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**MARITIME SAFETY AND ENVIRONMENTAL
PROTECTION ORGANIZATIONAL ISSUES:
SENEGAL AS A CASE STUDY**

By

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Declaration

I certify that all the material 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 Safety and Environmental Protection
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Despite the high annual rate of loss of life, property, and casualties at sea, and some identified marine environmental risks in Senegal, the Maritime Safety Administration (MSA) functions, mainly the services delivered at sea, have never been consolidated within the Maritime Administration, due to the lack of resources in terms of personnel and naval means. On the other hand, the degradation of the Navy's potential also has limited its traditional contribution to the safety functions for long time.

The purpose of this dissertation is to address the MSA organizational issues in Senegal, to discuss the main deficiencies confronting it, and to suggest an alternative model based on the merits of the new public management.

A review of the theory of organizations is made, to trace the evolution of public organizations from the public administration to the new public management, which is superseding the obsolete traditional bureaucracy, and where its implementation in some industrialized countries has impacted positively on the MSA.

The Senegalese maritime interests are presented; the current structure of the MSA is described, with an emphasis placed on the deficiencies. The urgent need to rationalize the existing model is assessed.

The creation of a Senegalese Maritime Safety Agency, including a coastguard, is proposed. The expectation of the model is to impose a corrective pattern on the MSA activities in the course of defined objectives. Other possible outcomes are examined.

The conclusion firstly, highlights the opportunity of the project, and the need for a supportive military leadership to motivate a favorable political decision on this issue, and secondly, it argues for the project's positive impact on the morale of the administrative marine personnel and on the responsiveness of the safety services. Finally, certain recommendations are put forward to ensure the successful establishment of the proposed Senegalese Maritime Safety Agency (SMSA).

Keywords: Maritime, Safety, Services, rationalization, NPM, Coastguard.

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LIST OF ABBREVIATIONS

COLREGS 72:	International convention on Regulations for Preventing Collision at sea (1972)
FPSD:	Fisheries Protection and Surveillance Directorate
FSA:	Formal Safety Assessment
GDP:	Gross Domestic Product
LL 66:	International Convention on Load Line (1966)
ILO 147:	International Labor Organization Convention No147
IMO:	International Maritime Organization
ISM Code:	International Safety Management Code
MARAD:	Maritime Administration
MARPOL 73:	International convention on Marine Pollution (1973)
MFDC:	Movement des Forces Democratiques de la Casamance
MMD:	Merchant Marine Directorate
MOU:	Memorandum of Understanding
MSA:	Maritime Safety Administration
NPM:	New Public Management
OECD:	Organization for Economic Co-operation and Development
PSC	Port State Control
SAF:	Senegalese Armed Forces
SAR79:	International convention on Search and Rescue (1979)
SMA:	Swedish Maritime Administration
SMSA:	Senegalese Maritime Safety Agency
SOLAS 74:	International convention on Safety of Life at Sea (1974)
STCW 95:	International convention on Standards of Training, Certification and Watch keeping (1995)
CG:	Coastguard
UK:	United Kingdom
UNCLOS:	United Nations Convention on Law of the Sea (1982)
USA:	United States of America

Chapter 1

Introduction

Every country has recognized that international trade is an effective way that leads towards prosperity and development. Transport makes goods available in distant places. Bringing markets together, consequently, it reduces the price of goods. Transport also enhances specialization, increases efficiency, and facilitates the process of globalization.

By far the bulk of international trade is transported by sea. Thus, Senegal has important and diverse interests in the oceans as far as economic growth is concerned. At the same time, Senegal, with 530 km of coastline along the Atlantic Ocean and three rivers of a total length of 1197 Km, has interests in marine environmental quality management programmes. Inshore and coastal waters generate vital economic activities such as fisheries, ports, transportation facilities, recreational and tourism areas.

However, managing safety and marine ecology on the one hand, and economic interests on the other, requires the careful and often difficult balancing of interests. The pursuance of these ocean policy objectives may require an integrated approach that includes business principles, effective involvement of government, industries, other social partners, as well as regional and international cooperation. The public sector, through the administration of maritime affairs, has to play the leading role.

Firstly, the cause of safety must be advanced, by maintaining the highest possible standards of services within the shipping sector, the fishing sector, and recreational

areas. Secondly, there must be a focus on security matters, by developing and maintaining a sea response capability, including the suppression of unlawful acts at sea, humanitarian operations, and through routine public services ensuring the free flow of commercial and social maritime activities. Thirdly, fisheries must be managed to ensure that fishing activities are ecologically and economically sustainable for the benefit of present and future generations. Finally, there must be an understanding and addressing of the problems associated with the uses of the sea and the marine environmental protection concerns.

The United Nations Convention on the Law of the Sea (UNCLOS, 1982) has developed a comprehensive legal framework covering virtually all uses of the oceans and the respective rights and obligations of the coastal state. In this perspective, the Senegalese Maritime Administration (MARAD) has to update and redefine its strategic approach and conceptual thinking to face the challenges highlighted above. The MARAD is today in a situation that is becoming harmful. As resources have become scarcer, government has less means and power to enforce its rights and discharge its obligations, despite the fact that the international maritime conventions are often ratified.

The Merchant Marine Department (MMD), tasked with the safety services, and the promotion of the shipping industry, due to a lack of resources and a restrictive bureaucracy, has not yet contributed significantly to decrease the high rate of loss of life, property and casualties, occurring at sea. The MMD also has not yet succeeded in reversing the declining trend of the national shipping industry lasting some years. The Environmental Protection Department (EPD), although delivering the general environmental policy has not yet provided a functional marine environmental protection structure to face potential threats, despite the importance that sea interests are represented at a national level. The Fisheries Protection and Surveillance Department

(FPSD), is less involved in safety and environmental management, regardless of the growing trend in loss of life, property, and casualties within the fishing sector.

On the other hand, the commitment of the Navy to ensure that safety services are delivered at sea also has been threatened and impaired by a dramatically low sea response capability for more than a decade. The performance of its traditional roles, including presence at sea, strategic deterrence, maritime zone control, public service delivery, poses critical problems. In Senegal, safety and security management, as well as management of marine resources and marine environmental protection, are suffering both from an absence of rationalized organization and a chronic shortage of funding.

Bearing in mind that the problems of ocean space are closely interrelated and need to be addressed as a whole, one may ask first, about the underlining factors of the current situation, second, if there is any alternative for delivering improvement, and finally, what would be such an improving alternative. These are a few of the questions this dissertation attempts to address through an analysis of the Maritime Safety Administration (MSA) issues in Senegal.

Chapter 5 of this paper presents the country's profiles, describes the setting of the MSA, and points out the weaknesses confronting it. Chapter 6 argues for the need to rationalize MSA in Senegal, based on the author's assessment of the current situation and also on an analysis of previous attempts and proposals aiming to reform MSA in Senegal. The purpose of Chapter 7 is to respond to the expressed need to rationalize MSA by suggesting a model expected to suit the country. Chapter 8 attempts to provide a synthesis of the subjects discussed in the development of this paper, and puts forward some recommendations for the success of the restructuring of the Senegalese MSA.

In attempting to propose an MSA model, the author relies on the merits of application of new public management (NPM), an innovative problem-solving methodology brought from the private sector and implemented nowadays in the public sector of some industrialized countries. Therefore, it is deemed necessary to recall the theory of organizations from the perspective of tracing the evolution of public organizations from public administration to NPM.

In this respect, chapter 2 deals with organizations and organizational theory, with particular interest in public administration, as it is a remarkable model of organization. Chapter 3 provides an understanding of NPM, introducing the methodology and defining the principles, while chapter 4 examines some of the impacts of NPM within the MSA, in general.

Chapter 2

Organization and Organization Theory

This dissertation will address maritime administration issues, as the Maritime Administration is a model of organization within the public sector, and will suggest the rationalization of the Senegalese Maritime Safety Administration. To deal with such a complex type of organization, it is of a great importance to understand theories and concepts founding the rationale of an organization's life, in general.

In public or private activities, as well as in formal or informal activities people are united around values and driven by objectives. They are simply involved in organizations. It seems that the organization, a highly dynamic process, is a social need for human kind.

2.1 Definition of Organization

Organizational theorists agree to a large extent on the basic definition of an organization. The generic concept of an organization is generally defined as an enterprise where people are engaged in specialized and interdependent activities to accomplish a goal or a mission. Karl Weik¹ states that -

An organization is like a grammar, an account of rules and conventions by which sets of interlocking behaviours are assembled to form social process that are intelligible to actors.

¹Weik Karl, *The Social Psychology of Organization*. 2nd Edition, Reading Mass.: Addison-Wesley Publishing, 1979, as cited in the joint work of Gortner, H. F.; Mahler, J.; Nicholson, J. B. *Organization Theory*, 1987, at p. 2.

Further, some organization theorists have added that specialization and division of labour are supposed to create conditions for efficiency, but on the other hand the interdependency of activities demands a control and coordination mechanism. Such a mechanism will be named later either administration or management. According to Gortner, Mahler, and Nicholson (1987) organization should be linked to objectives rather than to persons. Thus, organizations should be designed in job descriptions and roles in order to survive personnel changes. However, even though there is a convergence of views on the definition of an organization, organization theorists are divided on how the theory should address the main features of an organization.

2.2 Organization Theory

Organization theories are often elaborated towards a public perspective. It is widely accepted that Organization theory is an inter-disciplinary field where most of the social sciences have contributed to its development. The influence of an intellectual and a political heritage characterize largely the inter-disciplinary feature of the field.

2.2.1 The intellectual heritage of Organization Theory

Karl Marx, Max Weber, and Sigmund Freud are among the main contributors to the intellectual heritage of Organization theory. They have influenced the intellectual orientation of Western society and their works have penetrated the rest of the world.

Karl Marx (1818-1883) was a key player in the elaboration and diffusion of the Socialist and Communist theory². His main concern was the restriction that modern society put on human development. Marx identified the capitalist regime as a social, political and economic system where a minority (the bourgeoisie) controls the means of production, accumulates profits and exploits the majority of workers (the proletariat). He expressed that the social capitalism organization is unstable opposing the bourgeoisie (thesis) to the proletariat (anti-thesis). Thus, the end of the process is

² See Denhardt, R. B. *Theories of Public Administration*, 2000, at pp. 22-68.

inevitably the synthesis towards communism³. Finally, Marx advocated that social theories do reveal to us an understanding of our situation and point the way to freedom. Karl Marx argued that social theories are genuinely linked to social organizations.

In contrast to Karl Marx, Max Weber (1864-1920), in examining the relationship between economic conditions and patterns of social change, acknowledged that forces other than class conflicts; for instance, tradition or belief, could propel change. Therefore, according to Weber, the reasons for social change are not necessarily tied to an economy as such, but they are related, as well to the world of ideas and ideals⁴. Whereas Karl Marx suggested that social science tells us the truth and guides us towards freedom, Weber argued that due to its limits, scientific research can guide us towards objectives, but cannot tell us what those objectives should be.

The legacy of Sigmund Freud (1856-1939) to organization theory has also been of great importance. Freud developed the understanding of the life of the group, organization and societies⁵. From his psychotherapy and personality theory based on psychoanalysis, Freud explored the impact of group psychology. He assimilated the group as an entire culture system. He discussed the “unconscious life of the group”, ascertained that some primitive or instinctual forces drive the group beyond the normal bounds of logic or explanation. Freud attempted to explain also the relationship between groups and their leadership.

Finally, Freud stated that individuals use groups and organizations not only to accomplish ends, but also to serve as direct sources of need gratifications to provide a sense of security, a defence against the vagaries of an uncertain world.

³ Karl Marx works are largely based on Hegel’s theory stating that ideas continuously conflict and conciliate through a dialectic process: thesis, anti-thesis, and synthesis.

⁴ See Denhardt R. B. (2000), at pp. 27-32.

⁵ Ibid., at p.34.

Karl Marx, Max Weber and Sigmund Freud analysed, in their theories, personal and collective survival as people live and work in a society of large and complex organizations. However, today communism and capitalism doctrines have less influence in the way Western society is organized. Western society succeeded over the years to build solid governmental institutions, to promote the entrepreneurial spirit, as well as individual liberty through state policy and legislation. A national and international legal framework as well has tended to keep the balance between less sensitive, but still remaining, class conflicting interests.

On the other hand, in the work of Marx, Weber and Freud, some common themes appear that might serve as guideposts when elaborating on public administration theory, as well as on new public management.

2.2.2 The Political Heritage of Organization Theory

The political heritage of organization theory concerns mainly the role of governmental agencies in performing the work of the state. The political heritage of the organization theory is a debate centred on public administration - politics dichotomy. Alexander Hamilton⁶ and Thomas Jefferson⁷ presented two different views on this issue (Denhardt, 2000, pp. 42). Hamilton's Administrative theory expressed the need for a wide discretion of the executive. Hamilton argued on behalf of a strong national government with considerable power residing in the executive. He stated that-

...the effectiveness of the executive is incompatible with dissent and discussion in legislative deliberations; instead, it requires a unity of command, a single centre of power and a single of centre of responsibility.

⁶ Alexander Hamilton (1757-1804), American Federalist politician, who established the USA central banking system.

⁷ Thomas Jefferson (1743-1826), American Democratic Republican, who was the 3rd president of the USA, and played a key role in the American leadership during the war of independence.

In contrast, Jefferson saw the problem of administration and organization as directly related to the problem of extending the notion of democracy. Jefferson, in his Administrative Theory (Denhardt, 2000, p. 43) advocated that -

Government must be decentralized to the extent that each citizen may personally participate in the administration of public affairs and ...government must serve to school the people in political wisdom and must train a self-reliant citizenry.

Jefferson argued on behalf of strict and legal constitutional limits of power on the executive branch, limits that would ensure the responsibility of officials. He stated that although politics set the tasks for administration, administration lies outside the proper sphere of politics and administrative questions are not political questions.

These ideas put forward the debatable issue of administration-politics dichotomy. In so far as public administration is still defined in institutional terms, the dichotomy is still there.

2.2.3 Organization Theory

The versatility of organization theory provides the ground for discussion. Organization theorists diverge when considering firstly, the purposes of the use of such a theory and secondly, they even disagree when it comes to issues that the theory should address, the concepts and variables that should enter into the theory. Organization theories differ mainly in matter, in explanatory form and in purpose as well⁸.

The difference in matter is relevant to the development around four main subjects: the theory of individual and group behaviour, the theory of organization structure, the theory of organizational processes, and finally, the global or overall theory of organization.

⁸ See Gortner, Mahler, Nicholson, at pp. 8-11, as referenced in footnote 1, p. 1.

In explanatory form, organization theories differ by the fact that some organization theories developed from a scientific approach are identified as systems analysis based, with a focus on decision-making. Other organization theories developed from empirical observations and are identified as political economy based. They are more focused on the results or outcomes of the interactivities and interrelation of social groups.

The mainstream theorists generally agree on what should be the purposes of organization theories. They assume that these should be conceptual tools for diagnosing problems and assessing different solutions. Finally, differences in the approaches to organization theories, as stated earlier, are derived from the interdisciplinary status of the field. Indeed, the divergence is an old heritage and contributes to the enrichment of the exchanges related to the issue of organization theory.

2.2.4 Role Model in Organization Theory

Organization theorists often speak of their model work as the task of developing models of organization. Theorists use models to conceptualise different types of organizations, their structure and mode of functioning as well⁹. Models allow theorists to describe facts and situations, to conduct analysis and comparison. Moreover, theorists assume that models are vehicles for the transmission of ideas and knowledge.

In so far as models allow theorists to conceive a positive, concise and comprehensive approach to apprehend such abstract and complex topics as organizations or public administration, model conceptualisation is not exempt from the discord between theorists and practitioners.

⁹ See Gomez, Peter, 1977, at pp.43-49, *Systems Methodology in Management. An adaptative Procedure for Organic problem Solving In applied general Research: Recent Development and Trends*. Edited by G. Klir. New York, 1997.

The practitioners, often, are sceptical with regard to theoretical models. They refer to and criticise the inevitable distortions embodied in models, due to the fact that theorists are far from reality and their main concerns are often for academic purposes or personal reputation and promotion. Nevertheless, in many views, theories of models are still accurate; allowing the understanding of what reality imposes, and what the future may be.

2.3 Public Administration Theory

As opposed to the organization's universal concept for generic use, Public Administration is concerned with governmental agencies, units forming parts of the government and devoted to the administration of law. Public administrators are accountable to executive, legislative and judicial institutions, while private or non-profit organization managers are accountable to owners. Public Administration is a model of organization. Therefore, Public Administration theory, has been largely developed in order to understand first, organizational problems as they are related to the structure of public departments, their inter-relationship, coordination and internal functioning and secondly, to understand how people behave in organizations and how organizations function.

However, Public Administration theories are not uniform, taking into account the varieties of governmental agencies, and the numerous issues they address. In general, theories are concerned with constant questions: the socio-political and socio-economic environment, and the distribution of power and authority. Easton (1965) defined Public Administration as the governmental part that develops and implements governmental policy¹⁰. Then, Public Administration is the governmental arm.

¹⁰ Easton, D. (1965). *A Framework for Political Analysis*. Englewood Cliffs, N. J.: Prentice-Hall, as cited by in the joint work of Gortner, H. F.; Mahler, J.; Nicholson, J. B. *Organization Theory*, 1987, at p. 35.

Easton (1965) advanced that Public Administration is also seen as a political process in the sense that it is supposed to perform the mandate of an elected government.

