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## Maritime safety administration in Algeria

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WORLD MARITIME UNIVERSITY  
MALMÖ, SWEDEN

MARITIME SAFETY ADMINISTRATION  
IN ALGERIA  
THE PRESENT SITUATION  
AND  
RECOMMENDATIONS FOR THE FUTURE  
BY  
OMAR BERNOU  
ALGERIA

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

MASTER OF SCIENCE DEGREE  
IN  
MARITIME SAFETY ADMINISTRATION (NAUTICAL)

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

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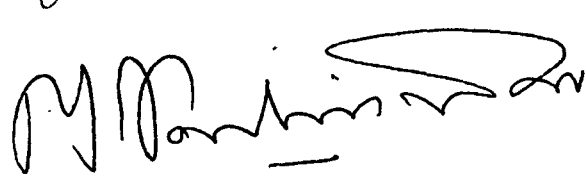
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Supervised and assessed by;

P S VANCHISWAR :

Professor

World Maritime University.



Co-assessed by;

Captain G S SINGH :

Visiting professor, WMU &

Maritime Adviser



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## PART ONE

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## LIST OF ABBREVIATIONS

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MSA	Merchant Shipping Administration/ Maritime Safety Administration.
IMO	International Maritime Organization.
WMU	World Maritime University.
ICOD	International Center For Ocean Development.
UNCTAD	United Nation Conference on Trade and Development.
UNEP	United Nations Environment Protection.
CMI	Comite Maritime International.
ICAO	International Civil Aviation Organization.
IACS	International Association of Classification Societies.
CS(s)	Classification Society(ies).
UNCLOS 82	United Nations Convention on Law of the Sea 1982.
ROCC	Regional Oil Combating Center.
ALg	Alger.
ANb	Annaba.
ORn	Oran.
ARz	Arzew.
BEj	Bejaia.
MOST	Mostaganem.
GHZ	Ghazaout.
SKi	Skikda.

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## PREAMBLE

A Maritime Safety Administration is the engagement of the State in activities carried out in the maritime field as regards ship safety and marine environment protection.

The purpose of this paper is to assess the present situation in ALGERIA, to point out the basic problems and finally to propose recommendations for the future.

The project can serve as a manual providing information suggestions, recommendations, and guidelines on many activities to be attended to by the Maritime Safety Administration in order to overcome the problems and to lead to appropriate maritime activities related to safety of ships and attendant marine surveying.

OMAR BERNOU.  
WMLU, MALMÖ, 1987.

PART ONE  
-----  
PRESENT SITUATION  
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CHAPTER I  
-----  
THE MERCHANT SHIPPING ADMINISTRATION  
-----

1-Constitutional/Statutory position as regards respon-  
-----  
sibility for merchant shipping and ports.  
-----

The National General Administration stipulates that the Ministry of Transport is responsible for merchant shipping and ports.

The importance of merchant shipping and ports, in the policy of national economical development, has been realised since 1962 when ALGERIA's present Government structure was established. In response to that policy, as far as maritime activities are concerned and as a part of the Ministry of Transport, two directorates have been constituted :

- The Merchant Shipping Directorate;
- The Ports Directorate.

1.1-The Merchant Shipping Directorate.  
-----

This directorate is designed to :

- .consider and propose developments which are in line with the objectives of the national policy as regards maritime transport and navigation;
- .ensure the safety of navigation;
- .deal with the contingency plan to combat marine pollution;
- .regulate the organization of the maritime administration;

.fix the minimum standards as regards safety at sea within the framework of the national maritime legislation.

It is composed of two sub-directorates:

- the Sub-Directorate of Maritime Transport;
- the Sub-Directorate of Maritime Navigation.

#### 1.1.1-The Sub-Directorate of Maritime Transport.

It is in charge of:

.considering and proposing developments relating to maritime transport regulations and other activities dealing with shipping;

.studying and proposing projects to set up and to put into operation programmes of modernization, maintenance, equipment and development of the national merchant fleet

.participating in the evolutions of international conventions and agreements as far as maritime transport is concerned .

In order to carry out these activities the Sub-Directorate of Maritime Transport heads three offices:

- the Trade and Fleet Office,
- the Economical Analysis Office,
- the Development and International Relations Office.

##### 1.1.1.1-The Trade and Fleet Office. Its activities are to:

.prepare measures dealing with regulating maritime activities and related matters and conditions of use of maritime shipping companies;

.study and propose measures to service the quality and cost of maritime transport;

.study and propose, in connection with the structures dealing with maritime affairs, all measures to ensure the optimum management or use of the national merchant fleet.

.survey the evolution of the national maritime transport capacity as regards national needs;

.study and put into operation elements as to the system and plans for the maintenance of national ships;

.authorize, survey and control charters, freight and repairs of the national shipping fleet;

.collect, arrange and exploit all data relating to the maritime transport of passengers and goods.

