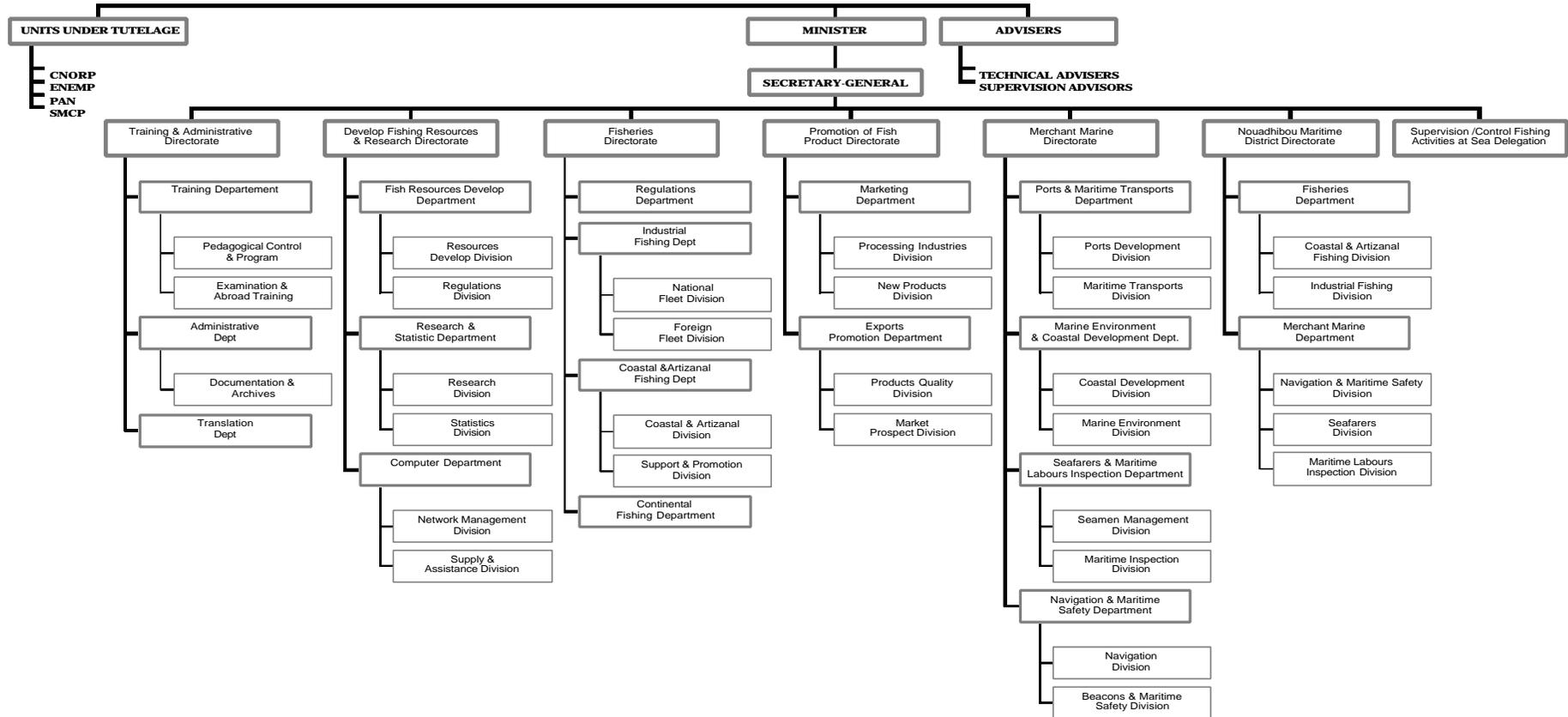
APPENDIX 1

Ratified IMO Conventions by Mauritania

- **IMO Convention 48**
- **Load Lines Convention 66**
- **COLREG Convention 72. (Decree no 172-95). 1995**
- **SOLAS Convention 74 + Protocol 78. (Decree no 96080). 1996**
- **Tonnage Convention 69. (Decree no 96081). 1996**
- **MARPOL Convention 73/78. (Decree no 9608). 1996**
- **STCW Convention 1978. (Decree no 169-95). 1995**
- **FUND Convention 1971. (Decree no 170-95). 1995**
- **CLC Convention 69 + Protocol 76. (Decree 171-95). 1995**

APPENDIX 2

Diagram of the Administrative Structure of the Maritime Administration in Mauritania
MPEM



Source: Ministry of Fisheries and Maritime Economic- Mauritania

APPENDIX 3

**Model of Merchant Shipping Act/Code
Suggested Arrangement of Framework**

PART I

Preliminary

1. Short Title and Commencement
2. Objects and Constructions
3. Application of the Act
4. Definition

PART II

Administration

(Appointment of Statutory Officials)

5. Director
6. Marine department(s) and principal officer(s)
7. Surveyors
8. Radio inspectors
9. Shipping offices and shipping masters
10. Seamen's employment