This approach of Public Administration Theory developed by the “Democratic Political School”, advocated, more vigorously, that public institutions should promote and manage processes, changes in the pursuance of defined social values. Therefore, the public administrator shall promote an ethical basis for public administration. This movement argues that Public Administration has to deal with freedom, justice, equality and responsiveness for the exclusive benefit of the citizens.

Besides this trend, the vast majority of other public organization theorists pretend that the behaviour of individuals within organizations and the behaviour of organizations themselves are much the same regardless of the type of organization. In general, organizations (for instance, private or public) are concerned with concept such as rationality, authority and motivation. These theorists expect that the lessons learned from one setting would be easily transferable to the other.

2.3.1 Public Administration Theories and the Bureaucracy

The vast majority of Public Administration theorists consider bureaucracy as synonymous with Public Administration, and as distinct from private management. Bureaucracy is also supposed to encompass all public servants¹¹. It denotes the management of a political community and the implementation of laws. There are controversies among those who see bureaucracy as a necessary arm for democratic government, and those who see it as antithetical to democracy.

Max Weber (1947), defined bureaucracy as “less neutral, stable, an expert mean of administering the law and coordinating activities of a number of people in a

¹¹ See Barber, M. P. *Public Administration*, 1983, at pp. 85-92.

predictable and efficient manner”¹². Weber embodied into bureaucracy, recruitment, specialization of function, promotion of officials based on their expertise, centralized authority and the hierarchical chain of command as well. Downs’s (1967) in his turn highlights the difference between bureaus and firms based on the bureau’s lack of market that sets the value of the organization’s work. Downs¹³ argues that -

...in bureaus, managers are focused on inputs and funds sharing for expansion or greater authority. On the other hand firms survive because of market profitability.

Other definitions of bureaucracy are concerned with critical and negative foundations. The first wave attacking bureaucracy advanced that bureaucracy might be seen as destroying spontaneity. People are oriented and conform to any course of action adopted by the hierarchical chain of command as such. In addition, the criticism sustained that “ the bureaucracy is a complex linguistic game, a cultural construction, but has no objective reality perceived or assumed”.

These criticisms, whether true in their overall statements or partly false, have strongly influenced and finally, led theorists and practitioners to explore, develop and implement alternative models for administering public affairs. The intent is to phase out as much as possible the traditional Public Administration.

¹² Weber, M. (1947). *The Theory of social and Economic Organization*. New York: Oxford University Press, as cited by Denhardt (2000).

¹³ Downs, A. (1967). *Inside Bureaucracy*. Boston: Little, Brown, as cited by Hughes, in *Public Management and Administration*, 1998.

Chapter 3

New Public Management Methodology and Principles

By the 1980s, significant developments in industry, telecommunications, transport modes, and information technology had occurred. The reality of a global economic market was consolidated laying the ground for tough internal and international market competition. The public sector of the western countries needed major changes to respond to these challenges, first, technical development, and second, international competition. It was argued that the phenomenon represents a paradigm shift from the traditional model of public administration to managerial or new public management. Hughes (1998) advanced that the theory of bureaucracy, in its governmental context was being replaced by economic theories. He also pointed out that changes were not only in the style of governing, but were extensive reforms in the role of government in society, as well as in the relationship between a government and its citizens¹⁴.

3.1 The imperatives to change the traditional Public Administration model

The imperatives to change the traditional Public Administration were related first, to changes in economic theory, second, attacks on the public sector, and third, changes that occurred in technology.

3.1.1 Changes in Economic Theory

Between the 1970s and the 1980s, emerged the idea that less governmental intervention will improve aggregate welfare by improving economic efficiency.

¹⁴ See Owen E. Hughes. *Public Management & Administration*, 1998, at pp.1-3. London: Mamillan Press LTD.

The main purpose of this assertion was that the market forces are superior to bureaucracy command. Mainly, two theories have been developed in supporting this argument, the public choice theory and the transaction cost theory. Public choice theorists (Hughes, 1998, p. 10-11) argue that -

.... the best outcome will involve a maximum role of market and a minimum role of government. ...there is a substantial body of evidence that private market is better than government or political market. If the role of government in supplying goods and services could be reduced, the economy as a whole would benefit.

Besides, this public choice theory, the transaction cost theory set out by Williamson (1986), similarly explained how open and fair competition disciplines suppliers and results in a fair price for customers. The theory suggests that public agencies may prefer market testing or contracting to in-house provision if there are some transactions, which would be less costly to reduce administrative cost and provide competition.

In this prospect, Osborne (1992) suggested in the United States to reinvent a government where there is open and fair competition between service providers, by pushing control out of the hands of the bureaucracy into that of the community. Osborne added that the new government should promote an effective decentralisation of authority, and should encourage problem-identification and problem-solving initiatives within the community as well. In Britain, Rhodes (1998) mentioned the determination to fully implement the “3Es”: economy, efficiency and effectiveness. In this way, overall traditional economic concepts have been challenged.

3.1.2 Attacks on the Public Sector

The Public sector has been continuously attacked and eventually, it lost support from the people. Attacks on the public sector preceding the NPM movement mainly focused first, on the failure of government to respond to social demands, second, on administrative functioning problems, and finally, on the defects inherent in the administrative structure itself. Developed countries experienced difficulties satisfying the increasing trend of the social demand. Due to excessive government involvement

during the 1980s, the size of bureaucracies was seen as too large, consuming the scarce resources available. That was the first motivation that led to privatisation.

The disaffection of people regarding bureaucratic administration, seen as guaranteeing mediocrity and inefficiency, largely justified the absence of resistance during the privatisation period in western countries. In the United States, Ronald Reagan implemented drastic reforms in the 1980s. In Britain, Margaret Thatcher, in 1979 reconsidered the role of government during her political mandate and carried out significant changes in the way public affairs should be managed.

The second attack on the public sector consisted of criticisms on the government's lack of problem-solving initiative, its inertia and absence of coherent actions mostly due to the overlapping of the functions of departments. Barber (1983), commenting on the defects related to public administration, evoked a management deficiency characterised by overloaded officials, lack of awareness of the policy makers, and an obsolete decision-making process. Confined to that configuration, the public sector had no longer any sustainable viability facing the increasingly changing world.

3.1.3 Technology Development

Technology development and subsequent globalisation posed serious challenges to bureaucracies. The development of telecommunication, different modes of transport, information technology associated with high capacity data collection and processing were no longer compatible with traditional administrative procedures.

To conclude, globalisation forced governments to review and improve natural and artificial trade barriers. National economies exposed to worldwide competition, ultimately, needed government support to create internal competitive advantages for the public sector and the private sector. Consequently, to rationalize government expenditure, non-core agencies were either privatised or granted larger autonomy in

many OECD countries, notably in New Zealand and Australia. Technology development issues needed more responsive and more creative administrative models. The NPM started to work.

3.2 New Public Management Methodology and Principles

As indicated above, in response to inadequacies in the public sector a new approach for managing the State's affairs either named NPM or "Managerialism" developed remarkably in the 1980s and 1990s. Pollitt (1990) advocated that the new alternative method to govern public affairs is more realistic in the current adverse environment.

In general, management involves setting clearly defined targets, setting explicit standards and identifying accurate performances measurement tools. Managers are even more involved in the achieving of results and personal responsibility for the results being achieved. In contrast, administration has a rather law compliance focus, concerning procedural standards and services delivery routine.

NPM embodies creativity, responsiveness, and adaptability when compared to the traditional method, known to be standardised and normative through its over regulated features. Bureaucracies have always been seen as limiting and static, due to lack of motivation or incentives. In fact, public administration was given a narrow conceptual basis, but changed with the enlarged NPM. Laurie J. Mullins (1996) noted this limitation in the public sector and argued that the role of new managers will differ from the role of administrators in theory and in practice.

3.2.1 Functions of General Management

A model of management functions given by Allison Graham (1982) is presented here. The model functions provided by Graham (as described by Hughes, 1998, pp. 53-80) conform to the model functions appearing in the literature on this topic. According to

Graham, the first management function is strategy, setting objectives, setting priorities, scanning the internal and the external environment, and preparing plans to achieve the objectives. Strategic management has to do with the “*raison d’être*” of an organization. The second management function is the management of the internal components by organizing, staffing, implementing, motivating and controlling, to improve productivity. The third management function suggests an organization change and development whenever evaluation and assessment reveal critical deficiencies in the management, as well as in the organization structure. Finally, Graham’s model recommends an effective management of external constituencies related, for instance, to external communication, job organization, and the media.

Management functions tend to oversee and address organizational pivotal issues such as authority, efficiency, psychology, social relations, and the technical environment. Indeed, management functions are carried out through a managerial program, which should be visionary, but realistic.

3.2.2 The Managerial Programme

Elaborating a managerial program is to decide on what a government should do, and what a government should not do when seeking economy, efficiency and effectiveness. The corner stone of the NPM is to reduce growing government intervention and control, both of which are seen as impeding productivity. It makes sense here to examine the role of traditional government and to present afterwards what may be a managerial programme, and how ambitious it may be.

Government’s traditional role usually involves the policy of fund allocation, provisions or production of goods and services and the framing of national legislation. In most countries, government funds by taxation rather than by user paying for non market-services and goods such as defence, education, social welfare, and roads. The policy allocation can be derived either from a long-term plan, or from a need to respond to an

urgent political or socio-economic situation. Allocation of funds is often a political process through Parliament. In this perspective, Musgrave (1989) evokes a problem related to equity redistribution of funds between citizens, taking into account social classes, as they are associated with conflicting interests. Musgrave argues that the answer to this question is rather subjective, concerns being relevant to social philosophy and value judgement.

One can say the most difficult task for a government to improve the economy is through budgetary policy triggered by deficits and environmental uncertainty. A government itself produces the goods and services that it distributes. In this case users of public products are charged like in the private sector. Those state owned companies are, *inter alia*, telecommunication, transport, electricity and water supply companies. However, one may ask the following question. Should government be deeply involved in managing public affairs today, and are these companies still profitable and well managed to the benefit of the citizens? It is expected that the examination of the managerial program of the OECD countries standing as references in terms of application of NPM will provide the appropriate answers to these questions.

The Managerial Programme set out by the OECD report produced in 1999 embodies significant changes. It encompasses, *inter alia*, relaxed controls, more staff involvement in the decision-making process, the improvement of human resources, performance pay-basis, emphasis on performance targets, user charges, and intensive and extensive use of information technology. The OECD countries expect from the implementation of this programme to reduce the role and extent of government intervention, to enhance entrepreneurial skills in society, to prevent development of bureaucracy, to depolitize the decision-making process, and lastly, to reduce the management gap between private and public sectors.

The OECD countries also have experienced a shift to desegregation of expended state-owned departments into parts, by setting up agencies to deliver goods and services.

Indeed, they have been guided by some principles in doing so. Firstly, the opportunities of the missions devoted to the future agencies should be clearly identified. Secondly, a SWOT¹⁵ analysis should be conducted for better planning in the prospect of short-term, and long-term visibility. Third, attention should be accorded to resources management and organization's life as well.

The advantage of desegregating heavy public sectors is that it may increase efficiency by offering a "one-stop shop" by regrouping related activities. Similarly there is the opportunity for an economy of scale, hence allowing for cost cutting. This ambitious programme is credible, sustainable, and already has some returns when considering current economic results in the OECD countries.

However, often, public opinion is divided on whether success is related to the quality of the human resources, a favourable environment, or adequacy of operating methodology and principles. Those who advocate the adequacy of operating methodology and principles will argue that NPM principles are universally put at the disposal of the private and public sectors, in developed as well as in developing countries.

3.2.3 New Public Management in Developing Countries.

Looking at recent history, public administration in developing countries has followed the traditional model after independence. Strict hierarchy was a norm and the bureaucracy was prestigious. For some time, in many developing countries it was thought that the one-party-state was the best way to ensure fast economic growth. This attitude reinforced bureaucracy associated with its undesirable aspects. Later on came a number of disillusion.

In developing countries, the most significant event since the period of their independence was the end of the *cold war*. It contributed tremendously to the

¹⁵ Strength, weaknesses, opportunities, and threats.

implementation of the democratic regime. As a whole process, democracy is often identified as encompassing more liberty within the society, and more favourable conditions for economic performances. One may expect that NPM methods and techniques could have been a tool to eradicate poverty, mal-governance and to provide social welfare promoting an entrepreneurial spirit and productivity in developing countries.

Haynes (1996) presents his point of view with certain reservations. Following the failure to improve the economy in many developing countries, the World Bank and the IMF offered financial support provided that developing countries comply with certain criteria. A set of recommendations called the “Structural Adjustment Plan” was put forward which was supposed to improve the economies in developing countries. The recommendations encompassed measures to lower trade barriers, cut subsidies, suppress price control, restructure national financial systems, privatise state-owned companies, and limit state intervention in the economy and in provision of goods.

As a matter of concern, these recommendations do not differ at any single point with the OECD Managerial Programme. The difference comes when considering the fact that on the one side the programme was compulsory, and on the other the programme was guided according to a rational national commitment. Hayes, citing the World Bank Report in 1997, pointed out the lack of success of the previous programme due, to a large part, to government failure to get away from an obsolete mode of governance associated with a lack of efficiency, initiative, creativity and excessive state involvement in public sectors.

Nevertheless, the World Bank reinforced its emphasis on the necessity for government to ensure sustainable development by using market forces to promote the economy, establish laws to prevent distortion in policy environment and invest in basic social goods and services. In one way, the World Bank “pushed into force” a managerial programme in developing countries. Clearly, the World Bank called for first, a basic

formulation and coordination of policy including goals, priorities and vision, second, a strong capacity to establish an efficient and effective delivery system including accountability perspectives, and finally, a motivated and capable staff with incentive structures including merit-based recruitment, promotion and a strong *Esprit de Corps*.

From another viewpoint, according to Ladipo's study (1999), presenting the perspective of the sub-Saharan African countries in implementing NPM, it was advocated that there are some attempts to implement NPM techniques and methods in sub-Saharan African countries. The concerns were related to governmental structures changes including the limitation of its role in public affairs, a limited balance between public and private interests by provision of business-friendly policy environment and an appropriate regulatory framework. Since the 1980's, privatisation is underway, for instance, in Burkina Faso, Senegal, Côte d'Ivoire, and Mali.

According to Ladipo, major administrative and economic reforms induced by NPM concepts inspired from New Zealand, Australia and United Kingdom practices are being experimented with in sub-Saharan African countries. Even though, overall, the progress is still slow, due to the severe and adverse socio-economic environment, the necessity to revise the relationship between public administration and citizens, the urgent need to establish executive agency models to perform better, to deliver quality services and goods, is given serious and greater attention.

Finally, Randall and Theobald (1985) have developed in their turn, an edifying perspective, which can stand as pre-requisites for a successful implementation of NPM in developing countries and especially in African countries. Randall and Theobald (1985) advocated first, political development ensuring cultural modernization, cultural integration, and people involvement in political life by means of free elections.

According to their statement, political development also should achieve the commitment of people to a strong and active nation-building spirit disseminated through

the administrative structures of the society. Therefore, the redistribution of welfare through open competition between group interests will consolidate democracy and promote economic growth. They added that in these conditions, a state could act as a neutral arbiter over this competition process, in the executive and in the legislative institutions.

To conclude, Randall and Theobald expect developing countries first, to see NPM as an implementation of good policy, efficient and effective leadership and an increasing administrative capability, second, ascertain that developing countries should consider NPM reforms as an extension of democratic values in society. Finally, Randall and Theobald suggest integrating NPM principles into the public administration of developing countries. The next chapter, chapter 4, will provide some positive impacts of the application of NPM in a particular sector of the public administration, the Maritime Safety Administration.

Chapter 4

The impacts of NPM on Maritime Safety Administration

The second chapter of this study discussed the concepts of organization and organizational theory in a perspective of public administration application. Chapter 3 pointed out the inadequacy of the obsolescent bureaucracy as a model of public administration in such a globalized world, and explored the NPM in its broad context, in administering nation's affairs. This chapter will attempt to address specifically the impacts of the NPM methodology and principles on MSA.

4.1 Duties and functions of MSA

In this paper MARAD refers to the department, directorate or agency of government that oversees maritime activities, and in particular the regulation of shipping and related socio-economic matters. Within this framework, MSA is especially concerned with the safety of life and property at sea and the protection of the marine environment. In this case, the word "safety" encompasses ship safety, navigational safety, and occupational safety (Mukherjee, 2002).

According to Mukherjee (2002) MSA is a specialized administrative arm of government, which is sometimes autonomous or semi-autonomous. It exercises and enforces the regulatory functions embodied in the national maritime legislation, especially those dealing with the registration of ships, ship safety, and navigational

safety¹⁶. Further, he adds that MSA deals with maritime personnel including educational or occupational matters, maritime casualty investigation, search and rescue and marine environmental protection from the perspective of ship source of pollution. The infrastructure and the administrative organization of MSA may differ from one to another. However, there are no major differences between countries as regards the roles and functions of an MSA. The functions and duties of MSA are carried out under Coastal State, Flag State, and Port State Jurisdictions.

The state's bureaucracy, often described as hierarchical, rigid, lacking responsiveness and focusing on input rather than output, affects the MSA. The MSA is also confronted with other challenges with respect to its economic role (supportive regulation for shipping activities), as well as its public services delivery concerns (responsiveness and quality services). Therefore, the duty of MSA is to develop a systemic and systematic approach to meet the needs and expectations of its customers, *e.g.* the maritime community, the state itself, the public, the maritime industry, and seafarers; in terms of enhancing effectiveness, efficiency, equity and quality services. Blundell & Murhock (1997, p. 23) say -

The traditional public sector viewed those people seeking services as clients. The only choice accorded to the client was to refuse [if there is an alternative] or to accept. The NPM identifies the recipient of public services as customer. The concept draws upon private sector model implies an ability not only to choose between providers, but also to determine what they are offered. ...the public service use to provide services to the public, while NPM methodology provides service for the public.