1.1.1.2-The Economical Analysis Office. Its activities are to:

.examine, in connection with the concerned organizations, the maritime transport economy and evaluate the national potential/needs in this field;

.participate in the preparation of the economical and financial norms for the use of resources and to consider their applications;

.instruct and ensure the application of measures relating to all economical and financial questions as regards maritime transport;

.prepare proposals as to the determination of the tariff of maritime transport service within the regulations which are in force.

1.1.1.3-The Development and International Relations Office is in charge of:

.elaborating elements of planning and equipment

programmes relating to maritime transport and attending to their application;

- .investigating about the evolution of methods and techniques as regards maritime transport, up-dating the documentation and proposing, as a need, the introduction of new methods and techniques;

- .participating, in connection with the concerned organizations, in the planning of research programmes as far as maritime transport is concerned;

- .contributing in the preparation and negotiation of international conventions and agreements relating to maritime transport, attending to the international maritime activities and contributing to the various sessions of sub-committees and conferences of international organizations dealing with maritime transport.

1.1.2- The Sub-Directorate of Maritime Navigation. It is in charge of:

- .preparing, regulations dealing with the national maritime legislation and the management of the competing uses of the sea within the disposition of the national legislation and regulations, which are in force;

- .proposing all measures relating to the safety of maritime navigation and defining standards of safety of ships and rules for ships routing;

- .setting up and putting into operation contingency plans in response to eventual marine pollution, organizing and coordinating interventions at sea in connection with concerned organizations;

- .defining conditions for access to the seaman profession and contributing to the study of and proposals for the professional status of seamen.

In order to face its responsibilities the Maritime Navigation Sub-Directorate heads three offices:

- the Maritime Navigation Office,
- the Maritime Safety Office,
- the Seamen Office.

1.1.2.1-The Maritime Navigation Office is in charge of:

- .preparing and proposing the :
  - .rules of ships routeing and controlling the maritime navigation and the quality of navigation;
  - .rules of ship status and proceeding with the required inspections;
  - .regulations of the management of the sea-board status and preparing plans and programmes for the development of the maritime navigation sector.
  - .contributing to the preparation and negotiation of international conventions and agreements regarding maritime navigation.

1.1.2.2-The Maritime Safety Office is in charge of:

- .preparing standards of the safety of ships and the safety of maritime labour;
- .preparing,proposing and coordinating the setting up of all kinds of measures to ensure the safety of maritime navigation;
- .identifying of the facts governing contingency planning in response to marine pollution and making them operational in connection with the concerned organizations;
- .contributing to studies relating to marine environment;

.preparing rules and standards of safety of life at sea and controlling their applications;

.organizing and coordinating, in connection with concerned organizations the search and rescue operations.

1.1.2.3- The Seamen Office is in charge of:

.defining criteria affecting the manning of ships  
.preparing and proposing the professional status of seamen;

.contributing to the preparation of training programme for sea-going personnel;

.preparing and proposing all measures to ensure the welfare of marine personnel within the framework of the national regulations and rules which are in force.

1.2-The Port Directorate.  
-----

This directorate is competent to prepare projects of orientation to fulfil the objectives of the national policy as regards ports activities. It contributes to the setting up and putting into operation of plans and programmes regarding the port sector.

This directorate is in charge of coordinating national port activities, and in connection with the concerned organizations, contributing to the director's scheme for the development of a national ports network.

It is composed of two sub-directorates:

- the Port Exploitation Sub-Directorate,
- the Port Equipment Sub-Directorate.

1.2.1- The Port Exploitation Sub-Directorate is in charge of:

- .preparing regulations and port safety rules;
- .studying and preparing rules as regards the conditions of exploitation and management of ports;
- .contributing to the preparation of a scale of prices of port charges and the transit of goods;
- .coordinating national port activities, elaborating and proposing all measures carrying out the set forth coordination.

To fulfil its functions the Sub-Directorate of Port Exploitation heads two offices:

- The Traffic Coordination Office;
- The Technical Regulation Office.

1.2.1.1- The Traffic Coordination Office. Its activities are to :

- .collect, organize and exploit all data regarding port traffic;
- .initiate and organize studies and research regarding the evolution of port traffic provisions;
- .coordinate national port activities and to study and propose measures to carry out this coordination;
- .propose scales of prices as regard port charges and the transit of goods;
- .study and propose all measures to increase the efficiency of labour and port activities notably in port organization and programming matters.

1.2.1.2-The Technical Regulation Office. Its activities are to:

- .prepare the regulation dealing with global port activities and the management of ports;



.contribute to the preparation and negotiation of international conventions and agreements regarding the port sector.

1.2.2 - The Port Equipment Sub-Directorate is in charge of:

.elaborating and proposing the director's scheme of the national development of the port network;

.contributing to the preparation of the general conception of feasibility of a port construction project attributing to the control of the construction and arrangement of ports;

.defining conditions, norms and routines of the maintenance of port facilities.