PART III

Registration of Ships and Mortgages

Registration of Mauritanian Ships

11. Qualifications for ownership
12. Obligation to register Mauritanian ships

13. Ports of registry
14. Appointment of registrars
15. Register book
16. Application for registry
17. Survey and measurement of ship before registry
18. Marking ships
19. Declaration of ownership
20. Evidence of first registry
21. Entry of particulars in registry book
22. Documents to be retained

Certificate of Registry

23. Custody and use of certificate
24. Power to grant new certificate
25. Change of master
26. Change of ownership
27. Delivery of certificate of ship lost or ceasing
28. Provisional certificate
29. Temporary pass in lieu of certificate of registry

Transfers & Transmissions

30. Prior approval of government
31. Voluntary transfer of ships or shares
32. Transmission otherwise than by voluntary transfer
33. Order for sale
34. Transfer of ships or share therein by order of court
35. Registration of transfer
36. Prohibiting transfer

Mortgage(s)

- 37 Mortgage of ship or share
- 38 Discharge of mortgage
- 39 Priority of mortgage
- 40 Status of mortgagee
- 41 Rights of mortgagee
- 42 Mortgage and bankruptcy
- 43 Transfer of mortgage
- 44 Transmission of interest

Name of ship

- 45 Ship's name
- 46 Change of name
- 47 Offence

Registration of Alterations & Registration anew

- 48. Alterations in ship
- 49. Registration of alterations
- 50. Provisional certificate and endorsement
- 51. Registration anew on change of ownership
- 52. Procedure for registration anew
- 53. Restrictions on re-registration of abandoned ships

National character and Flag

- 54. Nationality and flag
- 55. Unlawful assumption of Mauritanian character
- 56. Concealment of Mauritanian, or assumption of foreign
- 57. National colours

Miscellaneous

- 58. Liabilities of ships not recognised as Mauritanian ships
- 59. Proceedings on forfeiture of ships
- 60. Notice of trust not received
- 61. Liability of owners
- 62. Evidence of register book
- 63. Government ships
- 64. Power of government to make rules

PART IV

Certificates of Officers

Masters, Mates and Engineers

- 65. Application
- 66. Manning with certificates officers
- 67. Grades of certificates of competency
- 68. Examinations
- 69. Certificates of service
- 70. Form of certificates
- 71. Record of orders
- 72. Loss of certificates
- 73. Production of certificates

- 74. Power to cancel or suspend certificates
- 75. Recognition of certificates granted by other government
- 76. Power to make regulations for the purposes of this part

PART V

Seamen and Apprentices

Classification of seamen and Prescription of minimum manning scale

- 77. Power to classify seamen
- 78. Duties of shipping masters
- 79. Fees to be paid

Apprenticeship to sea service

- 80. Assistance for apprenticeship
- 81. Special provisions as to apprenticeship
- 82. Manner in which apprenticeship contract is to be recorded
- 83. Production of contract of apprenticeship

Seamen's Employment Offices

- 84. Seamen's employment offices
- 85. Power to make regulations
- 86. Supply or engagement of seamen in contravention of act prohibited
- 87. Receipt of remuneration from seamen prohibited

Engagement of Seamen

- 88. Engagement of seamen
- 89. Prohibition of engagement of unauthorised seamen

90. Agreements with crew
91. Form and contents of crew engagement
92. Special provisions with regard to crew agreements
93. Renewal of running agreements
94. Changes in crew to be reported
95. Certificate as to agreement with crew
96. Copy of agreement to be made accessible to the crew
97. Alteration in agreement

Employment of Young Persons

98. Employment of young persons
99. Medical examination
100. Maintenance of list of young persons
101. Power to make rules prescribing conditions for employment of young persons

Discharge of Seamen

102. Discharge of seamen
103. Certificate of discharge
104. Certificate as to work of seamen
105. Discharge and living behind of seamen by masters
106. Wages and other property of (such) seamen
107. Repatriation of seamen
108. Discharge of seamen on change of ownership

Payment of wages

109. Master to deliver account of wages
110. Disrating of seamen

111. Deductions from wages of seamen
112. Payment of wages before Shipping Master
113. Time of payment of wages
114. Settlement of wages
115. Master to give facilities to seamen for remitting wages
116. Decision of question by shipping masters
117. Production of ship's papers
118. Payment of seamen in foreign currency

Advance and Allotment of Wages

119. Allotment notes respecting seamen's wages
120. Commencement and payment of sums allotted

Rights of Seamen in Respect of Wages

121. Right to wages
122. Wages and salvage
123. Wages not to depend on freight
124. Wages on termination of service by wreck, illness, etc
125. Wages not to accrue during absence without
Leave, refusal to work or imprisonment

126. Receiving distressed seamen on ships
127. Provisions as to taking distressed seamen on ships
128. What shall be evidence of distress
129. Decision of consular officer
130. Power to make rules

Provision, Health and Accommodations

- 131. Provisions and water
- 132. Allowances for short or bad provisions
- 133. Weights and measures on board
- 134. Foreign-going ship to carry duly certified cook
- 135. Scales of medical stores
- 136. Certain ships to carry medical officers
- 137. Medical treatment
- 138. Crew accommodation
- 139. Inspection by shipping master, etc
- 140. Inspection by master