This approach methodology of NPM is widely experienced in the MSAs of well-established maritime countries (among OECD countries), and has proved to be quite successful.

¹⁶ See Mukherjee (2002). *Maritime Legislation*, chapter 12 suggesting a scheme of maritime legislation, at pp. 178-208.

4.2 The impacts of NPM on MSA

The main achievements in MSA through NPM can be seen as, *inter alia*, the development of a proactive policy to support the shipping sector, the establishment of a new legal and regulatory framework to address the functioning of MSA as well as market development, and the improvement of quality services with regard to provisions of goods or services.

4.2.1 The impacts of NPM on policy development

The government's attitude towards the maritime sector can play a significant role in the development of country's MSA. Such an attitude is generally expressed through various measures taken by those authorities setting up a national shipping policy. A shipping policy encompasses a number of measures connected with different areas; includes identification of priorities, distribution of responsibility, coordination of activities, and a funding mechanism (Ma, 2001).

Firstly, sea interests are vital and self-explanatory for a nation. Thus, the priority for a maritime nation is to develop policy objectives (safety objectives and environmental objectives) and to identify the necessary actions to be taken in order to enhance the effectiveness of the maritime sector's development for the general interest. The MSA policy, being an integrated part of the general shipping policy is today supportive and functional vis-à-vis shipping activities.

Secondly, in terms of responsibility, the question is who should play the role of developing the maritime sector? The rationale of the NPM does not prevent state intervention, but accords great importance to private enterprise. As stated in the previous chapter, globalisation is synonymous with international competition, which is not compatible with large state intervention and bureaucratic development lacking responsiveness, focusing on procedures and on inputs instead of measuring

performance and quality of production and services. The role of the state is now seen to be as a standing facilitator promoting a favourable, competitive and stable environment, creating interface mechanisms between interrelated activities, maintaining and consolidating a consistent environmental policy.

Thirdly, the related and fragmented components of the maritime industry, flag, capital, accounting, crew, management and operation, marketing, are being continuously globalised. Safety and marine environmental protection, as a network, can provide and ensure quality in the maritime industry when co-ordinated on a global basis. On the one hand, even though global institutions (IMO, ILO, and other regional institutions) tend to shrink national sovereign shipping policy issues, on the other, those institutions tend to expand manoeuvring ability and capacity with regard to MSA. Port State, Flag State and Coastal State Jurisdictions, and regional memoranda of understanding are the main co-ordinating disposals towards an international safety net and quality shipping (Mukherjee, 2001).

Finally, the new policy funding mechanism is characterized by the scale of using cost/benefit analysis and also the scale of cost recovery, while the current funding philosophy is concerned with investment on prevention versus response, internal to ships versus external to ships, investment in people versus investment in hardware (Hodgson, 2001).

4.2.2 The impacts of NPM on maritime regulations

In contrast to the broad understanding of NPM as synonymous of a trend towards deregulation, with regard to MSA, NPM impacts could be synonymous with the re-regulation of reformulating existing regulations. Safety management imposes regulations over sea activities. To the extent that governmental rules result in healthier workplaces and safer activities, the benefit of regulations are real. To illustrate the impact of NPM on MSA, two pivotal international maritime instruments

will be examined, the Formal Safety Assessment (FSA) aimed at enhancing maritime safety, and then, the International Safety Management Code (ISM code), which addresses the safety of ships' operations and marine environmental protection.

4.2.2.1 The Formal Safety Assessment (FSA)

The Maritime Safety Committee¹⁷ and the Marine Environmental Committee¹⁸ approved in September 1997 guidelines for the application of the FSA, which were supposed to address the IMO rule-making process. However, the application of FSA is nowadays extended to national MARADs and other maritime entities and areas. When the maritime industry becomes more risky, administrations should become more proactive in assessing and mitigating risk. The FSA may be of a great assistance to establish a balance between issues concurrently related to legislative, administrative, operational, economic, and human resources.

The FSA is a systematic approach, aiming at enhancing the MSA, including the protection of lives, health, property and the protection of the marine environment by using risk and cost/benefit analysis. However, one can argue that risk assessment has been applied over time in the industries; hence, what is new? Earlier, it was thought that the “safety cost is beyond any cost”. Today, safety has a cost; and it is no longer an intensive investment, but an “intelligent appraisal”. Moreover, safety is no more an emotional reaction, but a rational way of thinking. Currently, the FSA provides a benchmark to evaluate new, as well as existing regulations. The FSA methodology is a five-step process (see figure 1).

¹⁷ MSC/Circ.829

¹⁸ MEPC/Circ.335

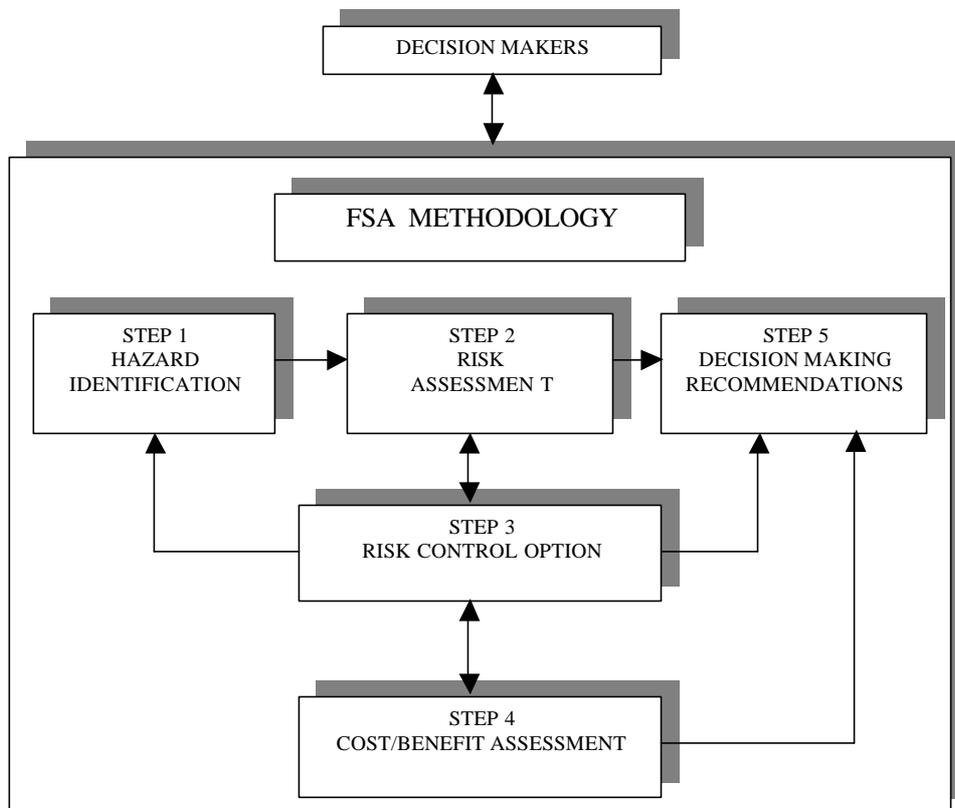


Figure 1: Flow chart of the FSA Methodology

Source: MSC/Cir.829 & MEPC/Circ.325

1. Identification of hazards, using creative and analytical techniques to identify and rank the underlying accident's factors including the Human Element;
2. Risk assessment, focusing upon high risk areas and aiming to establish a relationship between a regulatory regime and the occurrence and consequences of accidents;
3. Risk control options that address both existing risks and newly identified risk and establishing a practical regulatory risks control regime;
4. Cost/benefit assessment aiming to facilitate decision making by estimation, comparison and ranking of the effectiveness of each option.
5. Recommendations for decision making providing a clear statement, a list of hazards and risks identified during the process, an explanation of the basis of assumptions and a description of the group of experts that performed the FSA.

Finally, the FSA's proactive safety approach will continuously suggest that legislators, rule makers and socio-economic actors to examine potential problem areas, and introduce appropriate measures and standards before a tragedy occurs. The FSA approach is already underway to tackle safety issues related to Ro-Ro vessels operations, tanker operations, and ballast water hazard management.

4.2.2.2 The International Safety Management (ISM) Code

The shipping industry has shown that free market forces can provide cheap transport. However, as ships increase in size, cargoes become more complex, ferries run even faster and the management of shipping companies becomes erratic and less concerned with safety precautions, the risk of an accident becomes correspondingly greater. Indeed, economics is necessity, but safety also requires responsibility.

For this reason, the ISM Code, which emanated from the 1994 SOLAS74 amendment, became mandatory in July 1998. The objectives of the Code are to ensure safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment and to property.

The impact of the Code is that firstly, the MSA is required to attest that shipping companies are running a safe business, and secondly, the MSA shall continuously verify the maintenance of safety standards by means of periodical audits. On the other hand, shipping companies shall demonstrate and document (vis-à-vis MSA) their capability and ability to operate ships setting out a sound safety management system (SMS).

The SMS expresses and delineates policy, procedures and instructions. It addresses also the obligation for the company to provide permanent and adequate support

during normal situations, and in any disaster situation¹⁹. Further, the SMS takes into account human resource management and development including training for seafarers, motivation, adequate living conditions as well as an adequate working environment.

The safety management philosophy of the Code is “ Plan-Do-Check-and Correct”, [but] “Say what you do, and do what you say”. In this sense, the ISM Code is a safety quality assurance²⁰. The Code could, in one-way measure the classification society’s performance. In this regard some maritime countries (U.K., Denmark, Finland) prefer not to delegate the ISM audit to classification societies. The Code is often compared with ISO 9002 quality standard in many aspects. First, the ISM certification (document of compliance delivered by the MARAD) tells customers, and authorities, that the company has a quality operation. Second, the SMS is under control and proves compliance with all the safety and pollution prevention regulations of the flag state. Finally, the ISM Code is a long-term objective employing principles of continuous safety improvement and consistency in quality of services through audits, review, reports and corrections.

4.2.3 The impacts of NPM on the Provisions of Goods and Services

Regarding administration, co-ordination and delivery of service, MSA can be divided into two services, the prevention services and the response services. The prevention services encompass, *inter alia*, ships inspection, navigation aids, pilotage, oceans scientific support, marine weather forecasting, marine communications, pollution prevention and response. The response services include the training of seafarers, search and rescue, marine resources protection, security, pollution response and transport.

¹⁹ The ISM Code (paragraph 4) requires shipping companies to appoint a senior manager as a designated person ashore, who is concerned with any safety matters, and who is the direct correspondent in case of disaster at sea.

²⁰ See a 10-minute Guide in IMO’s ISM Code. Cymepa House: Cyprus, at page 12.

The new role of MSA is to establish a global cohesion, to choose adequate management approaches, and to establish safety management principles in order to efficiently respond to these two services. This section will deal with the setting up of new MSA structures, cost recovery, and cost effectiveness, including opportunities offered by the NPM principles.

4.2.3.1 Setting up new MSA structures

The first concern with the implementation of NPM principles in such a complex system as MSA is the setting up of an organizational design based on a stable, controllable and predictable environment. The structuring and grouping of activities take into account functions, nature of input, nature of output, category and needs of customers, as well as their geographical location. For instance, in order to perform and deliver MSA services such as SAR, marine resources protection, pollution prevention and combating, and suppressing of unlawful acts at sea, it seems to be necessary to have a disciplined multiple-role organization. Moreover, it is advisable that an organization be in line with the Defence Forces, in case there is need for extended support.

Most countries, *e.g.* the USA, Canada, Sweden, have recognized this factor and have developed a coastguard as a military, paramilitary or civilian organization to carry out MSA duties and responsibilities totally or partially in co-ordination with the National Defence Forces. This grouping approach creating a “one stop shop” reduces MSA functional charges and increases its responsiveness.

4.2.3.2 Cost recovery

Earlier, the government has been seen as the prime agent for development providing infrastructures, goods and services. Today, the NPM suggests the introduction of cost recovery in MSA to generate revenue in areas where it is possible. The Swedish Maritime Administration (SMA) recovers operational costs from shipping dues,

taxes and fees, and is financially self-sufficient. The SMA operates through some principles centred on state budget funds for specific purposes, investments financing by surpluses and loans, profit or loss transferred between account periods, and goals for pricing to cover all costs (Jönsson, 2001).

The Swedish model allows cost recovery under a “horizontal performance contract” (with departments) when dealing with waterways equipment maintenance, safety inspections and surveys of ships, pilotage, maritime information and documentation, and other private issues. On the other hand, the SMA recovers costs under a “vertical performance contract” (with government) when carrying out SAR, security, enforcement and other public services at sea. However, it is worth mentioning that the underlining factor for a successful cost recovery option results from a greater independence granted to MSA regarding operations, finance and management.

As far as safety is concerned, there are overlapping activities between the MSA and the ports. The concerns include pilotage, navigation aids, storage and transport of dangerous goods, port security, fire protection and port reception facilities. A new approach that dissociates the economic aspect of ports from its safety aspect is on the move. This new approach is already implemented in Chile, and is satisfactory.

On the other hand, in order to increase revenues, the port authorities must, indeed, raise the cargo-handling rate (reducing time in port), identify and privatise non-core functions where there is no public interest, but there is also a need to continuously upgrade port security, and port safety as well as port reception facilities. According to the experiences of the Federal Government of Australia the upgrading of port security, safety, as well as port reception facilities, will improve the attractiveness and competitiveness of ports²¹.

²¹ See Maritime Transport Committee (OECD countries), Annual Report, 1996, at p. 26.

These NPM principles focusing on cost recovery, as shown by administrative studies, will discipline demand and result in a decline in demand. Finally, cost recovery increases financial performances, quality services and customer satisfaction.

4.2.3.3 Cost effectiveness

Cost recovery disciplines and lowers the demand; hence, it entitles customers to exercise control. Furthermore, it stimulates their conscientiousness for good policy, good cost management, and clear accountability. Therefore, the NPM methodology, to respond to these considerations, will allow the achievement of cost effectiveness through the re-engineering of work process, taking advantages offered by the use of new information technology, reviewing the market culture, and finally, focusing on the human element.

The re-engineering of work process is mainly the conduct of audits within departments, redeployment of staff, redistribution of duties as necessary, adoption of a customer-based structure and a service delivery model. The re-engineering of work process is expected to provide better services, and also savings in resources.

The second point is that NPM is associated in MSA with an appropriate level of use of technological development. For instance, the use of information technology provides the quality of services required by the maritime community. For ships, it facilitates registration, surveys, and certification; for seafarers, training, certification and identification; and for Port State Control, exchange of information.

In reviewing operational methods, market testing and contracting out, where the cost is more effective brings private competitive sectors to perform safety functions (certification and audits). The role of the MSA is in that case to maintain and support the level of services through assistance and a monitoring process.

Finally, to ensure cost effectiveness in MSA, it is also important to win the support of the staff addressing their concerns. It is valuable to provide maritime managers with suitable training, information and guidance to ensure that they are able to understand and to implement business and operational plans related to their respective sectors. At the end of each process, successful managers should be empowered, promoted and given incentives.

The application of NPM techniques is also an achievement of the best value for money in expenditure, while maintaining and improving the quality of services. Such an upgrading cost effectiveness of services will meet the customers' needs and reconcile recipients and service providers (MSA).

Chapter 7 will examine the perspective of application of NPM, dealt with in this chapter, in the restructuring of the Senegalese MSA. Chapter 5 following, will provide the Senegalese maritime profile, describe and analyse some deficiencies related to the performance of MSA

Chapter 5

Maritime Safety Administration in Senegal

5.1 Country profiles

Senegal became a self-governing member in the French community in 1958. The country became independent in June 1960. Since that date, the democratic regime adopted in Senegal, maintained the country in a relatively politically stable state and with signs of economic improvement compared with most African countries.

5.1.1 Geography

The Republic of Senegal, the most westerly state of mainland Africa (14 00 N, 14 00W) covers an area of 196,722 sq km. The population was estimated at 9,278,617 in mid-1999. The southern border is with Guinea-Bissau, and with Guinea. In the east, there is a border with Mali (see Appendix A). The northern border with Mauritania lies along the Senegal River, which is navigable, for small boats. Dams for power, irrigation and better navigation are being built. Although Senegal's mineral resources are relatively sparse, there are potential reserves of gold, as well as deposits of high-grade iron ore in considerable quantity. Reserves of natural gas are exploited offshore from Dakar and there is petroleum off the Casamance coast. The geographical location of Senegal is strategically important with regard to the international maritime traffic and hence, with regard to the international maritime safety and security between Africa, the USA, and the Western European countries.

5.1.2 Economy

The major income sources are foreign exchange, tourism, fishing and phosphates. In 1994, the government embarked on an ambitious reform program supported by international donors²². The reform began with first a 50% devaluation of the Senegalese currency, and second, price control and subsidies, which were suppressed. Thanks to the reform programme, the country met a real annual average GDP growth of 5% between 1995 and 1999. Inflation was pushed down to 2%, the fiscal deficit being to a level less than 1,5% of the GDP. Investment increased from 13.8 of GDP in 1993 to 16.5% in 1997. Moreover, private activities account for 82% of the GDP. The country achieved full internet connectivity in 1996.

5.1.3 Geo-politics

Senegal has good relationships with the international community. The Senegalese's traditional and regional policy is also peaceful. The country has been politically stable since its independence in 1960 and it is committed to the international obligations, values and ethics embodied in the United Nation Charter. The commitment of the country to democratic regime change, people development and the protection of the environment is impeccable.