These sub-directorate functions are shared by two offices

- the Port Equipment Office;
- the Port Development Office.

1.2.2.1-The Port Equipment Office: Its activities are to:

.contribute to studies of the conception and feasibility of port construction projects. The realisation of port infrastructures and to control the construction and arrangements of ports;

.determine conditions, norms and procedure of the creation, exploitation and maintenance of port facilities including deepwater inside harbours.

1.2.2.2-The Port Development Office. Its activities are to :

.contribute to the establishment of the director's scheme for the national development of a port network and port arrangement;

- .prepare plans of ports equipment;
- .contribute to :
  - .the preparation of training and improvement programmes for marine man-power for needs of ports;
  - .programmes of research as to the port sector as regards port activities.

The external services of these two directorates constitutes the local maritime administrations and port authorities. Their organizations and attributions are fixed by order of the Ministry in charge of merchant shipping and ports. Each local maritime administration and port authority is headed by the local representative of the Ministry of Transport, acting under the authority of the "Wali" local state authority. Thus each of these local maritime administrations and port authorities is submitted to a double dependency;

- Organical dependency of the local state authority,
- Functional dependency of the merchant shipping or port directorate.

## 2-Status of the present maritime legislation.

---

The maritime legislation is embodied within the Maritime Code which came into force the 23rd October 1976 by ordinance 76-80.

It consists of two books. The first book deals with maritime navigation and seafarers while the second one deals with the commercial exploitation aspects of the ship. It is a body of rules based upon the national maritime objectives providing the Maritime Administration with the necessary legal instrument to control maritime activities. However, only the first book is relevant to Maritime Safety Administration.

It contains the primary legislation as regards maritime navigation and seafarers, including safety at sea and the protection of the marine environment as well as giving power to make special rules, namely the subsidiary legislation that is to be promulgated under the umbrella of the primary legislation in accordance with those international conventions approved by the Government.

## COMPOSITION OF THE FIRST BOOK

---

### PART ONE

---

#### MARITIME NAVIGATION AND SEAFARERS.

---

##### Chapter-I-Administration and territorial organization.

###### Section-1-Maritime administration

###### -2-Territorial organization

###### -3-Maritime public domain

##### Chapter-II-The ship

###### Section-1-Nationality of the ship

###### -2-The register book

###### -3-Rights on ship

###### Paragraph.1.Property of ships

###### .2.Mortgages

###### .3.Ships liens

###### Section-4-Shipowners liability

###### -5-Shipowner liability for oil pollution damages

###### Paragraph.1.Liabilities of the shipowners

###### .2.Issue of certificate of warrantee

###### .3.Actions of reparation of damages

###### .4.Definitions

###### Section -6- Seizure of ships

Chapter-III-Police and safety of maritime navigation

Section-1-Maritime navigation police

Paragraph.1.Definitions and administrative  
classification

.2.Maritime navigation zones

.3.Piloting

.4.Certificates of navigation  
on board documents

.5.Control of pollution pre-  
vention

Section-2-Safety of maritime navigation.

Paragraph.1.Safety conditions

.2.Safety inspections

.3.Safety commissions

Section-3-Safety rules

Paragraph.1.Safety certificates

.2.Safety police

Chapter-IV-Casualties

Section-1-Collisions

Paragraph.1.Definition and general  
rules

.2.Damage liability

.3.Law suits and civil com-  
petency

.4.Penal competency

Section-2-Average

Paragraph.1.Definition and classifi-  
cation of averages

.2.Contribution to general  
averages

.3.Settlement of general ave-  
rages

Section-3-Assistance

Paragraph.1.Definition and general rules

.2.Remuneration of assistance

.3.Law suits of the payment of  
the remunerations

Section-4-Salvage of wrecks

## PART TWO

### SEAFARERS.

Chapter-I-Administration of seafarers

Section-1-Definition and particulars dispositions

-2-Exercise of the profession

-3-Seafarer's book

-4-Registration of seafarers

Chapter-II- Duties of shipowners and seafarers

Section-1-Duties of the seafarers

-2-Duties of the shipowners

-3-Victualling of seafarers on board  
ships

-4-Crew accommodation

-5-Clothing of seafarers

-6-Rapatriement of seafarers

Chapter-III-Discipline of seafarers.

Section-1-Discipline on board

Paragraph.1.Authority on board

.2.Relations on board

Section-2-Offenses against discipline

-3-Maritime delicts and crimes

Paragraph.1.Offenses against safety of  
the maritime navigation

.2.Offenses against order and  
discipline on board ships.

### 3-Present functions and activities of the Maritime Administration. ----- -----

The Maritime Administration, that is to say the engagement of the State in activities carried out in the maritime field, is mainly centralised in the Merchant Shipping and Ports Directorates and their external services. As a whole the ambit of the maritime administration functions may be summarized as follows:

- .Implementation of the International Maritime conventions approved by the State;

- .Enforcement of national safety rules and regulations through the Local Maritime Administrations.