**Special Provisions for Protection of Seamen
In respect of litigation**

- 141. Certificate and notice to be given in case of underrepresented seaman
Decrees and orders passed against serving seamen

- 142. Receiving distressed seamen on ships
- 143. Provisions as to taking distressed seamen on ships
- 144. What shall be evidence of distress
- 145. Decision of consular officer
- 146. Power to make rules

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- 183. Scales of medical stores
- 184. Certain ships to carry medical officers
- 185. Medical treatment
- 186. Crew accommodation
- 187. Inspection by shipping master, etc
- 188. Inspection by master

**Special Provisions for Protection of Seamen
In respect of litigation**

- 189. Certificate and notice to be given in case of underrepresented seaman
Decrees and orders passed against serving seamen
- 190. Compensation to seamen
- 191. Protection of wages

Mode of Recovering Wages

- 192. Suit for wages
- 193. Restrictions on suits for wages
- 194. Wages not recoverable outside Mauritania
- 195. Master's remedy for wages

Power of Courts to rescind contracts

- 196. Power to rescind contracts
- 197. Disputes between seamen and employers
- 198. Conditions of service, etc , to remain unchanged

**Property of Deceased Seamen
And Apprentices**

- 199. Property of deceased seamen
- 200. Delivery of the property
- 201. Recovery of wages of deceased seamen
- 202. Disposal of unclaimed property of deceased seamen

Distressed Seamen

- 203. Distressed seamen
- 204. Mode of providing for return of seamen
- 205.
- 206. Modification of law of limitation where seamen is a party
- 207. Reference in matters of doubt to shipping masters

**Provisions for Protection of Seamen
in respect of Other Matters**

- 208. Facilities for making complaints
- 209. Assignment and sale of salvage invalid
- 210. No debt recoverable till end of voyage
- 211. Seamen's property not to be detained

Provisions as to Discipline

- 212. Misconduct endangering life or ship
- 213. Desertion and absence without leave
- 214. Power to suspend deserter's certificate of discharge
- 215. Conveyance of deserter or imprisoned seamen on board ship

- 216. General offences against discipline
- 217. Smuggling of goods by seamen or apprentices
- 218. Entry of offences in official log book
- 219. Report of desertions and absences without leave
- 220. Entries and certificates of desertion abroad
- 221. Facilities for providing desertion
- 222. Application of forfeitures
- 223. Decision of questions of forfeiture and deduction
- 224. Payment of fines imposed to shipping master
- 225. Seamen or apprentice not to be enticed to desert
- 226. Stowaways and seamen carried under compulsion
- 227. On change of master documents to be handed over to successor
- 228. Deserters from foreign ships

Official Log Books

- 229. Keeping of official log book
- 230. Entries to be made in official log books
- 231. Offences in respect of official log books
- 232. Delivery of official log books to shipping masters
- 233. Official log books to be sent to shipping master
In case of transfer of ship or loss

PART VI

Passenger Ships

(Carriage of Passengers)

- 234. Power to make regulations for carriage of passengers
- 235. Offences re: Passenger ships
- 236. Ticket for passage

PART VII
S a f e t y
G e n e r a l

- 237. Definitions
- 238. Power of surveyors
- 239. Declaration of survey
- 240. Records of inspections/survey

Safety and Load Line Conventions

- 241. Power to make regulations re: Safety and Load Line Conventions
- 242. Survey of passenger ships
- 243. Initial survey of passenger ships
- 244. Subsequent surveys of passenger ships
- 245. Additional surveys of passenger ships
- 246. Cargo ship safety construction survey
- 247. Life-saving and fire-fighting appliances: Cargo ships
- 248. Radio installations
- 249. Stability information
- 250. Surveyor's duty re: Reports
- 251. Power to make various Safety Regulations

Issue of certificates

- 252. Certificates to passenger ship or cargo ship
- 253. Local safety certificate-power to make Regulations
- 254. Posting of certificates
- 255. Certificates by other Governments

256. Certificates to non Mauretanian ships

Proceeding to Sea

257. Production of certificates
258. Mauretanian ship and certificates
259. Non-Convention ship

General Safety Precautions and Responsibilities

260. Qualifications of crew
261. Reporting hazards to navigation
262. Distress signals-power to make regulations
263. Misuse of distress signals
264. Obligations to assist in distress
265. Reporting of accidents

Prevention of Collisions

266. Giving helm orders
267. Power to make regulations for preventing collisions at sea
268. Observance of collision regulations
269. Inspections for enforcing collisions regulations
270. Assistance in case of collision