As far as security and peace are concerned, Senegal continues to contribute to the extent of its potential limits to the enhancement and the improvement of a worldwide peaceful and secure climate²³. Since its independence in 1960, up to 1981, the country lived in symbiosis with its neighbouring countries. However, from 1980 a battery of political events occurred in the region and then finally ended on the military grounds. A series of disputes occurred with the separatists in Casamance, the Gambia, Guinea-Bissau, and Mauritania.

²² See The World Factbook, 2000-Senegal.

²³ Between 1990-2001, Senegal participated in peace keeping and peace building missions in Angola, Bosnia, Comoros Islands, Congo, Guinea-Bissau, Iraq, Kuwait, Liberia, Rwanda, and Uganda.

5.1.4 Maritime activities

Senegal is bordered in the western part by the Atlantic Ocean with 530 km of coastline, and in the northern part by the Senegal river, 785km. Two other rivers are vital links between the central regions and the open ocean: The Sine- Saloum, 112km, in the centre, and the Casamance, 300 km in the south (see Appendix A). The country is confronted with serious challenges to develop the shipping sector, to manage the use of the ocean resources and to promote safety and security at sea.

In the shipping sector the current situation of the Senegalese fleet does not reflect the ambition of the country. The situation was more favourable; today nationally owned vessels are very few²⁴. The main companies are the Senegalese Maritime Navigation Company (Chartering company), the Maritime Transport Company (oil and oil products), the “ Société Nouvelle des Salins du Saloum” (salt transport) and the “Liner Dakar-Ziguinchor” (ferry the “*Joola*”, engaged in domestic trade). The ferry is a vital link between the southern part of Senegal and Dakar. The ferry has been managed and run by Navy personnel since 1990.

The port of Dakar is the largest deep port in the region (draught up to 11meters) serving Senegal, Mauritania, the Gambia, and Mali. Port facilities include 40 berths and 10 km of quays. It also has 53,000 sq m of warehousing and 65, 000 sq m of open storage area, container-handling facilities have increased from 29,000 metric tons to 100,000 tons and a new terminal was inaugurated in 1988. The sea and river transport between the port of Dakar and the secondary ports of Saint Louis, Kaolack and Ziguinchor is of great importance for national unity. Domestic maritime transport is a social and economic need, which is to be maintained and promoted. Concerning the fishing sector, fishing activities represent more than 30% of the merchandise export, and about 4% of GDP. The traditional fishing method continues to predominate with about 45,000 fishermen providing 60-70% of the total national

²⁴ 49,601GT, Lloyd's Register (1996). World Fleet Statistics, at p.11.

catch. The number of fish exporting firms was evaluated at 45 in 1997. It has been estimated that the fishing sector provides the livelihood for as many as 500,000 people. The country has signed a number of fishing agreements; the agreement with the European Union entitling the country to recover substantial compensation²⁵. The country is also an active member of the Sub-regional Fishery Commission in association with Mauritania, Cape Verde, the Gambia, Guinea-Bissau, and Guinea²⁶.

In addition to the halieutic resources, the seabed is rich in polymetallic nodules, and offshore oil was discovered in the continental shelf along the border with Guinea-Bissau. In this sense a bi-partite joint management committee was created between Guinea-Bissau and Senegal.

Recently, in Senegal, concerns have been expressed about the over-fishing practice. The government is committed to the necessity to ensure sustainable development and has to control and protect the resources. The operational task is assigned to the Senegalese Armed Forces (SAF). This mission is a major challenge for the Navy, with scarce resources to police the exclusive economic zone, which is estimated at around 200,000 sq km.

In terms of security, traditional fishermen are constantly exposed to high risk at sea. The traditional fishing sector encompasses more than 10,000 small wooden boats that are not safe when going beyond the territorial sea, but unfortunately traditional fishermen do. Thus, 24 hours a day a Navy vessel is on alert in order to carry out SAR operations. The Navy Coordination Centre is concerned with any information relating to a missing boat after its due return time has passed.

²⁵ EU allocated compensation up to 64,000,000 Euros for 4-year period. *Le Soleil*. Official newspaper July 17th, 2002.

²⁶ Nevertheless, 134 Senegalese fishermen accused of illegal fishing and of the killing of two Guinea-Bissau coastguards were arrested in Guinea-Bissau since April 2002. *Le Soleil*. Official newspaper June 10th, 2002.

As mentioned earlier, the domestic maritime transport is also of great importance. The ferry *The Joola* solely moves more than 3,000 passengers and around 5,000 tons of freight in a week. Finally, vis-à-vis the international maritime community, Senegal is responsible for SAR operations within the maritime zone including Senegalese, Mauritanian, and Cape-Verdean waters. Due to a low sea response capability and a lack of efficient preventive safety net the rate of loss of life is still increasing. A lot of improvements are urgently expected from the decision makers.

In matters related to safety of ships and property at sea, the objectives of the country, on the basis of international law and particularly IMO conventions are, *inter alia*:

- to preserve the national integrity within the territorial waters;
- to ensure the safety of navigation;
- to ensure maritime and fluvial security and safety; and
- to protect national marine resources within the exclusive economic zone.

In terms of civil security, since the last two decades the regional area was seriously affected by social troubles resulting from political instability (Liberia, Sierra Leone, Guinea, Guinea-Bissau, etc.). As direct consequences, unlawful acts at sea are increasing tremendously in the area to the extent that the overall regional maritime agreements encompass measures to tackle such a negative growing trend.

With regard to marine pollution Senegal is also exposed to high risks: the traffic (oil and goods) between European countries and Western sub-Saharan African countries crosses Senegalese waters. There are risks associated with pollution from collision or oil releases, ballast water and other forms of pollution such as garbage dumping. In addition, industrial refineries and oil terminals on the coastline present potential risks to internal waters. However, Senegal has ratified several international conventions on the protection of the marine environment, *inter alia*, Marine Life conservation, Nuclear Test Ban, and Ship Pollution. Senegal also has issued a national legal

framework, which is the terms of Law No 2001-01, January 15th, 2001, and has the ambition to enforce the subsequent environmental law.

Having succinctly provided the country's profiles in terms of the state's maritime interests, the situation described invites first, a look at the organizational features of the MSA in Senegal, and second, an analysis of the weaknesses that MSA is confronted with regarding the challenges mentioned above.

5.2 General organization and arrangements of MSA in Senegal

Senegal's public administration, inherited from the French model, is largely influenced by the concept of public services and the notion of common goods provided by state. In order to have a clearer view on how the MSA performs in Senegal, the broad organizational features of the MARAD will be described, as it embodies the MSA, and an emphasis will be put on MSA responsibilities assigned to bodies within the maritime structure. Finally, an attempt to identify and analyse weaknesses encountered in the performance of MSA functions will be made.

In Senegal, the responsibility for the MARAD falls under the scope of the Ministry of the Fisheries and Maritime Transport. At the senior level, the Minister is assisted by the Director of the Merchant Marine Directorate. The Merchant Marine Code is the main source of the national maritime legislation.

5.2.1 Status of the Maritime Legislation

On March 22nd, 1962, the National Assembly adopted the Senegalese revised Merchant Marine Code. The Merchant Marine Code entitled "Law 62-32 of 22 March, 1962", defines and regulates among other things:

- the mission and the organization of the MARAD;
- the status of ship owners and seafarers;

- the penal and disciplinary regime of seafarers;
- the territorial sea;
- the different zones of navigation;
- the status of ships;
- ships registration, security and liens;
- the legal aspects of navigation and safety at sea; and
- the general provisions related to carriage of goods and passengers at sea.

Since its promulgation, the Code has been subject to some amendments. However, considerable effort is still required to update the maritime legislation²⁷.

5.2.2 The structure and functions of the Merchant Marine Directorate

The Merchant Marine Directorate is the main maritime body in Senegal. The responsibilities of the Directorate are, among others:

- to implement the national shipping policy;
- to enhance maritime transport activities and the national fleet;
- to safeguard national maritime interests;
- to ensure safety of navigation in Senegalese waters:
- to achieve and maintain the necessary level of standards of safety; and
- to ensure a link and control between Government, ships, and seafarers.

²⁷ The Merchant Marine Code is currently under revision.

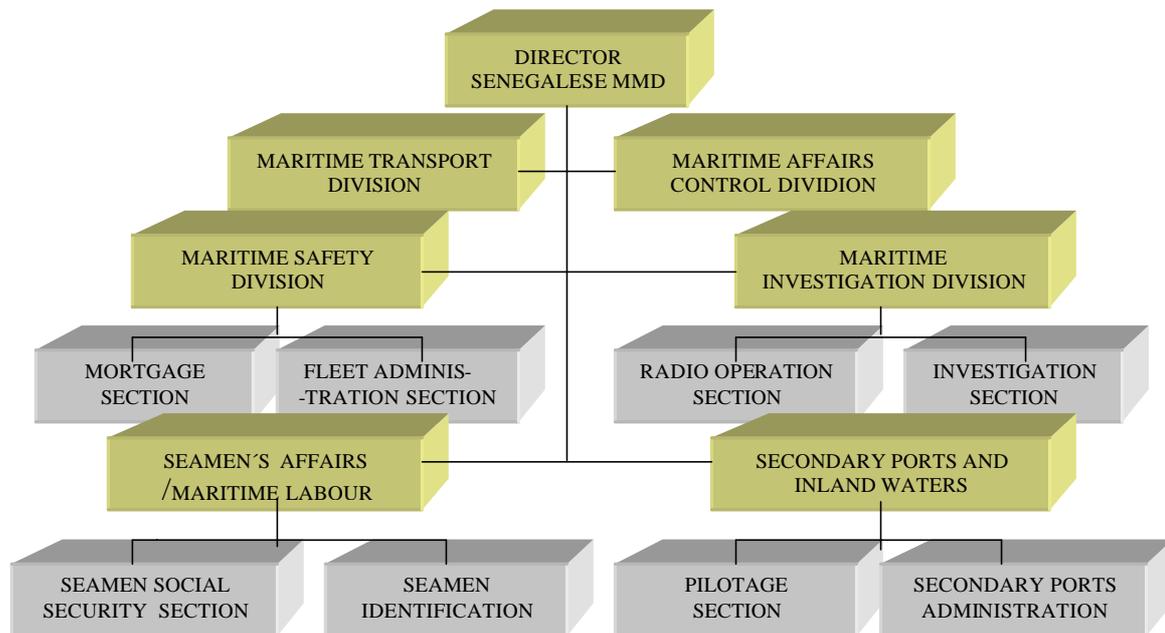


Figure 2: The structure of the Senegalese Merchant Marine Directorate.

Source: MMD, 2002.

The Director of the MMD is a general maritime administrator. He is the principal official to assume the responsibility and to exercise the functions of superintendence. He coordinates the work of the whole MARAD, deals with work pertaining to international maritime conventions and advises the Government on maritime matters.

The MMD encompasses six Divisions:

- The Maritime Affairs Control Division is responsible for all matters pertaining to the legal aspects of activities of the Directorate, including the implementation of national legislation, as well as international conventions.
- The Maritime Transport Division is concerned first, with financial and economic matters and second, with the organization and the promotion of the national shipping activity.
- The Maritime Safety Division coordinates the work of the commission in charge of:

1. implementation of international conventions and national maritime legislation;
 2. plans approval for new building, registration of ships, delivery of seaworthiness certificates;
 3. control of safety of navigation; and
 4. safeguarding the marine environment.
- The Seamen's Affairs Division is responsible for activities related to seamen engaged in shipping or fishing activities such as education and training, registration, working conditions and employment conditions.
 - The Secondary Ports and Waterways Division is responsible for:
 1. the administration of the pilotage of three regional harbours Masters;
 2. the safe accessibility of secondary ports; and
 3. the safety of the fluvial navigation.
 - The Maritime Investigation Division carries out administrative police tasks and is part of the homeland maritime network security.

5.2.3 Other structures related to MSA

- The National Maritime Training Institute is the only national institute, which trains seafarers who will embark on board merchant ships, fishing vessels or join the industry. The institute complies with the STCW95 requirements and benefits from the assistance of personnel from the Navy.
- The port of Dakar, among other port facilities, provides tugboats, pilotage services and has received a delegation from MMD to ensure waterways equipment and maintenance. In addition, the Merchant Marine Code entitles ports authorities to carry out port police functions.

- The Fisheries Protection and Surveillance Directorate (FPSD) is concerned with the implementation of the government fishery policy, the enforcement of the Fisheries Code and services provisions to the fishing sector.
- The Environmental Protection Department (EPD) deals with the protection of air, soil and the marine environment. It elaborates the environmental policy at the national level. The Directorate is responsible for the overall national contingency plans policy for preventing and combating pollution.
- The Senegalese Armed Forces (SAF) is here referred as the Navy. At a national level, it carries out the fisheries surveillance, pollution prevention and combating tasks, SAR operations, and security at sea in collaboration with the respectively concerned Directorates.

This review reveals the diversity of maritime activities performed across a range of governmental entities, while maritime activities are inter-related, and complementary and should be integrated. Therefore, an absence of a unified maritime vision, of a global and coherent policy, and a sound national maritime strategy may undermine the whole perspective of the performance of MSA duties and functions.

5.3 Weaknesses of MSA in Senegal

5.3.1 MSA policy

Maritime Safety Administration is not yet identified as a priority in Senegal. For this reason, its organization and performance are not successful. As depicted in the previous section, its fragmented feature explains to a large extent the absence of a harmonized national MSA policy. Different maritime entities may have a different experience and knowledge of what safety and other maritime activities may represent for a country. Despite the evident prevalence of seaborne trade in Senegal, there is a

certain lack of appreciation that quality safety standards can create trading opportunities and also can attract shipowners who may choose to flag in. Senegal has not yet taken advantage of a number of benefits the country may provide, for instance, by operating an open registry.

Today the registration of ships may be considered as a service²⁸ and Senegal has an advantageous position in West Africa. Senegal has been politically stable since its independence in 1960. The geographic location of the country is in concordance with the trading patterns between Europe, the USA, Latin America and the sub-Saharan West African countries. In addition, the country is committed to an international trade policy and the shipping infrastructure and info-structure are correct enough to meet the international trade's requirements. However, the country's international seaborne trade continues to rely entirely on foreign flags. The large drain of resources paid out and the dangerous low capacity to provide carriage for national trade needs, are two major economic threats.

5.3.2 Safety of life and property at sea

Senegal has ratified simultaneously a package of five conventions, TONNAGE 69, MARPOL73, SOLAS74, STCW95 and ILO No 147. The country acceded to LL66 in 1977 and to COLREG72 in 1978. In addition, the port of Dakar receives about 2,500 calls per year. Nevertheless, the performance of PSC activities is still debatable. The port authorities have claimed their ability to carry out PSC and over time have done so, conducting inspections whenever a ship is suspected of the violation of an accepted international standard. However, this practice may not be in line with the spirit of the IMO Resolution A.882 (21) on PSC, which certainly addresses the MSA rather than the ports in its terms.

²⁸ See Proshanto K. Murkherjee, *Flagging Option: Legal and other considerations*. Marina Jan/Mar. 1993, at pp. 31-38.

First, port dues and time in port resulting from safety inspections, are two factors that can hamper the competitiveness of a port in a regional area. Second, the administrative as well as technical procedure required for the establishment of a worldwide net to enhanced safety of ships, life and property, and the protection of the environment, would be incompatible with the port's policy entirely focused on commercial matters. In contrast, the activities of MSA as a governmental enforcement body are compatible with PSC activities.

Surprisingly, the situation has remained up to now in favour of the port by the fact that another major weakness of MSA in Senegal is a deficit of qualified personnel. In fact, a number of well-trained maritime personnel feel reluctant to serve the MARAD due to a lack of incentives and motivating career. Hence, there is a deficit of expertise to involve the MARAD, as required, in the implementation of international standards.

5.3.3 Marine environment-Marine resources-Security at sea

When dealing with the protection of the marine environment and resources as well as civil security at sea, there is an over-reliance on the Navy. Since 1962, the Merchant Marine Code embodied these activities that have never been performed at the MMD level. It would be more realistic in reviewing the alternative possibilities. One should bear in mind that the current commitment of the Navy to perform these activities results from the fact that the Navy enforces Coastal State responsibilities, which encompasses these activities as set out in UNCLOS 1982. In addition, civil security, the protection of the marine environment and marine resources also are traditional missions of the Navy during peacetime.

Definitely, the implementation and enforcement of conventions such as Oil Pollution Preparedness and Response Convention (OPRC90), Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988) including smuggling of

immigrants, illicit trafficking, piracy, and armed robbery, as well as Search and Rescue (SAR79), require a dedicated organization provided with substantial resources, in qualified personnel, and in adequate material. This is not yet the case in Senegal.

In the light of this analysis, it appears that the weaknesses threatening MSA in Senegal are mainly the lack of a coherent policy, a lack of motivating incentives, due to bureaucratic patterns, and a chronic shortage of resources. This current situation, obviously invites decision makers to consider the need to rationalize MSA in Senegal, which is the purpose of the next, chapter 6.

Chapter 6

The need to rationalize the MSA in Senegal

This chapter will address the need to rationalize MSA in Senegal with regard to two different aspects. Firstly, the constraints that justify the need to dissociate Defence missions from public service delivery at sea will be examined, and secondly, it will be analysed how over the past years, previous proposals and attempts to rationalize MSA in Senegal have been expressed differently.

6.1 The need to dissociate Defence missions from public service delivery at sea

In Senegal, governmental entities involved in public service delivery or law enforcement at sea have no consequent naval resources except the Navy and the Oceanography Service. As it goes along, the over-reliance on the single potential of the Navy may render the latter counter-productive. The rationale behind the proposal dissociating Defence missions from public service delivery at sea within the Navy is derived from two main considerations. The first is the conflicting environmental geo-politics suggesting a strong standing naval posture in the regional area, and the second is the SAF, which are confronted with severe budget difficulties.