However, some functions are the responsibilities of other Ministries. The Ministry of Public Works deals with lighthouses and buoyage, the Ministry of Labour is in charge of maritime labour legislation. The Ministry of Agriculture is in charge or takes care of fisheries.

The operational aspects or activities of the Maritime Administration as regards safety at sea are:

- .General superintendence and coordination
- .Registration of ships and related matters
- .Surveys, inspections, and certification of ship
- .Issuance of the appropriate certificates to various categories of seafarers
- .Conducting inquiries into shipping casualties
- .Adoption and implementation of the International maritime convention approved by the State
- .Advice the Government on maritime matters.

At sea functions and activities of the Maritime Administration are carried out by the Coast Guards and consist of :

- .Police of safety navigation
- .Police of prevention pollution
- .Protection of the maritime domain
- .Protection of buoyage
- .Search and rescue operations

In order to fulfil its responsibilities effectively and efficiently, the Coast Guard National Service (SNGC) consists of a Central Command located in Algiers which heads three districts:

- . Eastern district headquarter ANNABA.
- . Middle district headquarter ALGIERS.
- . Western district headquarter ORAN.

Each district is divided into local Coast Guard Authorities called "Station Maritime" each of them possess floating means to undertake different kinds of activities in connection with their fields of responsibility. Although the aerial means are centralised at the Central Commande.

Abroad the administrative functions of the Maritime Administration are the competency of the Consulates.

4-Ratification and implementation of the IMO conven-  
-----  
tions.  
-----

The effort of the State having resulted since 1976 in  
the:

- .expansion of the national fleet;
- .development of education/training facilities.

This situation required a parallel strengthening of the structure and personnel of the Merchant Shipping Administration particularly in the field of preparation of national legislation to regulate the maritime transport. Furthermore, the international shipping can only be effectively regulated through cooperation between States concerned by operation of shipping services all over the world either in the economical field or safety at sea.

As far as safety at sea is concerned this cooperation is the object of IMO. The International Maritime Organisation provides a forum for governments to consider and establish common standards namely conventions or treaties by reference to which individually States may regulate the shipping that are to regulation by them. Thus IMO constitutes the institutional framework within which Governments develop, by common consent the uniform rules and standards for regulating shipping.

The position of the Government as to IMO conventions is given here-in-after in figure (1) page 24 .



LIST OF THE IMO CONVENTIONS ACCEPTED BY THE STATE.

---

IMO conventions	Nature of the juridical action	Date
.IMO CONVENTION	Adhesion	63.10.31
.OILPOL 1954	Approval	64.01.20
Amendment 71	Approval	76.10.04
.FAL 1965		83.11.28
.LOAD LINES 1966	Adhesion	76.10.04
Amendment 71		77.01.04
.CLC 1969	Adhesion	74.06.14
.TONNAGE 1969	Adhesion	76.10.04
.FUND 1971		75.06.02
.COLREG 1972	Adhesion	76.10.04
.SOLAS 1974	Ratification	83.11.03
.SOLAS PROTOCOL 78		83.11.03
.INMARSAT 1976	Adhesion	79.07.15
.SAR 1979	Adhesion	83.01.05

Source, Sea Trade Arabic Shipping Guide, 1986.

CHAPTER II  
-----  
SHIPS AND RELATED MATTERS.  
-----

1-Registration of ships.  
-----

The provisions for registration of a ship including the procedure involved are governed by the Maritime Code book ONE. It provides also details as to the :

.formalities to be observed,  
.documents needed,  
.procedure to be followed,  
which shall result in :

.the registration of the ship in the register book,  
.issue of the certificate of registry to the owners  
or the representative.

The register book is under the responsibility of the Maritime Administration, but it is open to public and can be reached by anyone who desires.

The entries of a ship in the register book consists of :

.registry order number and date of inscription;  
.particulars of the ship;  
.date and the place of construction of the ship and  
the name of the builder;  
.certificate of property or equivalent certificate;  
.mortgages;  
.ships liens;  
.cause and date of cancellation of the registry;

Each modification related to above indications must be

reported in the register book .

The registry is cancelled in the following situations :

- .sank,destroyed or demolished;
- .lost or considered lost;
- .declared unrepairable or its repair is not necessary on the ground of expenses involved;
- .loss of ship's particulars;
- .does not fulfil the required conditions for the nationality anymore;
- .sold abroad.

In case the ship is unrepairable or its repair is worthless its cancellation cannot be effectuated except with the mortgage's assent.

A ship is considered lost if she would not be heard of for a period of three months after its latest news.

A ship is considered unrepairable when the repair is impossible or it could not be done at the location where it is and cannot sail to another location where reparation could be done.