Load Lines and Loading

271. Definitions
272. Power to make regulations

- 273. Compliance with regulations
- 274. Submersion of Load Lines
- 275. Alteration or defacement of marks
- 276. Load Line certificate
- 277. Renewal of certificate
- 278. Cancellation of certificate
- 279. Periodic Load Line surveys
- 280. Certificate to be surrendered
- 281. Ship without certificate
- 282. Certificate display and entry
- 283. Particulars in crew agreement
- 284. Certificate of foreign ships
- 285. Validity of certificates of foreign ships
- 286. Inspection of foreign ships
- 287. Production of certificate
- 288. Power to make deck cargo regulations
- 289. Power to make timber deck cargo regulations
- 290. Offences against regulations
- 291. Defence to contravention
- 292. Securing compliance

Carriage of Grain

- 245. Carriage of grain and power to make regulations

Dangerous Goods

- 246. Meaning of “dangerous” goods
- 247. Carriage of dangerous goods
- 248. Disposing of dangerous goods

- 249. Forfeiture of dangerous goods
- 250. Power to make regulations
- 251. Application of provisions

Unseaworthy Ship

- 252. Sending unseaworthy ship to sea an offence
- 253. Obligation of owner to crew with respect to seaworthiness
- 254. Detention of unseaworthy ships
- 255. Liability for costs, damages
- 256. Security for costs
- 257. Complainant's liability

Miscellaneous

- 258. Powers to make regulations for the protection of longshoremen
- 259. Powers to exempt

Part VIII

Wrecks and Salvage

Wrecks

- 260. General superintendence
- 261. Powers to appoint receivers of wrecks
- 262. Fees and expenses of receiver
- 263. Duties of receiver
- 264. Powers of the receiver
- 265. Passage over adjoining lands
- 266. Immunity of receiver

- 267. Obstruction of receiver
- 268. Taking possession of wreck
- 269. Concealment of wreck
- 270. Notice of wreck
- 271. Owner's right to wreck
- 272. Power to sell wreck
- 273. Unclaimed wreck
- 274. Discharge of receiver
- 275. Removal of wreck

S a l v a g e

- 276. Reasonable salvage entitlement
- 277. Disputes re: salvage
- 278. Amount of salvage
- 279. Costs
- 280. Valuation of property
- 281. Detention of salvaged property
- 282. Disposal of detained property
- 283. Voluntary agreement re: salvage
- 284. Limitation of time
- 285. Power to make rules for the purposes of this part

Part IX

Investigations and Inquiries

- 286. Definition of "coasts"
- 287. Shipping casualties and report thereof
- 288. Investigation of shipping casualties

- 289. Preliminary inquiry
- 290. Formal investigation
- 291. Power of court (or commissioner) of investigation to inquiry into charges
- 292. Power of Government to direct inquiry into charges
of incompetence or misconduct
- 293. Opportunity to be given to person to make defence
- 294. Power of court (or commissioner) as evidence and regulation of proceedings
- 295. Assessors
- 296. Power to arrest witnesses and enter ships
- 297. Power to commit for trial and hand over witnesses
- 298. Report by court (or commissioner) to Government
- 299. Power of court (or commissioner) as to certificates (licences)
- 300. Powers of court (or commissioner) to censure master, mate or engineer
- 301. Power of court (or commissioner) to remove master and appoint new master
- 302. Delivery of Mauretania certificate (license) cancelled or suspended
- 303. Effect of cancellation or suspension of certificate (license)
- 304. Suspended certificate (license) not to be endorsed
- 305. Power of Government to cancel or suspend other certificates
- 306. Re-hearing and appeal
- 307. Power of Government

Part X

Limitation and Division of Liability

- 308. Definitions
- 309. Subsequent variation
- 310. Tonnage rules
- 311. Foreign ship's measurement
- 312. Liability of owners limited
- 313. Power to consolidate claims

- 314. Extension of limitation
- 315. Limitation for dock and harbour owners
- 316. Release of ship with security
- 317. Division of liability
- 318. Joint and several liability
- 319. Right of contribution
- 320. Extended meaning of owners

Part XI

Prevention of Pollution of the sea by Oil

General Provisions

- 321. Commencement and application
- 322. Definitions
- 323. Prohibitions as to discharge of oil or oily mixture
- 324. Exemptions, or Prohibition not to apply in certain cases
- 325. Report by master of ship
- 326. Power to make rules
- 327. Oil record book
- 328. Inspection and control of ships to which the convention applies
- 329. Power of surveyor/inspector
- 330. Oil reception facilities
- 331. Pollution related to shipping casualties
- 332. Right to recover in respect of unreasonable loss or damage
- 333. Offences in relation to section 331
- 334. Service of directions under section 331
- 335. Application of sections 331 to 334 to certain foreign and other ships
- 336. Government ships
- 337. Prosecutions and penalties

Civil Liability for Oil Pollution

- 338. Definitions
- 339. Liability for oil pollution
- 340. Exceptions from liability
- 341. Restriction of liability for oil pollution
- 342. Limitation of liability
- 343. limitation actions
- 344. Concurrent liabilities of owners and others
- 345. Cases excluded
- 346. Compulsory insurance against liability for pollution
- 347. Issue of certificate
- 348. Rights of third parties against insurers
- 349. Jurisdiction of Mauretanian courts and registration of foreign judgements
- 350. Government ships
- 351. Liability for cost of preventive measures where section 340 does not apply
- 352. Saving for recourse actions