6.1.1 The environmental geo-political issue

Unpredictable events beyond one's control do happen. Over time the excessive involvement of the Navy in MSA functions and the conflicting geo-politics in the region have been of great concern. For more than two decades the country has been faced with a series of regional disputes²⁹.

First, the emergence in the 1980's of the "Mouvement des Forces Democratique de la Casamance", claiming independence for the Casamance region, has caused security problems along both sides of the Casamance River, and in the area surrounding the regional capital, Ziguinchor.

Second, the emergence of the MFDC also has induced coexistence difficulties between the Gambia and Senegal. It has been alleged that part of MFDC elements operated from the Gambian territory. Nowadays, even though The Gambia stands as a mediator for this conflict, the climate of good relationships between the two countries has been seriously affected.

Third, likewise for a long time Guinea-Bissau and Senegal were politically divided for the same reason evoked with the Gambia. In addition to this, a second major point of discord between Guinea-Bissau and Senegal was a dispute of sovereignty related to a maritime zone that contains reserves of petroleum together with valuable fishing grounds. The first point has been mitigated following the cooperation of Guinea-Bissau to root out the MFDC rebels, while the maritime dispute was judicially settled. Apparently, the current trend is towards a new normalization of bilateral relationships.

²⁹ See Europa Publications, (2002). *Africa South of the Sahara*. 31st edition. London: Europa Publications, at pp. 46-51.

Nevertheless, the presence at sea in the area still remains as an operational constraint for the Senegalese Navy.

Finally, between Mauritania and Senegal, besides the political convergence surrounding the projects on the Senegal River, there are a certain number of points of disagreement that often lead to extreme tensions between the two countries. The first point of dispute is relative to the livestock breeders with regard to grazing rights on the borders of the Senegal River. Added to this, there is a long-standing ethnic rivalry within Mauritania and the Mauritanian officials alleged implications concerning Senegal. However, the problem that concerns Senegal most is the use of weapons by the Mauritanian Navy to stop Senegalese fishermen presumably illegally fishing in Mauritanian territorial waters. Since then, despite regional fishery agreements, a naval presence along the maritime border between the two countries is a permanent duty for the Senegalese Navy.

As evidenced above, the SAF is still committed to the socio-economic missions; however, the ongoing degradation of the geo-political environment deserves particular attention and suggests a rational doctrine of employment of the Forces. It could be worth mentioning that during the crisis in Casamance, as well as with the Gambia, Guinea Bissau and Mauritania, the Navy, with very limited resources, ensured the exercise of national sovereignty in territorial waters, the defence at sea against enemy threats, and the security and safety of navigation in inland waters. The Navy also provided troops on the ground, staff officers, and logistic support to troops engaged in operations, carried out evacuations of injured people, and ensured the transport of refugees.

Ultimately, environmental geo-politics dictates to the country a maritime geo-strategy. The conflict in Casamance took place in the area surrounding the Casamance River; the conflict with the Gambia, Guinea-Bissau, and Mauritania either originated from maritime issues or ended with maritime issues. Therefore, the basic and rational mandate

of the Navy in terms of National Defence preparedness and readiness should be impeccable, not to go to war, but to restore and maintain, as necessary, the confidence of the citizens.

The need to dissociate Defence missions and civil services, performing both, was expressed years ago by Gallieni,³⁰ a French marshal, in terms of readiness and preparedness. He stated that a wise Army is the one that has found hardships tougher during peacetime than during wartime. In other words, military exercises during peacetime will save later spilt blood in action.

However, considering the potential role Defence Forces may represent in developing countries during peacetime, another doctrine tends to assign civil safety and security as well as economic missions to the Navy during peacetime. The uncertainty faced then, is how to safeguard in peacetime the prevalent doctrine of preparedness and readiness.

There could be a compromise between these two doctrines, apparently contradictory, by restructuring the Navy itself. The idea would be to provide a core fleet derived from the Navy, which deals with public services delivered at sea in the grey zone “between peacetime and wartime” so as to discharge the core naval combating fleets. This measure will permit the Navy to meet the standing statute of National Defence preparedness and readiness.

6.1.2 The budget difficulties of the Navy

The international financial institutions, supporting developing countries in the actualisation of their national programs, impose often a drastic reduction in the National Defence budget. Added to this, since the end of the cold war former colonial power are

³⁰ Joseph Gallieni, minister of the war in France, 1915-1916.

no longer keen on maintaining effective military cooperation by providing materials and equipment. This current reality affects severely the Army in developing countries. Therefore, financial constraints will require a thorough review of military ambitions in terms of volume of activities and volume of resources, and will suggest a re-examination and a rationalization of the military tool. Figure 3 illustrates how the budget allocated for military material decreased dramatically in a 10-year period from 1990-2000. Table 1 gives the Naval activities and budget track record for the years 2000 and 2001. The comparison between 2000 and 2001 with much the same budget can be summarized as follows:

- a decreasing trend down to 6.45 % with regard to level of operational availability of naval means;
- with regard to the objective of 365 days of presence at sea per year, there was an improvement of 20% during 2001. However, one can understand that with less naval means such an improvement comes from an intensive use of the remaining potential;
- concerning the number of the ships inspected, there is a decrease exceeding 50%; and
- in terms of security missions, military exercises and training the result is dramatically and regrettably low.

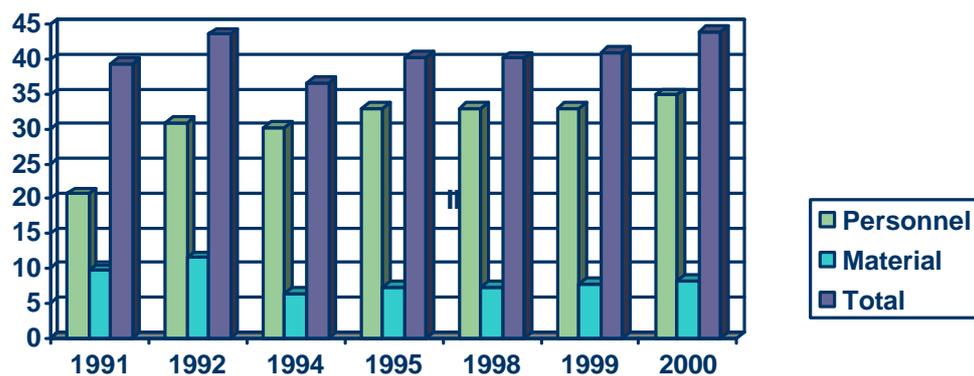


Figure 3: Military budget allocation, 1991-2000 (the unit value is confidential).

Source: SAF, 2002.

Table 1: Navy budget track record

YEAR	2000	2001	Remarks
VESSELS' OPERATIONAL AVAILABILITY RATIO	30 %	23.55 %	6.45 % decrease
DAYS AT SEA / YEAR	280	351	20 % increase
SHIPS INSPECT/ YEAR	215	102	51 % decrease
SAFETY SECURITY	11	13	Interventions
EXERCISE/ TRAINING	02	01	
VISIT/ FOREIGN VESSELS	27	40	

Source: SAF, 2002-07-12.

While financial difficulties are impeding and impairing the operational capability of the Navy, the reality to address on the ground, in terms of safety of life and property at sea, is dramatic. The core issue is the annual high rate of casualties at sea. Selecting just the documented cases of casualties in the fishing sector from 1992 up to 2001(see table 2), the annual average is 68.2, associated with an annual average of 42.7 loss of life.

Table 2: Maritime casualties in the fishing sector, 1992-2001.

YEAR	DOCU- MENTED CASES	EQUIPMENT FAILURE	COLLISION	CAPSIZING	LOSS OF LIFE	LOSS OF PROPERTY (UNITS)
1992	29	25	4	-	31	18.776
1993	54	45	8	1	38	23.433
1994	44	27	5	12	46	26.672
1995	48	36	3	9	33	26.847
1996	66	55	3	8	21	57.770
1997	51	44	3	4	33	48.189
1998	55	50	3	2	32	22.139
1999	197	48	0	149	115	456.848
2000	75	68	6	2	35	48.475
2001	62	55	1	6	43	42.685
TOTAL ANNUAL AVERAGE	682	453	36	193	427	771.839
	68.2	45.3	3.6	19.3	42.7	77.184

Source: FPSD, 2002. NB: Recorded, in 1999, one major disaster in ten years period (Hurricane Cindy)

Loss of property: A unit value is given as a constant reference.

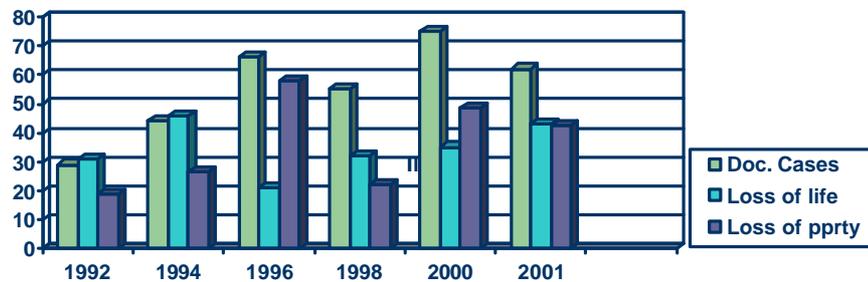


Figure 4: Maritime casualties in the fishing sector, 1992-2000)
Source: FPSD, 2002-07-12

It seems that there is a moral obligation to reconsider the safety of life and property at sea in the fishing sector³¹. The military authorities would be duty bound by the fact that fishery subsidies fund 50% of the budget allocated to the Navy. Moreover, the economic impacts fishermen generate and the important social core they represent, (10.000 fishing boats, 198 fishing vessels, and 257 foreign fishing vessels) require this.

The evidence reflected by this analysis invites the acknowledgement that the performance of safety and security at sea is far from being satisfactory. This current safety assessment imposes an alternative sea safety response scheme to rebuild confidence in the Defence Forces.

6.2 Previous proposals and attempts to rationalize the MSA in Senegal

The need to rationalize the existing MSA organizational features has been expressed often by maritime officials from different sectors. In this perspective, this section will analyse successively a proposal put forward by a maritime administrator³², a study

³¹ Most of the fishing boats and the fishing vessels are less than 24 meters length (non conventions vessels) thus, there is a need to enact new laws to address related safety concerns.

³² Yerim Thioube, a WMU graduate, who suggested in his dissertation in 1987, to bring some changes within the MARAD.

carried out by a senior naval officer³³, the Equipment Plan No 3/10/2002/Navy, the Decree No 97-64/PR/MFA, January 29th, 1997 creating the “ Group de Surveillance Fluvio-maritime” and finally, the impact of the Decree No 2000-833, October 16th, 2000 restructuring the Ministry of Fisheries.

6.2.1 Analysis of the proposal of Yerim Thioube

Thioube (1987, pp.229-249) identified, among other concerns, the overlapping of maritime competencies, the insufficiency of legal instrumental framework, and a lack of an enforcement tool as basic problems in the MARAD. He suggested the enlargement of the appellation “Merchant Marine Department” to “Maritime Affairs Directorate” including fishing activities, as well as other relevant sea activities. Further, he advocated for an appropriate statute to better enforce the Maritime Code; recalling that the MARAD was under a semi-military statute during the colonial period, before he suggested returning to that former statute in order to recover efficiency and effectiveness.

To conclude his view on this issue, Thioube assumed that taking into account the compatibility between the Navy’s missions and the MSA’s duties and functions, and on the other hand to avoid duplication and wastage of means, an agreement between the Navy and the MARAD could permit to have a naval asset operating as the coastguard under the MARAD authority.

When analysing the basic MSA problems, Thioube felt very early in 1987 the “missing link” in the MARAD and expressed it in a so clear manner. Ultimately he was leading (without naming, or knowing it) towards the establishment of a Maritime and

³³ A naval officer, serving in the Ministry of the Armed Forces, and who carried out a prospective study on MARAD issues.

Coastguard Agency, concept successfully developed in the UK later on. Indeed, when Thioube was promoted during his career as Director of the MMD, he attempted to implement his model. However, huge resistance arose resulting from a restrictive bureaucracy, opposed to any change.

6.2.2 Analysis of the study of Sow, A. M.

Sow (2001) stated that the common denominators of state missions at sea are safety and security. Thus, SAF will have to play the major role among other governmental maritime entities. Nevertheless, state Sea Response should be organized, well planned, and well coordinated in seeking of coherence, effectiveness, and efficiency.

He presented and suggested the French organizational model. According to that model, a secretary general, in charge of maritime affairs, assists the Prime Minister. An inter-ministerial committee headed by the Prime Minister conducts the governmental maritime policy and strategy. The main features of the French model are given in Appendix B of this study. The limit of this proposal above could result from the fact that although the model is convenient at the management level, it does not address the operational level as such where, ultimately, there is need for substantial naval means. Regarding maritime safety and security today, a core issue is the over-reliance on the Navy compared with its current low delivery capability at sea.

6.2.3 Analysis of the Decree No 97-64/PR/MFA, January 29, 1997

The context of this Decree copes with measures undertaken by the government advised by military authorities in order to tackle the separatism associated with adverse effects in the southern part of the country. The Decree established a Maritime and Fluvial Surveillance Group (GSFM) under the command of a senior naval officer. The unit was

intended to be composed of Armed Forces personnel, and in case of necessity, with joint personnel from the paramilitary corps. The rules of engagement would have been defined by an inter-ministerial Act.

The merit of the Decree was the recognition of the need to gather a number of legal competences (military, gendarmerie, police, and customs) under different jurisdictions in order to increase effectiveness when dealing with the versatile features of maritime safety and security. The limits of the Decree would be seen from the absence of an *Esprit de corps*. Due to a number of subsequent organic problems, the implementation of the Decree has never been successful. It would have been more realistic to create a coastguard.

6.2.4 Analysis of the Equipment Plan No3/10/2002/Navy

Under the supervision of the Deputy of the Chief of Staff of the Navy, the 2002 project of the Navy explores financing perspectives from governments and organizations that are partners and supporters of the socio-economic development of the country in order to enhance the operational response capability of the Navy. The study evaluates three main points: Sea Surveillance (fisheries, security at sea, and oil pollution prevention), actions against smuggling at sea (drugs, weapons and illicit products), and the opening up of the central and southern regions by means of maritime transport.

Through a comprehensive approach, the study sets a context that justifies the possibilities of the project, evaluates the existing resources and the suitable supplements. It also provides an estimation of the budget for the material needs expressed, and finally suggests a financing scheme. The study concludes that the Navy is still committed to public services missions at sea. However, taking into account the aging fleet, the Navy

should be enabled to carry out these missions by the provision of substantial additional means.

The project in its content is attractive, marketable, and will certainly capture attention in the sense that it focuses on the same concerns continuously addressed by the international maritime community in terms of safer seas, as well as cleaner oceans. The strengths of the study are first, that it confirms that 80% of the Navy's activities are socio-economic missions. Second, it uncovers underlining factors limiting the Navy to fully achieve the assigned missions. Third, it suggests an alternative financing approach in order to restore a certain material viability of the military structure putting forward the public service orientation of the Navy and requesting civil funds for that purpose. Nevertheless, the credit vis-à-vis donors expected to fund this project, would have been more strengthened by the expressed intent to create a coastguard specialized in such missions for the rational use of the materials demanded.

6.2.5 Analysis of recent changes within the Ministry of Fisheries

Following the reorganization of the Ministry of Fisheries, the main impact was the progress of the FPSD towards its operational autonomy at sea. First, the former Law No 87-27, 18th August 1987 had set a provision through which (article 10) the operational aspect of surveillance remained under the responsibility of the chief of staff of the Navy. The new Code, compared to the former, mentions the Navy less in its wording. The new law 98-32, 14th April 1998 just lists the Navy among those having the ability to participate in the enforcement of the new Code. The second interesting point is the upgrading of the former Project Unit of Fisheries Protection and Surveillance up to the Directorate level. The FPSD, through its new organizational feature intends to play a significant safety role and has set up a strong and ambitious Division for the conduct of operations at sea.

The first Section of that Division, the Coastal Surveillance Service, is intended to operate coastal stations whereby fishing vessels, as well as patrols, are monitored by means of radio communication and radar. The second body of the Division, the Operations Service, will have to deal with safety awareness, patrolling plans and rescue operations. In terms of preventive safety measures, tremendous efforts are being devoted towards fishermen.

One may expect that if a significant improvement does not occur in the MSA's current structure and performance, the FPSD will sooner or later have either its own fleet, or a dedicated fleet derived from the Navy operating under its exclusive control in order to carry out its legitimate and welcome ambitions.

Finally, the need to rationalize the current MSA in Senegal is acknowledged by the maritime Authorities. However, the trend is invariably a focus on how to provide a practical response to a current concern on professional grounds. Far from criticising it is worth noting that in order to reach a general commitment around a global solution, one has to transcend existing virtual inter-professional barriers due to professional culture influence, which could give a sectoral views to the whole problem.

To improve MSA's enforcement capability and ability, expanding its domain of competence and ensuring efficient and effective, there are lessons to be learnt from the practices adopted in some established MSAs in industrialized, as well as in developing maritime countries that have made use of NPM methodology and principles. The next chapter will be concerned with the perspective of application of NPM in the restructuring of the Senegalese MSA.