The repair of a ship is considered worthless when its charges are higher than the value of the ship at the point of departure of its voyage or,if it was not on voyage,then its value before the accident.

The Maritime Code contains the essential provisions dealing with :

- .signal letters of a ship;
- .nationality character and flag;
- .obligation to register;
- .qualification of ownership;
- .procedure for registration;
- .certificate of registry;

- .provisional certificate of registry if the ship is acquired abroad;
- .transfer and transmission;
- .mortgages;
- .name of the ship;
- . registration of the alteration and registration anew.

## 2-Number of national ships and their particulars.

-----

The article 571 book two of the Maritime Code stipulates that the maritime transport and related matters is a monopoly of the State. This monopoly is exercised through five (05) shipping companies:

### 2.1-Societe National de Transport Maritime- Cie National Algerienne de Navigation ,SNTM -CNAN.

Monopoly :general cargo and passengers;  
Routes :world wide conventional,short sea,ro/ro;  
Activities:shipowner ,shipping agent;  
Owners : fully owned by the State.

### 2.3-Societe National de Transport Maritime des Hydrocarbure ,SNTM-HYPROC.

Monopoly : hydrocarbon ,chemical products;  
Routes : World wide;  
Activities: shipowner,shipping agent  
owners :fully owned by the State

2.3-Societe National pour la Recherche, la Production, le Transport, la Transformation et la Commercialisation des Hydrocarbures-SONATRACH.

Monopoly : bunkering;  
Owners : fully owned by the State.

2.4-Compagnie Algero Libyenne .

Monopoly : general cargo/container;  
Routes : trans/Atlantic, trans/Mediter;  
Owners : 50% Algeria , SNTM-CNAN ;  
50% Libya , GNMTC.

2.5-Arab Petroleum Transport Cie.

Services : crude oil;  
Routes : World wide;  
Owners : the company is jointly owned  
by nine Arab Counties  
including Algeria.

71 (seventy one ) ships of 1000 GRT and above with a total of 1.094785 millions GRT are operated by these companies .About 75% of this fleet has been purchased between 1973 and 1981.

88.73% of the total number of ships is engaged on long international voyages and 11.27% is engaged on short international voyages and domestic trade.

The shipping fleet data is shown in fig (2) page 29.

SHIPPING FLEET DATA

DEEP SEA	Nber	GRT	DWT	crew	AGE
Crude oil	1	15583	22610	30	16
Gas carrier	7	428413	400233	286	9
General/cargo	10	98133	144764	341	9-8
Product carrier	5	88655	149178	162	11.7
GC/container	14	70321	104254	410	10.7
bulk carrier	4	57494	93500	138	9
RO/RO	2	5227	26668	72	9
PARTIAL TOTAL	43	763726	1011207	1439	9.7
SHORT SEA					
Ferry	5	12195	11487	371	16
RO/RO	11	30578	34344	382	9.2
Tanker	4	8127	13826	97	13.4
Bunker Tanker	5	6602	11241	50	11.5
Gas carrier	1	5137	5200	25	20
General cargo	2	4383	7480	40	15.8
PARTIAL TOTAL	28	67022	83578	965	13.8
TOTAL	71	830748	1094785	2404	10.8

Source : Sea Trade Arabic Shipping guide , 1986

### 3-Number of National Ships visiting national ports.

---

The most important aim of the national fleet is to carry foreign and domestic trade of the country .In fact about 75.48% of the cargo capacity of the fleet is oriented towards the transportation of oil and chemical products.

This concept does not mean that the national shipping is only engaged on voyages in which the country is concerned;ships can be chartered on voyages in course of which the national ports are not the point of departure or of destination in terms of the conditions of the agreement. However all ships are assumed to visit national port at least twice a year.

The list of national main ports is shown in fig(3)page31.

## MAIN NATIONAL PORTS AND THEIR PARTICULARS

FACILITIES	ALq	ANb	ORn	ARz	BEj	MOST	GHz	SKi
Ship repair	yes	yes	yes	no	yes	m	yes	yes
Bunkering	y	y	y	y	y	n	y	y
Dry docking	y	n	n	n	n	n	n	n
Launch	n	n	y	y	y	n	y	y
Medical	y	y	y	y	y	y	y	y
Towage	y	y	y	y	y	y	y	y
Dirty ballast	y	n	n	n	y	n	n	n
Fresh water	y	y	y	y	y	n'	y	y
Provisions	y	y	y	y	y	y	y	y
Repatriation	y	y	y	y	y	y	y	y
BERTHING								
FACILITIES								
GC/bulk	49	24	30	20	23	8	*	17
RO/RO	3	2	3	-	1	-	-	1
Tanker	2	5	2	11	3	-	-	5
TOTAL BERTHING								
FACILITIES	54	31	35	31	27	8	*	23

## Notes:

m : minor repairs only.

n' : not for drink.