Part XII

Penalties and Procedures

Penalties

- 353. Offences and Penalties
- 354. Procedure
- 355. Jurisdiction
- 356. Special provision regarding punishment
- 357. Offences by companies
- 358. Depositions to be received in evidence when witness cannot be produced
- 359. Power to detain foreign ship that has occasioned damage
- 360. Power to enforce detention of ships

- 361. Levy of wages, etc, by distress of movable property or ship
- 362. Notice to be given to Consular Representative of proceedings
In respect of foreign ship
- 363. Application of fines
- 364. Service of documents

Part XIII
Supplemental

- 365. Protection of persons acting under this Act
- 366. Powers of persons authorised to investigate, etc
- 367. Power to prescribe alternative fittings, etc
- 368. Exemption of public ships, foreign and Mauritania
- 369. Power to exempt
- 370. General power to make rules or regulations
- 371. Provisions with respect to rules and regulations including fees
- 372. Power to constitute committees to advice
on rules, regulations and scales of fees
- 373. Removal of difficulties

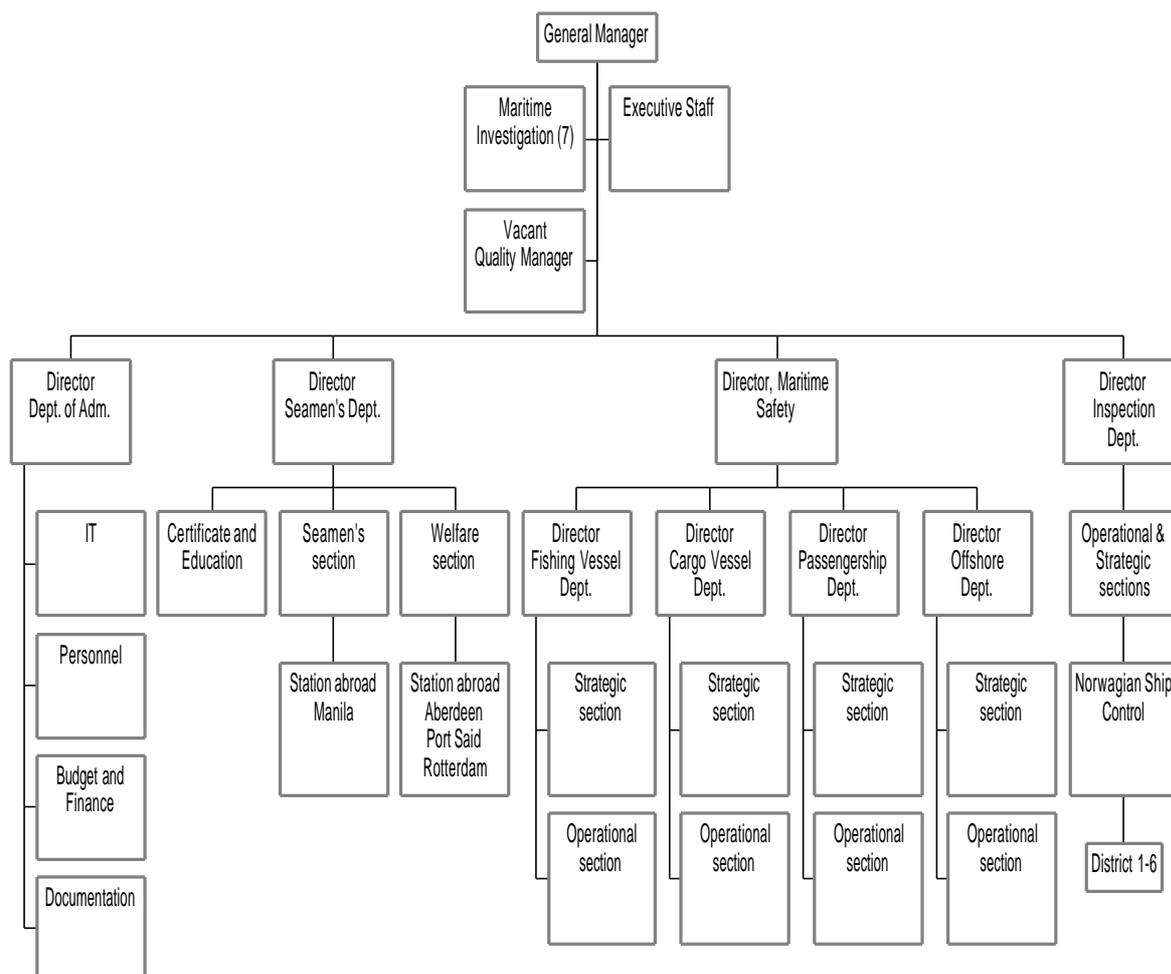
Part XIV
Repeals and Savings

- 374. Repeals and Saving

S h e d u l e
(Enactment's repealed, etc)