Chapter 7

Perspective of application of NPM in the restructuring of the Senegalese MSA

Thus far, this dissertation has attempted to describe MSA in Senegal, and has pointed out its associated weaknesses. The previous chapter in particular, provided reasons for changing the current MSA's organizational features in seeking rationality. This chapter attempts to propose a model of MSA suitable for Senegal, including the perspective of implementing the NPM methodology. Firstly, a summary of a survey carried out on a number of selected MARAD models, as they embody the MSA structure, will be presented. Secondly, based on these experiences, a model of MSA will be suggested and the expected outcomes will be examined. Finally, threats and opportunities for the proposed MSA model will be discussed.

7.1 Summary of the survey of selected MARAD models

The Appendix B provides a survey, in the prospect of the implementation of NPM, of a number of selected MARAD models, the Australian, the UK, French and the Swedish MARAD models. The survey reveals first, that safety functions, often involve a number of ministries, and for this reason, in each model a coordinating mechanism is established, through a board of directors (UK, Canada, etc.) or an inter-ministerial committee (France). It is also remarkable, from the survey, that although established as a

governmental department, in general, these MARADs function as quasi-independent agencies.

The advantage of this setting is that an agency is accorded more flexibility and manoeuvrability with regard to finance (new policy for full cost recovery), management (larger delegation with regard to decision making process), and operation (for example, intensive contribution of NGOs). In contrast, a ministerial department functioning exclusively with appropriated funds is characterized by its restrictive decision-making ability, and threatened by procedures.

These MARAD models mentioned above implement at a different level the NPM. The safety policy in Australia, Sweden, and UK is oriented towards full cost recovery, while the French MARAD functions with appropriation of funds. Another important characteristic is that the coastguard carries out sea response services (except France, which relies on the Navy), and the Navy is in the reserve position. In addition to this, in these countries the coastguard (military or paramilitary) is in line with the Defence Forces, even if it operates during normal time under other Ministries. Some legislative arrangements are provided, in case of necessity, to employ the coastguard under the Ministry of the Defence Forces. From these experiences, an ideal MARAD model has been drawn.

7.1.1 The ideal MARAD model

The main concern with respect to the ideal MARAD model is the implementation of NPM in policy as well as in service delivery, ensuring linkages between safety versus economy, safety prevention versus safety response, transport versus ocean considerations, and regulations versus services. The ideal model suggests a sufficient cost recovery to discipline demands and achieve quality services (Hodgson, 2001).

The main feature of the ideal MARAD model (see figure 5) is firstly, the separation of economic aspects from safety and environmental aspects. Secondly, within the economic branch, as well as the safety branch, the ideal model suggests the separation of the policy development level from the service delivery level. In addition, maritime accident investigation activities are set apart as an autonomous body. Finally, the ideal model recommends effective interfaces with departments, other governments, private sectors, non-governmental organizations, and volunteers groups. It also takes into account the development of maritime education and training.

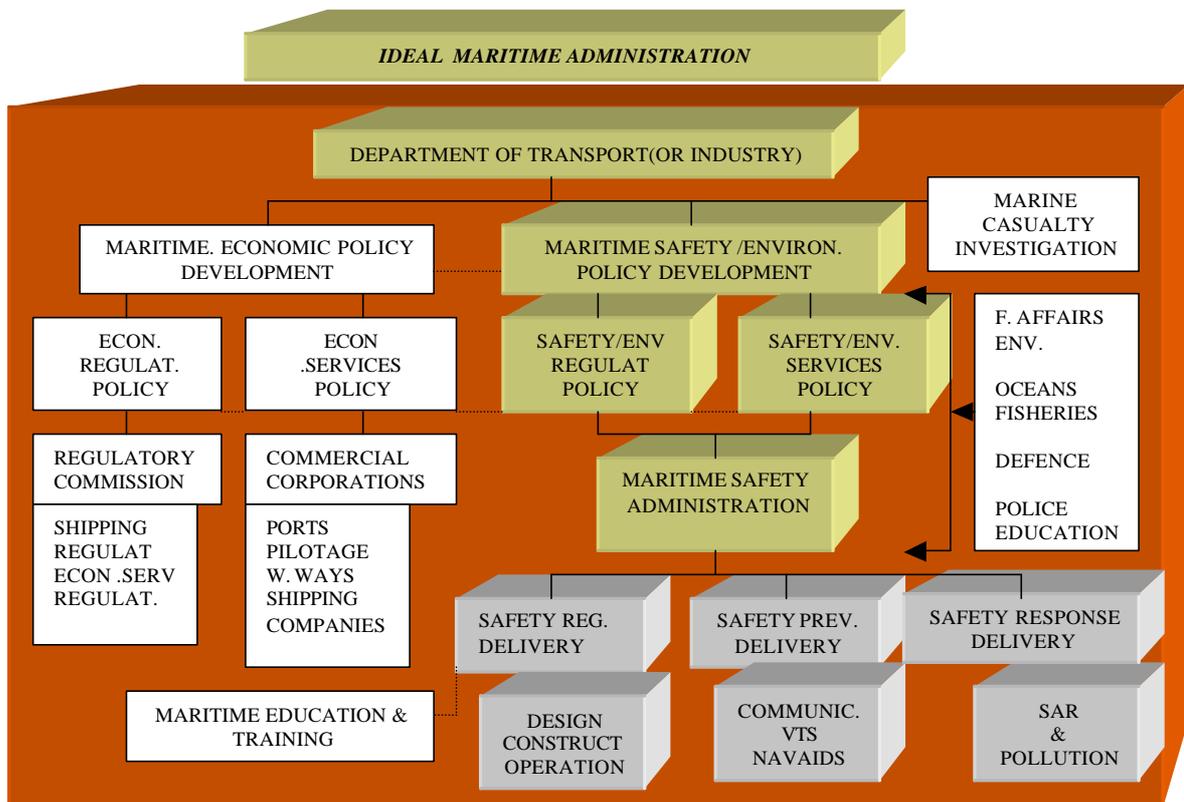


Figure 5: Ideal MARAD

Source: Hodgson, 2001.

Vanchiswar³⁴, elaborating particularly on MARADs in developing countries, stated that-
 ...developing countries... are in a position to avail of the advantages of creating a fresh pre-planned organizational structures and effective functional approaches best suited to them, provided that all concerns ... have proper understanding of the objectives, criteria and functions.

In this context, and in the quest to rationalize MSA, Senegal should take advantage of the experiences of established maritime countries, which have developed and improved models, organization methods and techniques, using the merits of NPM.

7.2 The Proposed Senegalese Maritime Safety Agency (SMSA)

In Senegal, the SMSA will be responsible for the safety management and environmental management (see table 3), and another body, within the broad MARAD, should deal with the economic management. Safety management refers to regulations and enforcement of the national maritime legislation related to navigational safety, ship safety and occupational safety, while environmental management deals with regulations and enforcement related to the preservation of the marine environment and resources. It includes marine pollution training, preparedness, and response (Mukherjee, 2001).

Table 3: Safety management and Environmental management within the SMSA.

	POLICY DEVELOPMENT	ADMINISTERING REGULATIONS	ENFORCEMENT/PREV/RESPONSE SERVICES
ECONOMIC MANAGEMENT	MARAD	MARAD	MARAD/ SMSA
SAFETY MANAGEMENT	SMSA	SMSA	SMSA
ENVIRONMENTALMANAGEMENT	SMSA	SMSA	SMSA

The creation of the new SMSA will require, to be vested in one single structure the safety policy delivery (safety objectives and environmental objectives), safety regulation

³⁴P. S. Vanchiswar, former WMU professor, elaborates on the administration of maritime matters with particular reference to developing countries in volume 1,1996. *Maritime Administration/Maritime safety Administration. Preliminary observations.*

delivery (design, construction, operations of ships), safety prevention services delivery (communication, navigational-aids), and safety response services delivery (pollution combating, SAR, marine resources protection, security). See figure 6.

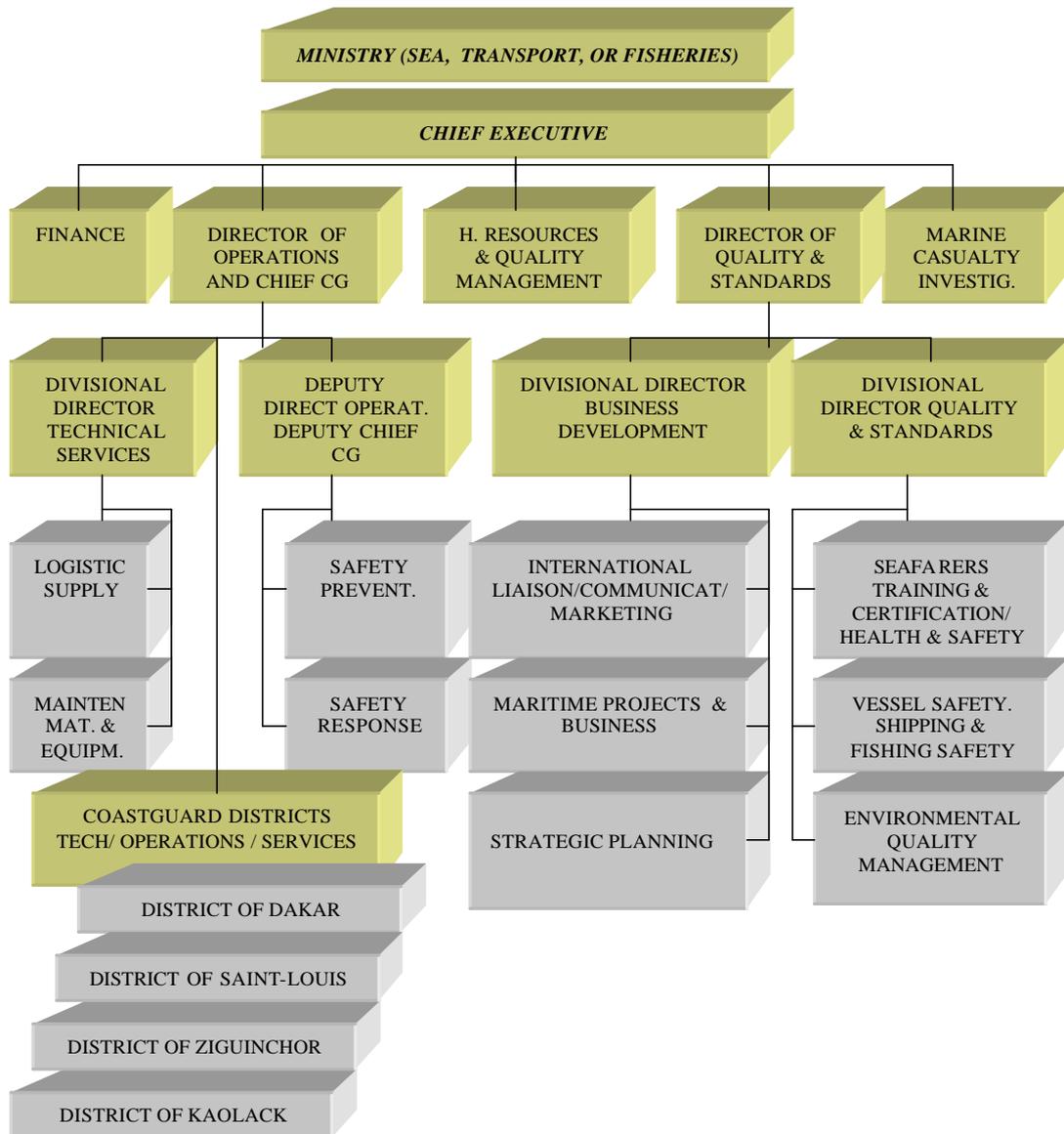


Figure 6: The proposed Senegalese Maritime Safety Agency (SMSA): Organizational Structure.

The implications of the creation of a new agency will be, among others, the need for naval assets and additional human resources. The Navy will provide the prime allocation of the coastguard, material and personnel. Later on, the SMSA will be autonomous for the provisions of material and funds, while the naval personnel remain under the control of the SAF, and attached to the Ministry of the Sea, Transport, or Fisheries.

7.3 The expected outcomes from the establishment of the SMSA

The adoption of a structure, which functions as a quasi-independent agency, will provide the possibilities of harmonizing a safety management policy, as well as an environmental management policy. In addition, the delineation of safety responsibilities to a dedicated and specialized tool, and the allocation of appropriate means, will be an impetus for quality safety services.

7.3.1 Quality management and more customer focus

The new structure is expected to promote foreign registration. It was stated that a quality-shipping register could enhance the shipping sector. For instance, MCA in the UK is ISO 9001:2000 certified, and thus demonstrates its new approach to meet customer needs. Since the Agency started to promote UK ship registration (1998), the UK register has grown by around 70 % (2002) reversing many years of a declining trend. Therefore, the new SMSA will have to promote and publicise the benefits (incentives) of the Senegalese register and convince new customers to join. In terms of preventive safety, a lack of human resources was mentioned within the MSA, to carry out PSC. The personnel from the Navy, provided with additional training, will enable the SMSA to be in charge of PSC, as well as port safety and security³⁵.

³⁵ After the terrorist attack on September 11th, 2001 in the USA, a revolutionary feature is predictable for port security (cargoes, ships, and port structures).

The most expected outcome from the new model can be seen as the decreasing rate of accidents and deaths related to merchant shipping, fishing boats, and fishing vessels. With this regard, the coastguard districts will contribute to decentralizing the safety prevention measures and the safety response means. In one-way this will render the safety administration more democratic compared to the current situation where all the means are confined to the capital city. Among other advantages, could be an accurate assessment of the local safety concerns and the involvement of local maritime communities in the safety problem-identification and problem-solving initiatives by using, for instance, the FSA methodology provided in chapter 4.

7.3.2 Changing the role of customers

In Senegal, it is already identified that accidents are due to a lack of safety awareness, nautical skills, navigational aids, safety equipment on board, and inadequate personnel equipment. The problem is complex and crucial. It requires an innovative and urgent safety strategy. The new structure will enable the creation of local maritime committees and will deal with these issues by means of communication, training and seeking the appropriate funding mechanisms to acquire the safety equipment required. The task should not be so difficult, in the sense that in Senegal, fishermen represent, *de facto*, a typical organization associated with an entire culture system built on the basis of solidarity, hierarchy and an internal commitment. Later on, these committees could be empowered and associated in the safety management scheme; the prime beneficiary of SAR operations should constitute the basis of the prime SAR volunteer groups.

7.3.3 Perspective of financial self-sufficiency

It must be recognized that a newly established SMSA will have to be supported by appropriations, certainly in the short and medium-term, until other sources of revenues

are identified. It is expected in the short-term, that fees for licensing, registration, and inspections would, to a degree, cover the operating costs of the agency. It was said that subsidies allocated to the Navy by the fishing sector represent 50% of the Navy's budget. Since the new structure's size and volume of activities are expected to be far less, compared with the Navy, the objective of financial self-sufficiency remains realistic.

In addition to this, there are possibilities that traditional fishermen accept to contribute to the financing of their own safety. The new structure will also present the advantage of being able to receive legal funding and technical assistance from, *inter alia*, IMO, NGOs, individual donors, the international community, and subsidies from municipalities, while the Navy was not legally entitled to do so.

The Business Development Division of the agency is intended to promote SMSA's services and generate incomes where it is possible. Skills, experience and knowledge will allow the SMSA to develop non-statutory core businesses; such market initiatives will be oriented towards, *inter alia*, external nautical training for privates, fire fighting training for land based industries, advisory services, life saving appliances training and servicing, and marketing of nautical documents and information.

7.3.4 More accountability

The NPM approach includes objectives setting as well as performance appraisal. The SMSA will be required to demonstrate that it is managing resources emanating from the government and the community efficiently and effectively in achieving the agreed objectives. In order to do so, SMSA will need to measure and to report its performance. Following the change of the customer's role in the new system (awareness, involvement and empowerment) the new structure will develop a systematic approach to meet customer needs and expectations. The performance measurement can be carried out

through a periodic quality management audit, annual public report and a continuous monitoring of the customers' satisfaction.

7.3.5 Improvement of homeland security

The SMSA will be an impetus to homeland security. Today, the increasing trend of piracy, terrorism, arms trafficking, and contraband is threatening national security and the national economy. The impacts of such threats are even more psychological than physical. The newly dedicated maritime tool will have to confront and prevent these new classes of threats before they reach the country and give a negative image of the country within the shipping community. In terms of National Defence, military preparedness has never been limited to declared war. Therefore, the coastguard's naval assets will augment the Navy with shallow draft craft, while, and on the other hand, the coastguard districts deployment will provide an effective early warning system for the Navy.

7.3.6 Enhanced regional cooperation

Fisheries and tourism industries represent important sources of income for coastal states. However, they are subject to threats from the shipping industry, fishing vessels and land-based industries. In addition, it is true that maritime boundaries are people's imagination. The marine environment of a coastal state does not match its national concept of boundaries and is beyond those boundaries. For this reason, the corner stone of international maritime conventions is to reinforce regional and international cooperation. Moreover, the globalised feature of the shipping industry requires a forum for discussion and achievements of a global strategy for maritime economic management and maritime safety management. Obviously, in managing safety and security at sea, and the marine ecology, the coastguard is more appropriate for an integrated mechanism to implement international maritime instruments such as OPRC90, Suppression of Unlawful Acts

Against Safety of Navigation, Regional Fisheries Management Agreements, and Regional MOU on PSC.

7.4 Threats and opportunities

The change proposed here has a wide range of coverage and has long-term implications. It will involve political, economical, legal and social aspects. Such a change will necessarily address people, policy, structure, strategy, goals, technology, and environment. It is a question first of all of convincing the military hierarchy of the convenience, opportunity and the profitability of the project, second, to renew the commitment of maritime departments involved in the project, and finally to win the support of the politicians.