\* : total quayage 11501 meters maxi deepth 10 meters.

Source : Sea Trade Arabic Shipping guide , 1986



CHAPTER III  
-----  
MANNING AND CERTIFICATION.  
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1-Rules and system for manning national ships.  
-----

The Merchant Shipping Administration is responsible for laying down manning scales for national ships. These will depend on:

- .the type of ship,
- .the size of ship,
- .the nature of the voyage (ie, long ,short or domestic voyage) .

Every ship should carry on board a qualified crew and in sufficient numbers to ensure :

- .safety of life at sea,
- .well distributed working hours or watch keeping,
- .the acceptable conditions of welfare,
- .to ensure the execution of the voyage intended,

The crew should be composed of:

- .the Captain,
- .Officers,
- .Ratings,
- .Catering members.

These should be divided into:

- .The deck department,
- .The engine department,

.The catering department.

The radio department is included in the deck department. The normal qualifications of the crew and the particular conditions on board ships are fixed by the Ministry of Transport for every type of ship.

The crew should be composed of nationals, however the Ministry may fix a certain proportion of foreign seafarers to be employed on board national ships.

## 2-Number and categories of seamen.

-----

The number of seamen employed on board the national merchant fleet is about 3000 (three thousand) permanent sea-going persons.

Almost 900(nine hundred)are officers including cadets and about 2500(two thousand five hundred)are ratings. More than 80% of officers, and 100% of ratings, are nationals.

The foreign seafarers, almost 150(hundred fifty)officers are employed on boards tankers and gas-carriers as masters, chief engineers, second engineers or electrical officers. Some are employed ashore as pilots or loading masters for hydrocarbon and chemical products.

### 3-System of registration of seamen.

-----

Rules for the registration of seamen are embodied within the Maritime Code book ONE chap I sect III.

Each person desiring to exercise the seafarer profession on board national ships or ships registred in the country should fulfil the following conditions:

- .have Algerian nationality;
- .be 18 years old or above;
- .be physically fit;
- .be qualified for the function of seamen.

The conditions of professional qualifications and the certificates of competency involved are defined by decree of the Ministry in charge of Merchant Shipping .

The quality of seamen is noted by the inscription on the seafarers register kept by the competent authority of the Maritime Administration. The candidate for registry as seaman has to make an application accompanied by relevant documents. This candidature can be refused to an applicant who:

- .does not meet the conditions or any one of the conditions for the profession of seaman;
- .has been in prison for a constant period of three years or above;
- .is under police investigation.

Each seafarer must have in his possession a discharge book which constitutes the identity card of a seaman. This book should contain the following information about the holder:

- .full name and surnames,
- .date and place of birth,
- .description and photograph,
- .adress of residence,
- .signature and fingerprints.

Futhermore,it should contain:

- .record of periods on board ships,
- .names and ports of registry of these ships,
- .name of shipowners,
- .date and place of discharge from ships,
- .type of navigation,
- .functions on board,
- .medical visits.

The discharge book is issued by the relevant authority of the Maritime Administration of the place of registry. This authority may limit the duration of the discharge book validity period by mentioning it clearly.

Abroad,the Consular Authorities may establish a discharge book on the master's request,available for the duration of the voyage until arrival at the first national port.

An applicant may also be granted a discharge book, available for a limited period or for a single voyage after approval by the Ministry of Transport.This applicant should be involved in matters of:

- .maritime navigation,
- .ship construction,
- .fishing,

and in joining ships to inspect or perform scientific research as well as to

.marine surveyors,  
.persons employed by the Port Authorities or  
Fishing Office in order to attend a training period on  
board ships.

4-Particulars of the present institution for training  
-----  
sea going personnel.  
-----

The training of national maritime personnel is carried  
out by the Institut Supérieur Maritime (ISM), located in  
BOU ISMAIL and with three annexes in Algiers, Collo, and  
Mostaganem.

The ISM was created on 17 September 1974 by ordinance  
N-74.86 under the responsibility of the Ministry of  
Transport.

This Institute caters for the training of merchant marine  
officers, administrators of marine affairs and port safety  
officers, while its annexes are responsible for training  
specialized ratings for sea-going ships as well as deck  
and engine personnel for fishing boats.

The candidates for deck officer or engineer officer  
courses must be:

.above 18 but less than 25 years old,  
.hold a bachelor of science (degree),  
.selected by a competitive examination at the  
national level.

The Institute is responsible for the award of the dip-  
loma of Lieutenant of sea-going ships and Second Engineer  
of merchant ships. In addition students receive a monthly  
allowance also given by the Institute.

However, for the diploma of Captain of sea-going ships  
or First Class Engineer of merchant ships, the candidate's

studies are paid by the companies which employ them.

The succesful candidates will attend the scheme of education programmes here-in-after.