Appendix 4

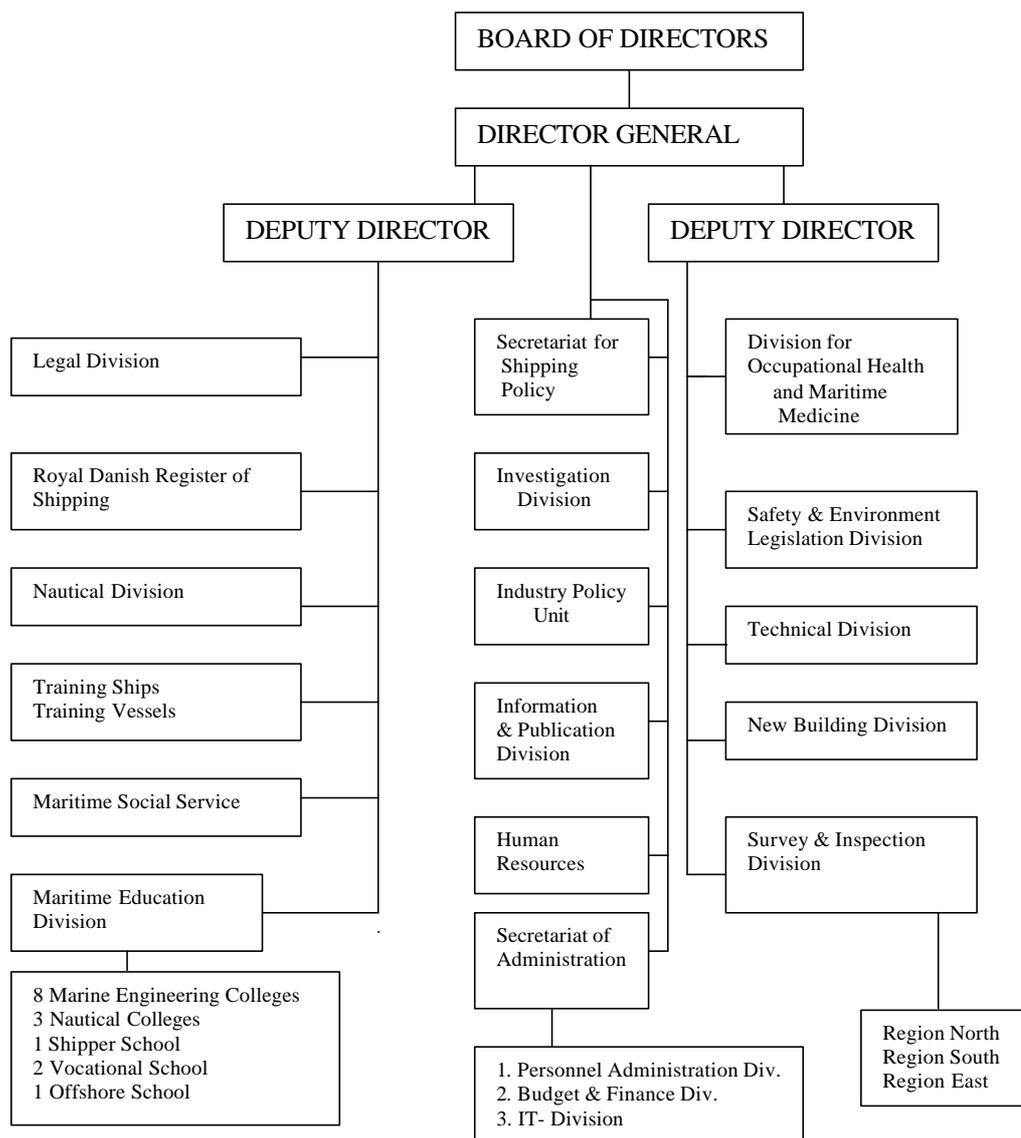
The Norwegian Maritime Administration Structure



Source: The Norwegian Maritime Administration Handouts, 1999.