7.4.1 Threats

The restraining factors certainly, will be related to the bureaucracy, rules, codes, procedures, and other restrictive professional practices. Overwhelming evidence from research has demonstrated that organizations have a high capacity to resist change. Morgan (1986, p. 90) pointed out a number of barriers to organizational learning change, common in bureaucratic organizations. He argued that-

first, organizational structures set communication and knowledge gaps; second, bureaucratic accountability tends to reward success and to punish failure. This encourages a defensive culture where issues are obscure and problems are hidden and can lead to unintended outcomes. Thus, organizations need to develop a learning capability to become more responsive focusing on the possibilities that alternative forms of organizations offer.

Other obstacles to these proposed changes also may include first, the self-interest of individuals and groups (conflicting interest) who may fear losing their “territory” and seeing their “power and influence” challenged, second, the fear, the insecurity and the

resentment of individuals who perceive change as a threat to stability, and finally, the lack of trust as people may question the underlining factors behind the change.

Having a look at the past and present experiences related to safety management reforms in sub-Saharan African countries, there are very few cases to mention, in South Africa, Nigeria, and Côte in d'Ivoire. South Africa has developed a coastguard to assist the MARAD in sea response services, and this system is being consolidated. The coastguard is under Navy Command and is not involved in shipping safety, acting only in public service delivery at sea. The MARAD's policy is oriented towards cost recovery.

In Nigeria, several attempts to reform the safety management, including the creation of a coastguard failed, due to rivalry between the Navy and the MARAD. The Navy and the MARAD are divided on whether the future coastguard will be under the authority of the Navy or the MARAD. Nevertheless, parties are agreed on the principle to rationalize the safety management, including the creation of a coastguard.

In Côte d'Ivoire the French MARAD model (central administration) was adopted in the 1970s to administer maritime affairs. Later, a political decision was taken leading to the merger of the Navy and the MARAD. With regard to this experience, the reasons of that decision were more economic than safety concerns. The situation lasted until 1993 when a second reform reduced the involvement of the Navy in the administration of the maritime affairs. Referring to the present situation a counter pollution centre (Centre Ivoirien de Lutte Antipollution) has been created. The centre is attached to the Environmental Department, but it involves Navy personnel as well.

7.4.2 Opportunities

The overall maritime environment is favourable for a change within the MSA; even the idea is expressed in a less broad context as it is in this paper. The first favourable situation is that, since its creation the Navy has been public services oriented (inherited from the French system); thus its personnel have already developed the basic skills and knowledge with regard to safety missions at sea. In addition, the Navy could easily provide the prime allocation, human resources, naval assets, infrastructure, info-structure, and superstructure.

Secondly, there is an ongoing governmental decentralization project towards more involvement of the local authorities and the local communities in the administration of local affairs. The officials, the politicians, and the local maritime communities will welcome the idea of decentralizing the provision of the collective goods and services of the national economy.

On the other hand, in each maritime region there is a position held by a naval officer standing as a maritime adviser in the military joint staff. Therefore, the coastguard districts will take benefit from this existing network expanding maritime services.

In addition to this, the newly created FPSD is in an advanced phase to run coastal surveillance units and had requested Navy personnel for this purpose. Overall, the installation of coastguard districts will be the ideal for a global solution with respect to the administration of regional maritime affairs.

Chapter 8

Conclusion and Recommendations

8.1 Conclusion

It has always been a challenge to deal with a broad and complex set of public affairs such as the MSA. Nevertheless, this study has attempted to address the main issues confronting the MSA in Senegal, and suggested an alternative in seeking rationality through the consolidation of the responsibilities and functions of the MSA.

The detailed discussions in this paper point out that the traditional public administration, as a form of organization, is no longer appropriate to administer maritime affairs. The features the globalisation (technology development, worldwide market, tough competition, changing environment, etc.) have added several organizational constraints to modern and complex societies. Thus, modern organizations require more skill, knowledge, and competence, more managerial spirit, and an emphasis placed on a style of participative governance. Since public administration is still relying on hierarchical organizational structures, which inhibit responsiveness, initiative, and innovation, undoubtedly, it cannot cope with these new features and concept of modern organizations.

There are also examples throughout this paper that demonstrate that NPM, which is superseding traditional bureaucracy, deals effectively and efficiently with safety

management concerns in the MSA in many industrialized countries. It has helped to decide and implement how best to perform the MSA functions. This means to determine and to meet the opportunities and the levels of governmental intervention, as well as the quality of the services delivered. However, different MSAs may require different aspects and principles of NPM. It is argued that there are neither “size fits all”, nor “ready-to-hand” models. Hopefully, the specificity of the ground, the awareness of the managers, added to the experiences capitalized in the field, will provide the necessary guidance in the restructuring of the Senegalese MSA.

In Senegal, the rationalization of the current MSA structure should be prompted to avoid irreversible negative impacts on the morale of the administrative personnel, on the confidence of those to whom the safety services are delivered, on the marine resources, the marine environment, and the remaining potential of the Navy.

The new MSA model proposed here, the Senegalese Maritime Safety Agency (SMSA), concerns the setting up of an MSA agency, encompassing, in addition to the MMD, the creation of a coastguard. The rationale of the model is based on the principles of NPM, thus the model is intended to recover some operational costs.

Nevertheless, it would be worth mentioning that the design of this model is not so perfect to reach an “ideal” model response for all realities. Models can just suggest an optimal and rational corrective direction of change but cannot tell specifically what will be the details resulting from operations. Ultimately, the level of success of the proposed SMSA will involve the managers’ skill, knowledge and competence.

Finally, there is an opportunity for the restructuring of the safety and environmental protection management in Senegal. Added to this, the current situation seems to be favourable. However, in a democratic political regime the final decision results from a

political process. Therefore, the military leadership has to motivate the commitment and the willingness of political decision makers. The proposed SMSA, involving a change from a centralized organization to a decentralized one, can have profound positive implications for the morale of employees (Navy, as well as MMD) and the responsiveness of the safety services.

8.2 Recommendations

8.2.1 More focus on the development of people's awareness

It will be the role of the public sector to facilitate the acquisition of safety knowledge. The SMSA should involve a strong and devoted leadership committed, and focusing on the development of people's awareness. In the safety management prospect, the focus should be on awareness, information, communication, and positive leadership, training and supporting local maritime communities. It is a question of doing more than simply transforming the resources available. Resources must be used in a way that generates an ever-greater return to efforts invested (as viewed by the World Bank, World Development Report, 1998-1999). This will save lives and property, protect the environment at sea, and reduce operational costs.

8.2.2 Consolidation of the safety services delivery at sea

In seeking effectiveness and efficiency, it will be necessary to train and specialize the newly created coastguard, which will carry out, jointly, the safety management tasks with the MMD. In addition to the traditional safety functions, and among other issues, the coastguard will oversee the non-military security, including terrorism, piracy, illicit trafficking, disaster relief, contingency planning. It will also be suitable and advisable to

delegate to the future coastguard, the police, gendarmerie, and custom missions at sea, providing an elaboration of an agreed legal framework.

The coastguard could serve as a tool looking especially for peace, security, and economy, committed to the minimum use of force and seeking regional confidence building, and international cooperation. Especially, the coastguard will provide full support to pivotal issues such as the regional MOU the regional and international fishery agreements.

Finally, in the broader perspective, the Navy will remain the umbrella at sea. Even though the Navy and the coastguard will be separate Forces, their missions will be integrated, and complementary, and their visions will be united. According to the defined level of national threats, the decision making on the rules of engagement at sea (passing from a level of normal cooperation, coordination, and finally a combination of Forces) will return under the responsibility of the Navy.

8.2.3 Granting early autonomy to the coastguard

It is important to seek the early autonomy of the coastguard vis-à-vis the Navy and its attachment to the Ministry responsible for the Sea, Transport, Fisheries, or Environment. In fact, experiences reveal that even if the idea for the creation of a coastguard is accepted, the Navy will claim for the maintenance of the coastguard under its authority³⁶. The point is, regardless of the national position on employment of the Defence Forces, as long as the coastguard remains under the authority of the Defence Forces, the major outcomes expected from the creation of a coastguard such as, independent budget, cost recovery, contribution of NGOs, use of other alternative funding mechanisms, benefit from IMO's technical cooperation, will hardly be achievable. The unwillingness for the

³⁶ See Mejia, M. Q. (1994), who studied the case of the Philippine coastguard.

military hierarchy to support the creation and the autonomy of a coastguard, certainly, results from a lack of awareness, or from some professional cultural barriers.

8.2.4 The Need for further studies

In the discussion throughout this study, the conception, feasibility, opportunity, and some profitability aspects of the project have been examined. It will not be possible to explore every aspect related to the implementation of this proposal in the framework of this dissertation. Therefore, it will be necessary to appoint an inter-ministerial joint committee regrouping, *inter alia*, the Ministries of the Fisheries and Maritime Transport, Armed Forces, and the Department of the Environment, to examine the issues related to the legal, administrative, and material arrangements. This joint committee will also look at the planning, funding, and management perspectives of the project. In addition to this, the joint committee will have to formalize the statement of the mission, vision, values and ethics for the SMSA. Obviously, the implementation of such a project will require a successive execution of sequential phases, and in appropriate time frames.

To conclude, the author hopes that this study will contribute to increasing the awareness of people regarding maritime issues that need to be addressed urgently and also to determine how best to transform scarce resources available into public services needed with an ever-greater return. It is known that one benefit of a governmental programme is defined as any value end result of the programme, tangible or intangible. It would also not be possible to elaborate on any direct or indirect social benefit of this proposal. However, in the author's humble view, and on the basis of the expected outcomes of this proposal, the lowest value of the project's benefit to society will certainly exceed its total cost. The author hopes that, in terms of opportunity, the exact end results expected from this proposal, compared with any other governmental programme, will be a decisive factor for its ranking as a priority at the national level.

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Appendix A



Map of Senegal

Source: USA, Central Intelligence Agency

Appendix B

A comparative survey of selected MARADs

This Appendix is a comparative survey of MARADs in Australia, the UK, France, and Sweden. This survey focuses mainly on the level of application of NPM principles, with regard to the policy adopted towards governance arrangements, as well as financial arrangements. A particular interest is accorded to the UK MARAD model, which can stand as a reference model.

The Australian MARAD including MSA

Although a department, the Australian MARAD is principally a quasi-independent agency established by law, headed by a chief executive officer, who is under the supervision of a board of directors (see figure 7). The governance arrangements provide a clear separation between policy and delivery of services. The policy is to achieve full cost recovery. The Australian Shipping Safety and Environment Authority is mostly concerned with policy delivery and economic matters, while the Australian Maritime Safety Authority (AMSA) deals with regulations and services delivery, as far as safety and environmental management are concerned. The agency is financially self-sufficient through charges for services delivered, and contracts with the government for SAR services delivery.

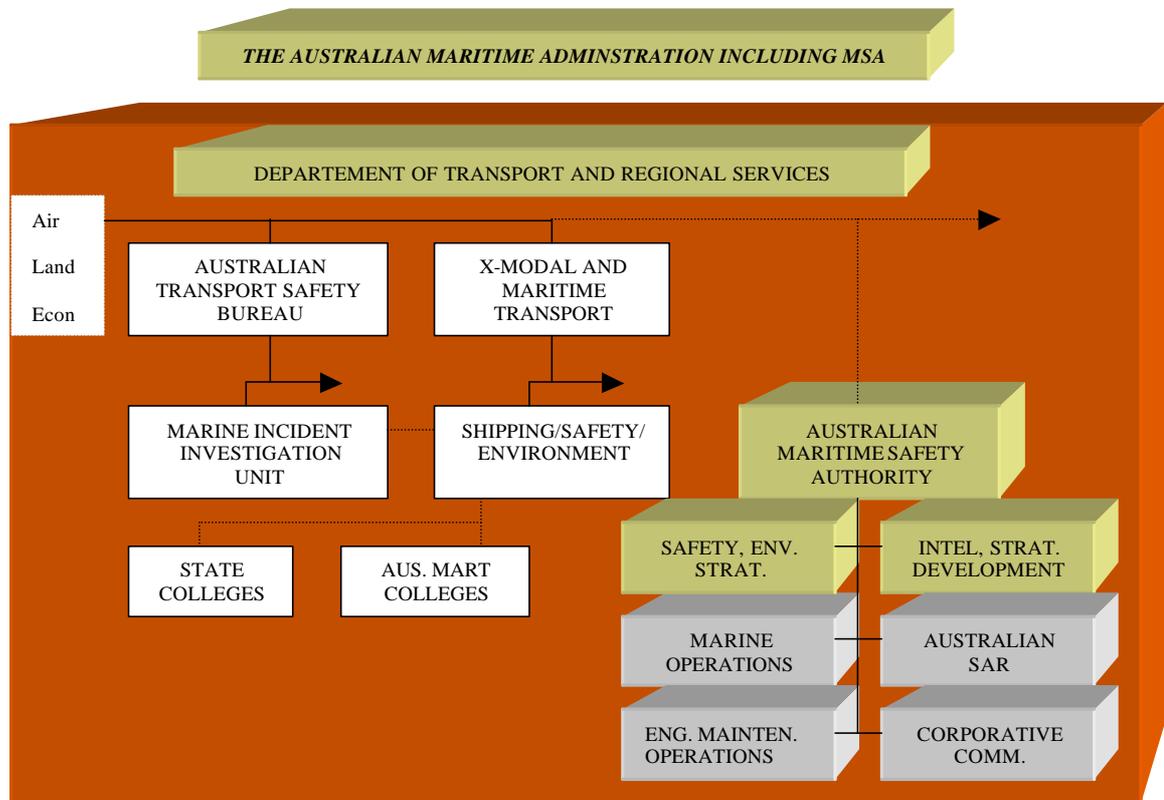


Figure 7: Australian MARAD

Source: Hodgson, 2001.

The United Kingdom MARAD including MSA

The UK MARAD model can be seen as an attempt of achieving the practical realization of the Ideal MARAD model. The UK MARAD is composed of two main bodies, under the responsibility of the Department of the Environment, Transport and the Regions. The Shipping Ports Directorate deals with shipping activities and the Maritime and Coastguard Agency (MCA) is responsible for safety and security at sea.

The UK MARAD is a governmental department and quasi-autonomous agency. The model is commercialized, and the board of directors heading the MARAD is, in essence, an advisory body. In addition, the government funds are directly available for SAR operations, while some non-governmental organizations (volunteer organizations) are of a great contribution to public safety at sea. It is also important to note that the newly created Maritime and Coast guard Agency (MCA) is developing an offensive strategy to recover full operational costs with fairness of charges.

The United Kingdom Maritime and Coastguard Agency (MCA)

The MCA (see figure 8) is built on the work of the Coastguard Agency and the Maritime Safety Agency both created as separated agencies in 1994, and brought together as one agency in April 1998. The MCA is responsible for:

- developing, setting, promoting and enforcing high standards on marine safety;
- minimizing the risk and impact of pollution of the marine environment from ships;
- responding to maritime emergencies 24 hours a day. The agency is a “one-stop-shop” for all mariners and coastal users, providing more proactive services.

Maritime Safety, Pollution Prevention and Maritime Operations are intrinsically linked, as they are the proactive and the reactive arms of the Agency. Both are supported by Corporate Services, responsible for providing a range of administrative functions. In fact, the UK merchant fleet register was declining for years, and the MCA helped to reverse the trend. The Secretary of State for the Environment, Transport and the Regions (John Precott MP, 1998), recalled the MCA policy in the business plan of 2002-03, stating that-

...in line with the government's policy, the MCA is expected to play an active and constructive role in the development of the economic and environmental potential of shipping, and the enhancement of the reputation of the Red Ensign as a Quality flag.

Further, he adds that -

...the MCA is tasked with the improvement of safety of life at sea and the protection of the marine environment. Therefore, it is concerned with ships construction, maintenance, and crew to a high standard. The Agency is also expected to promote improvements in the environmental shipping performance.

Within the framework of the business plan 2002-03, the MCA is expected to achieve full cost recovery and to ensure fairness of charges.