#### DECK OFFICER

I

3 years of study at the Institute + 6 months at sea as cadet

I

#### DIPLOMA

I

I

I

Lieutenant of sea-going ships

I

#### ENGINE OFFICER

I

I

I

second class officer engineer . .

I

#### CERTIFICATE OF COMPETENCY OF

I

Officer in charge of navigational watch

I

1 year of study at the Institute

I

I

Officer engineer in charge of watch

I

I

#### DIPLOMA

I

I

I

Captain of sea-going ships

I

First class engineer of merchant ships

5-Procedure/system for the examination and issue of certificates of competency for merchant marine officers.

The different certificates of competency for merchant marine officers are issued by the Ministry in charge of Merchant Shipping and Ports to those officers who fulfil the requirements of sea-going service upon the reports of the different master mariners under who the applicants have served, including the reports of companies which have employed them.

## CHAPTER IV

### INSPECTIONS, SURVEYS AND CERTIFICATION OF SHIPS.

#### 1-The system for surveys and inspections of ships.

Each national ship is subject to inspections and visits namely:

- .inspection before the ship is put into service;
- .periodical inspection;
- .additional inspection when necessary.

Before a ship is put into service, the inspection should include a thorough and complete examination of its:

- .structure including the outside of the ship's bottom,
- .radio electrical installations,
- .life saving appliances,
- .machinery and equipment,
- .boilers, inside and outside.

The periodical inspection should be held every year, every two years or five years depending on the safety certificates involved, to verify whether the ship still complies with the stringency of the safety rules that are in force. This inspection should include an obligatory visit of the ship to dry dock.

Moreover, when an accident or a defect affecting the seaworthiness of the ship occurs, the efficacy of the life saving appliances or other equipment is in doubt or in addition a ship has undergone an important transformation The shipowner must report these facts, as soon as possible to the Maritime Administration or to the Consular



authorities if the ship is abroad requesting the additional, general or partial inspections.

Any ship may also be submitted to an inspection called "of departure" before leaving a national port.

This inspection may be effectuated on the Maritime Administration authorities' initiative, or on the request of the shipowner, the master of the ship or two thirds of the crew. Such inspections are carried out to ensure that the ship is maintained in a satisfactory and appropriate condition for the navigation intended in accordance with the relevant prescriptions of the international maritime safety conventions ratified by the State as well as by any national regulations that are in force.

The inspections are to be performed without creating delays or harming the exploitation of the ship. These inspections are effectuated by the relevant Maritime Administration Authorities which issue safety certificates in conformity with conditions fixed by the Ministry of Transport regarding:

- .passenger ships';
- .cargo ship safety equipment;
- .cargo ship safety construction;
- .cargo safety radiotelegraphy;
- .cargo safety radiotelephony.

The Classification Societies recognized are allowed to participate in these inspections according to the agreement of cooperation with the Maritime Safety Administration.

2-The system for the issue of appropriate survey and  
-----  
inspection certificates.  
-----

Inspections regarding the enforcement of the provisions of the Maritime Code and the granting of certificates are carried out by a central commission of safety as well as by local commissions of inspection.

The Central Commission sit at the direction of the Ministry of Transport. This commission is competent to approve:

- .drawings and documents submitted by the shipowner as required by the regulations;
- .new safety equipment;
- .radiocommunication apparatus;
- .appeals against the Local Commission regarding inspection decisions.

The Local Commission of Safety sit at the regional level or in any port where a ship is to be surveyed, at the request of the chairman, the Regional Director of Transport.

Abroad, the Consular Authorities have to establish the provisional commission of inspection.

The Local Safety Commission is competent to hold inspections :

- .before a ship is put into service,
- .periodically required,
- .in addition when necessary.

The relevant certificates are issued by the Maritime Administration upon the report of the Commission of Inspections. Certificates other than cargo ship safety equipment and international loadline certificates are issued

for (12) twelve months. The cargo ship safety equipment and international loadline certificates are issued for a period of (2) two and (5) five years respectively .

An exemption certificate can be granted to a ship by the Maritime Administration providing that it complies with the safety requirements which are adequate in the opinion of the Commission of Inspection for the voyage that is to be undertaken by the ship.

The duration of the exemption certificate must be the same as the validity of the certificate related to.

These cargo ship safety certificates cease to be valid if any of the conditions of issue have been altered. The inspections are subject to fees paid by the shipowner to the National Treasury. The charge is fixed by conjoint order of the Ministry of Transport and the Ministry of Finances.

### 3-The procedure for the detention of an unseaworthy ship

---

Every ship is subject at any time, in any national port to control by officers duly authorized by the Maritime Administration. The purpose of this control is to ensure that the ship is in a seaworthy condition and in conformity with the service for which it is intended.

In the event of a ship being unsafe namely with invalid certificates and in a condition of maintenance not satisfactory in the opinion of the inspector, the Maritime Administration Authorities will take all necessary measures such as :

- .refusing to renew or to endorse the safety certificate;

- .withdrawing of the safety certificate in connection with the control.