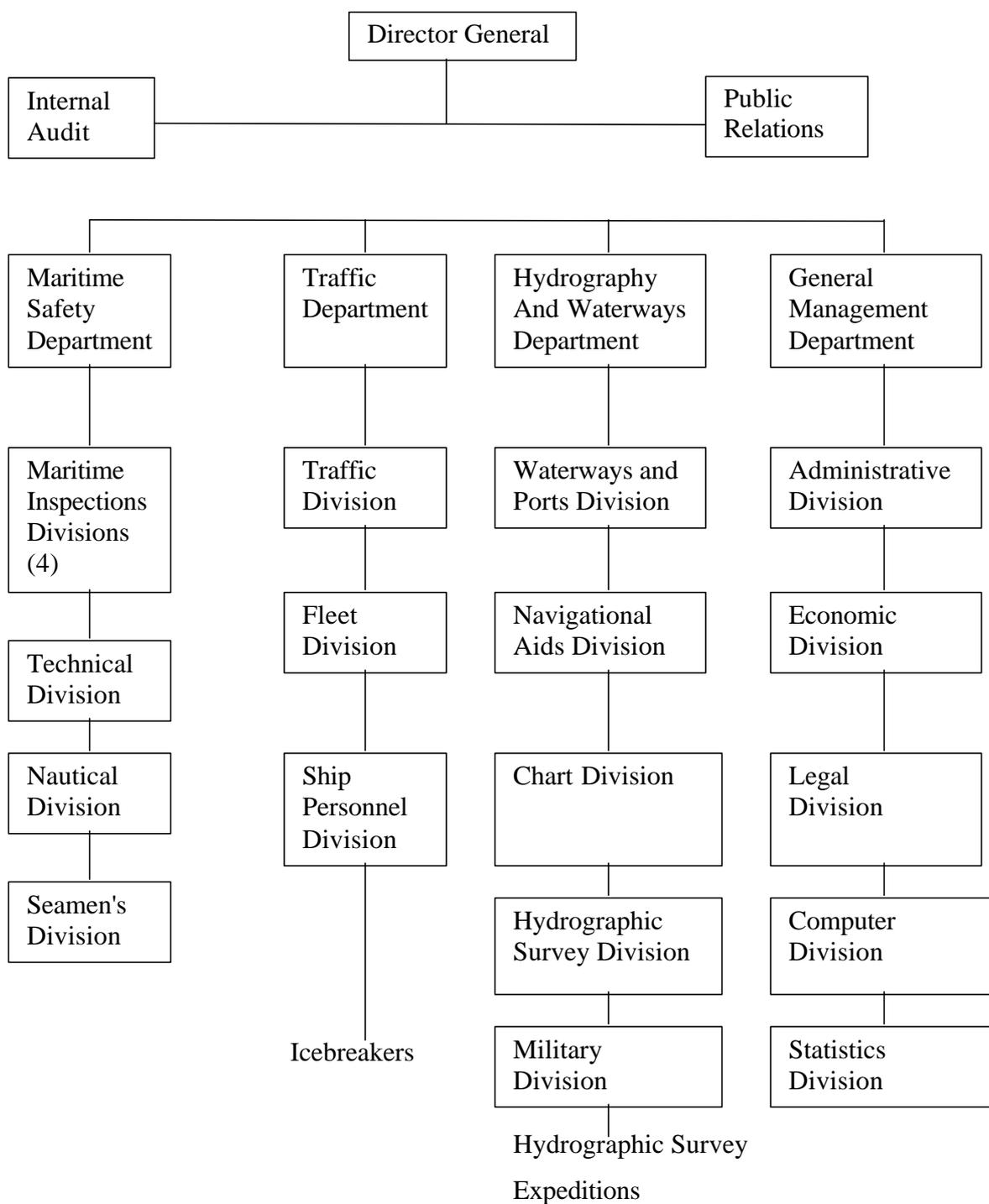
Appendix 5

The Danish Maritime Authority



Source: The Danish Maritime Authority Handouts, 1999

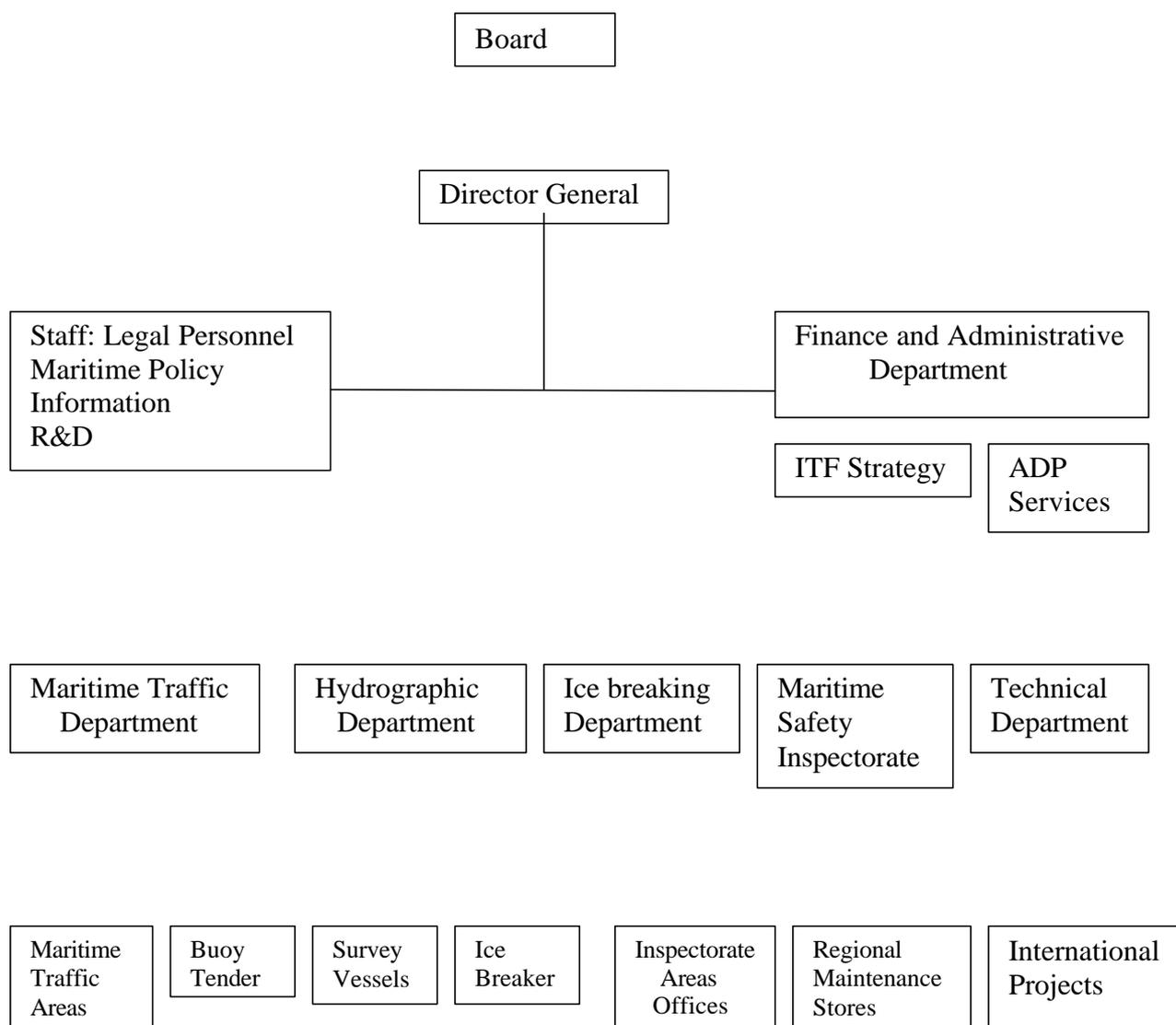
Appendix 6
The Finnish Maritime Administration (FMA)