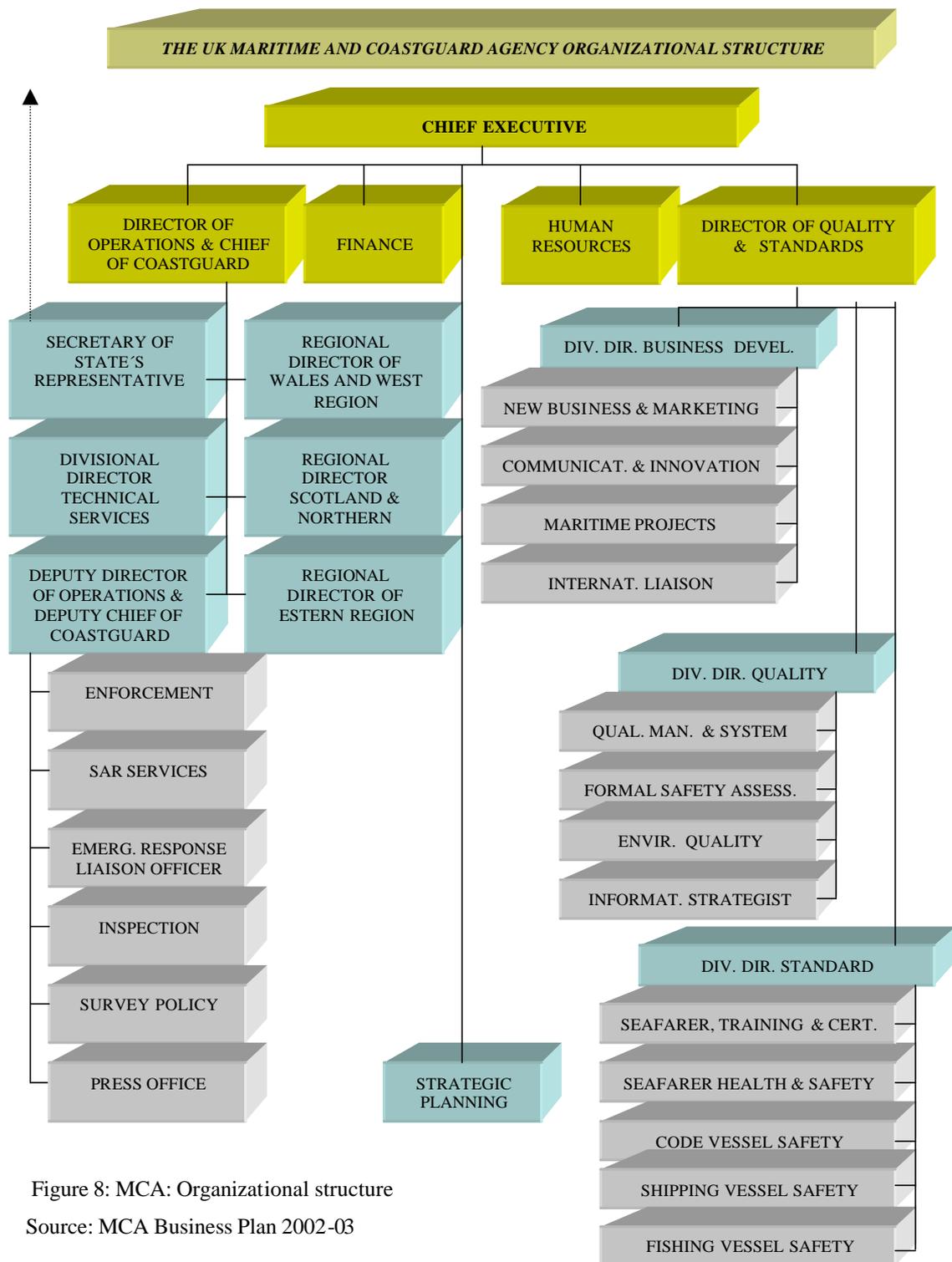


Figure 8: MCA: Organizational structure

Source: MCA Business Plan 2002-03

The French MARAD including MSA

A brief comment has already been made on the French model in chapter 6. The French model differs largely with usual MARAD models. The French approach is a central administration with a coordinating mechanism, instead of an independent or semi-independent agency. The model provides a link with the Fisheries Department and is not oriented towards full cost recovery. The Maritime Transport Directorate (DTM) deals with the overall economic matters. The Maritime Affairs and Seamen Directorate (DAMGM) is the organ that delivers policy and regulations related to seafarers matters, safety and environmental management.

In terms of sea response, the Regional Operational Centers for Rescue Services (CROSS), provided with governmental naval means, operate under the responsibility of the préfet maritime. Another great difference in the French model is that it involves the Customs for ships registration, the Defence for hydrographical services, and the Gendarmerie for maritime security (see figure 9).

THE FRENCH MARITIME ADMINISTRATION INCLUDING MSA

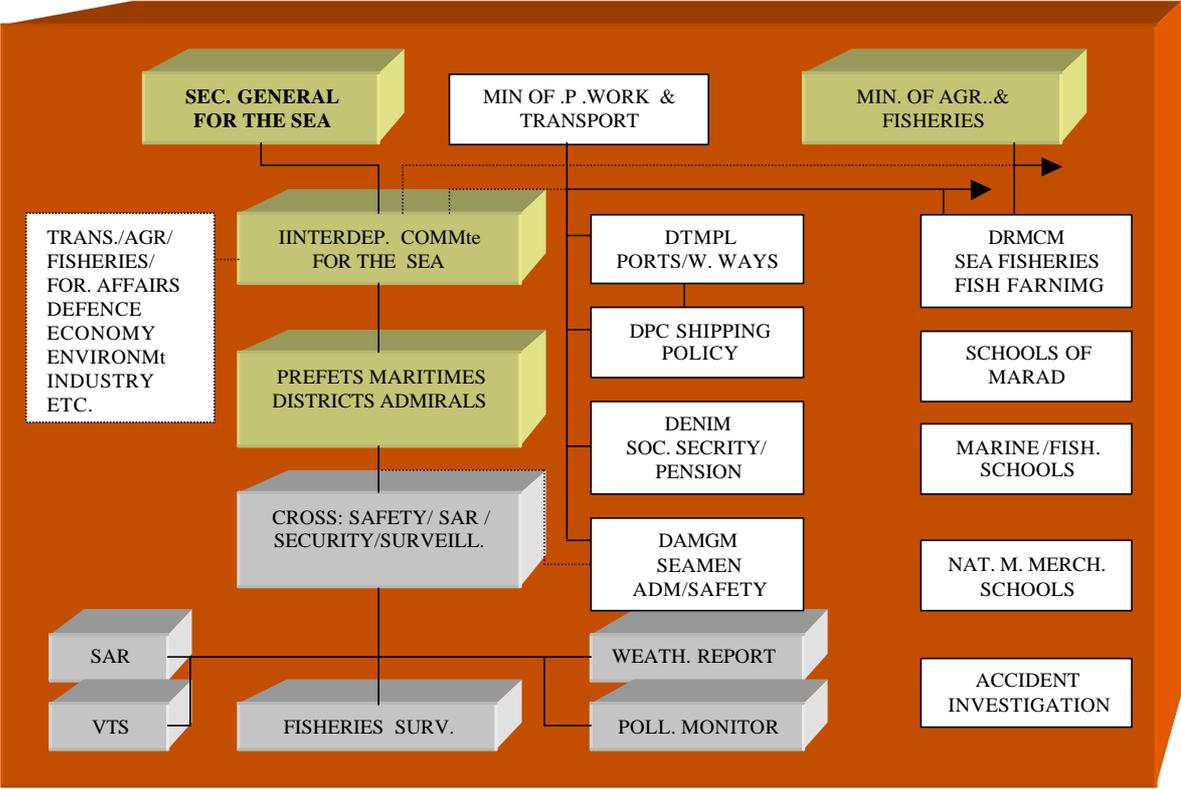


Figure 9: French MARAD.

Source: Hodgson, 2001.

The Swedish MARAD including MSA

The Swedish Maritime Administration (SMA) has been largely commented throughout this paper, as it is a successful model, setting a cohesive approach and running a profitable business. The Swedish model brings a single cohesive supervision under a unique ministry. The SMA is self-sufficient. The SMA is headed by a Director General, who is supervised by a board (see figure 10). The SMA oversees the economic, safety, and environmental management with regard to policy, regulation, and services delivery. The Swedish coastguard and the Swedish sea rescue services are involved in the service delivery at sea. However, the Swedish coastguard is responsible for oil pollution combating and fisheries surveillance.

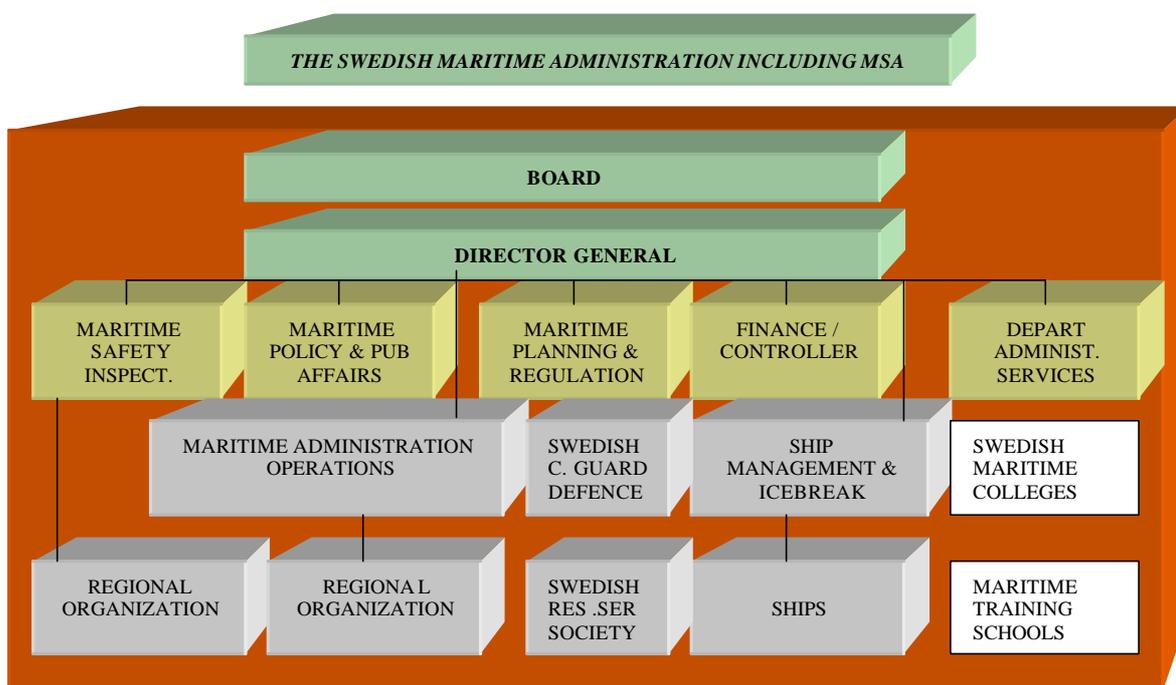


Figure 10: Swedish MARAD

Source: SMA, Annual Report 2002 (this new SMA organization applies from January, 2001).

Review

Maritime safety and environmental protection organizational issues: Senegal as a case study

Amadou Khouredia Diop

This dissertation submitted to World Maritime University reflects the growing concern of the developing countries to redefine the scope and content of public administration in the light of global political and socio-economic changes on one hand and the emerging regulatory requirements on the other. More specifically, it addresses the organisational issues faced by the maritime administrations in the developing countries in their attempt to effectively meet the international regulatory initiatives originating from IMO. The case of Senegal has been taken up for detailed study and possible application of the New Public Management (NPM) approach but the conclusions drawn and recommendations made are of interest to the other developing nations as well.

One of the common denominators that characterises most developing countries is the historic fact that many of them have attained independence from their respective colonial masters during the last 25 to 50 years. In his thought-provoking book, *The Wretched of the Earth* that appealed to popular imagination during the early 1980s, Franz Fanon argues that the socialist ideal emerges an overriding aspiration of newly liberated nations that have recently fought with their tormentors on the grounds of natural equality of all human beings. He sees this as a logical extension of their struggle for freedom, justice and equality. Sure enough, governments and their public administrative extensions were pre-occupied in most developing countries during the first two decades or so following independence, with various versions of social justice, if not socialism itself, and what they perceived as public good. Many of them pursued, however unsuccessfully, policies that aimed at Soviet-style planning, large-scale industrialisation and irrigation projects, import substitution, indigenisation, development of local human resources, etc.

One after the other, these states failed to deliver what they promised to their people. Worse still, the political parties alienated themselves from the goal of public good and at the same time, public administration grew into bureaucratic monoliths that served to insulate politicians from public. The administrations ended up, at one end of the spectrum, as corrupt bodies indifferent to the basic needs of people and self-serving elitist clubs, at the other. In today's post-Soviet, uni-polar world, socialism, for that matter, welfare state, is not a particularly popular ideal.

The same governments and public administrations in the developing countries are called upon by the proponents of structural reforms, privatisation and globalisation, namely World Bank and IMF, to mend their ways. 'Reform or perish' is the underlying message that has assumed an increasing urgency. The twin problems of insensitive governance and indifferent public

administration have come under a new scrutiny, this time from a globally orchestrated clarion call for free markets. That the debate on national models for development has taken a backseat is another story. It is from this historic backdrop that any discussion on the changing role of public administration in developing countries can be taken up fruitfully.

The dissertation under review begins by tracing the contributions of Marx, Freud and Weber to modern thought in the context of organisation theory, group behaviour and the inherent tension between the individual and the organisation. The author then goes on to explain public administration in terms of its accountability to the three pillars of the modern state: legislature, executive and judiciary. The author could perhaps have dwelled further into the need and the process through which once active public administration became synonymous with rigid bureaucracy, a situation that pushed the modern state to explore various alternatives, including New Public Management (borrowed from the OECD countries). He rightly identifies the pull factors that accelerated the process: industry, telecommunications, transport and IT. The paradigm shift from the traditional model of public administration to managerially-oriented is highlighted as an emerging solution to the ills of the earlier era. It is not clear however, how such a shift will occur at the operational level without the political will informed by modernity, social concern and welfare goals. The author's reference to the formulations of Randall and Theobald (p.22) echoes this natural order. In other words, accountability of the political system should precede the accountability of the public administration. After all, public administration is but an arm of the state. It was the long history of democracy and economic growth of the developed countries that led them to the threshold of welfare state and a matching public administration rather than vice-versa.

In the first flush of reforms and liberalisation that characterised the last decade, most developing nations risked swinging to the other extreme – from total state control to *laissez-faire*. While such historic oscillations are understandable, it is being increasingly acknowledged that the state cannot absolve itself of its responsibilities especially in all those fields that directly determine the welfare of its citizens: education, health, safety, security and the ability to respond to natural and man-made tragedies. The writings of the Nobel prize winning Indian economist Amartya Sen vouch for this cautionary approach to liberalisation. It is in this context that the role of Maritime Safety Administration (MSA), which is 'a specialised administrative arm of the government', assumes its significance.

The fragmentation of the shipping sector on an international scale – especially after the compulsions of post-oil crisis economics drove it to flagging out, ship management, multi-national crewing and outsourcing of a wide variety and the more recent development of the state withdrawing from ship owning – does indeed pose an altogether new challenge to MSA. At the

same time, the developing states are required to comply with an increasing number of regulations originating from IMO while operating within the constraints imposed by the limited infrastructure and resources at their disposal. The author clearly brings out these conflicts and argues forcefully for an effective and modern administrative structure.

No nation can boast of unlimited resources. The resource-crunch is a particularly nagging problem for the developing nations. Allocation of resources and development of infrastructure are therefore important issues for administrations such as MSA. Thankfully, proven methods are available today for hazard identification and risk assessment before embarking on resource allocation. In recent years, IMO has been advocating a proactive approach based on Formal Safety Assessment and developed a number of useful guidelines. The author builds his organisational assessment on these guidelines (p. 29). This reflects the modern, scientific approach to capacity building and administration rather than adhering to the wasteful notions of yester year: 'we ought to have such and such equipment' or worse still, 'let us have it since our neighbour have it' and 'let us take it since there is a donor willing to give it'. He also links the role of MSA to the goals and methods of ISM and most importantly, does not view MSA in isolation. This is indeed a welcome step that will effectively link MSA to emerging safety concerns of international shipping industry and help develop the kind of safety culture that IMO is seeking to promulgate.

The dissertation also discusses the cost recovery potential of MSA in the light of recent international experience in Sweden, Australia and Chile. This is a completely new approach to safety and security administration and the model he proposes encompasses re-engineering and outsourcing while retaining the supportive and monitoring functions of MSA. 'Best value for money' is the approach that the author advocates which he hopes to achieve through rigorous financial discipline and accurate demand assessment.

In his analysis of the specificities of the situation obtained in Senegal vis-à-vis MSA, the author identifies lack of a coherent policy', absence of motivating incentives and chronic shortage of trained personnel and resources as the most significant weaknesses that are confronting the MSA today (p. 48). According to the author, the solution lies in rationalisation of Senegal's MSA services through: de-linking of Navy's defence missions (overstretched by a number of regional disputes) from public service delivery, removal of overlapping roles of agencies and harmonisation taking the best practices of developed countries into account. The model that he proposes is based on greater user focus, increased accountability, financial self-sufficiency, improved security and enhanced regional co-operation.

In his conclusion, the author reiterates that public administration cannot cope with the changing world order unless it shreds its rigid hierarchical structure and emerges as a responsive, innovative and accountable entity. New Public Management, according to the author, has the potential to overcome the evils of rigid bureaucracy of the pre-reform era and usher in a radical change in the scope and function of public administration. At the same time, the author cautions that strong leadership, motivation and trained manpower are the essential prerequisites to ensure the efficacy of NPM or any other possible solution for revamping MSA. Keeping in view, the large proportion of coastal cargo as well as passenger traffic, the author recommends measures to increase public awareness, application of modern technology, consolidations of safety services and to undertake further studies to address the restructuring of MSA in Senegal.

The study is a commendable effort driven by social concern, first-hand knowledge about the ground realities of maritime operations, administrative experience and willingness to learn from the experience of other nations. It will hopefully generate a meaningful debate among the authorities, public and regional as well as international maritime communities seeking new solutions to the question of maritime safety in the emerging global order. Studies such as these can contribute immensely to enhance awareness about the need for a safety culture and regional and international co-operation.

No future discussion of maritime safety with reference to developing countries in general and to Africa and Senegal in particular, can take place without referring to the recent tragedy of *Le Joola*. This unfortunate accident in which nearly 1,000 lives have been lost occurred just *after* the dissertation under review has been submitted. The concerns and lessons drawn from the tragedy will no doubt hasten the process of strengthening the safety administrations all over the world, and especially in Senegal. This reviewer hopes that the issues raised and solutions suggested by Mr. Amadou in his study will receive the attention that they deserve as Senegal's MSA is reviewed and revamped in the aftermath of the *Le Joola* tragedy.

Reviewed at the request of the author by:

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[The views expressed in this review are the reviewer's own. They do not necessarily reflect the views of his organisation or those of Government of India]

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