Source: The Finnish Maritime Administration Handouts, 1999

Appendix 7

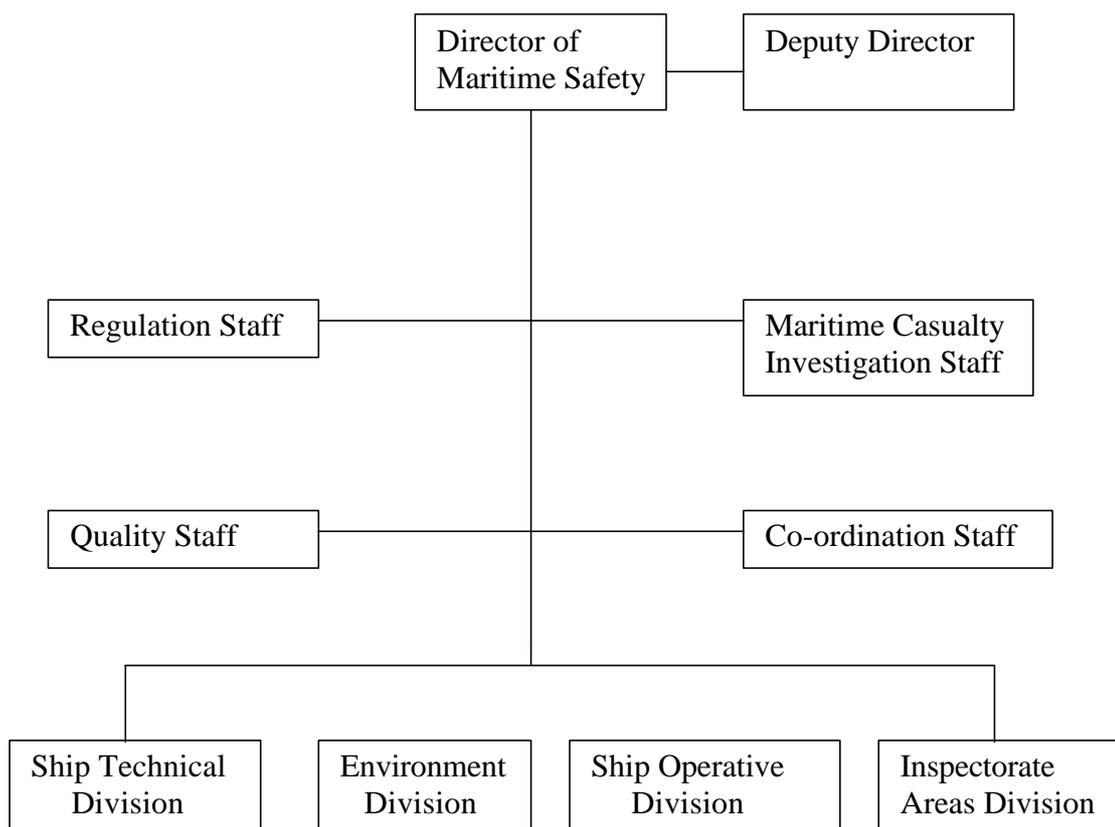
The Swedish Maritime Administration Structure



Source: The Swedish Maritime Administration Handouts, 1999

Appendix 7A

The Maritime Safety Inspectorate



Source: The Swedish Maritime Administration, Handouts, 1998.