This will ensure that the ship shall not sail until it can proceed to sea without danger to the passengers and crew.

A report is made after all inspections. In this report the observations made during the visit are mentioned and all the prescriptions consequently edicted. All survey reports are kept on board ships in a special file that must be shown on the request of the competent authorities

In the case of a foreign ship, the Consul of the flag State shall be informed of all circumstances in which the intervention was deemed to be necessary so that he may request the Local Commission of inspection to enable the ship to complete its voyage to the State whose flag it is entitled to fly or a port where the ship can be repaired or inspected for certification.

4-The procedure and the system for conducting inquiries  
-----  
and investigations into shipping casualties.  
-----

In the event of a shipping casualty, as defined in the Maritime Code, occurring to any national ships an investigation shall be conducted on behalf of the Maritime Administration by:

- .marine surveyors,
- .officers of port safety and agents of the Coast Guards under oath.

The result of the investigation can be simply accepted or it may be reported to the competent jurisdiction by the Ministry for juridicial investigation.

The competent jurisdiction to which the application has to be made is the court of the port where the casualty has occurred or the national port of departure or destination if the casualty has occurred at sea.

X

## CHAPTER V

### NAVIGATION AND SAFETY AT SEA.

#### 1-Details of the search and rescue system.

Search and rescue (SAR), namely the search for and rescue of persons in need of assistance, is carried out by the various organizations and administrations under the coordination of the Local Commission of Security concerned depending on the geographical position of the persons in distress.

The Local Commission of Security sits at the request of the Local State Authority, namely the "Wali" (Prefect) and is concerned with all aspects of assistance within its geographical limits.

This commission meets and acts under the authority of a chairman and coordinator elected depending upon the type of assistance required. In the event of search and rescue at sea the chairman/coordinator involved is the local representative of the Ministry of Transport. The Local Commission of Security is composed, in this case, of representatives of the organizations and administrations dealing with safety or concerned with maritime activities, namely:

- .the Coast Guard,
- .the fire brigade,
- .the harbour master.

This commission is not limited to these representatives. It can be enlarged to allow others to grant assistance, such as:

- .the local director of health and hospitals;

.the representatives of the Ministry of Telecommunications;

.the shipping agent of the company involved.

At sea the search and localisation of persons in distress is controlled by the Coast Guard vessels and radio stations of the Ministry of telecommunications. The rescue operations are carried out by the Coast Guard vessels and the towing service of harbours.

X

## SCENARIO

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The system of surveillance is composed at sea by:

- .Coast Guard vessels,
- .Navy vessels.

Ashore it is composed principally of the radio stations of the :

- .Coast Guard,
- .Ministry of Telecommunications,
- .Port Authorities.

When a distress message has been received by any of these means or reported to the Coast Guard or to the Maritime Administration by a witness that may be :

- .a ship having received the message or involved in assistance;
- .relatives of people on board a pleasure craft or fishing boats missing,

the district of the Coast Guard concerned will start the search and rescue operation. Thus;

.messages are sent by the radio station of:

- .the Coast Guard to their vessels at sea;
- .the Ministry of Telecommunication and port authorities, to all ships sailing in that area in order to localise the persons or vessels in distress.

After the localisation and estimation of the assistance needed the local Director of Transport may let the SAR operation be conducted by the Coast Guard's means if



there is sufficient; otherwise he may request the Local Commission of Security to meet so as to increase the means and equipment to assist the people in distress during and after rescue.

2-The present system/arrangement for the combat of  
-----  
marine pollution.  
-----

The Local Commission of Security is also involved in the event of marine pollution.

The contingency plan at a local level foresees the chairman and coordinator as the local Director of the Ministry of Transport. This commission, in event of marine pollution includes representatives of the :

- .Coast guard,
- .Fire brigade,
- .harbour master,
- .Ministry of Telecommunications,
- .Ministry of Industry,
- .SONATRACH (Societe National du Transport de la Recherche de la Transformation et de la Commercialisation des Hydrocarbures).

These representatives are fully empowered to use the means and equipment and personnel as necessary at the request of the chairman on behalf of the Local Commission of Security.

When marine pollution covers such a wide area that several Local Commissions are involved, the National Commission of Security will sit instead of the Local Commission where the pollution started. The chairman and coordinator will be the Director of Merchant Shipping .

At sea, the combat of marine pollution is carried out by the Coast Guard. The director of the operation is the chief of the district involved. When two adjacent districts are involved, the direction of the operation at sea is directed and coordinated by the Central Command of the Coast Guard.

When marine pollution from ships has occurred the liability of the shipowner is clear, but it can be limited in the event of:

- .an act of GOD,
- .an act of war,
- .a third party that has acted intentionally,
- .negligence of the maintenance of aids to navigation by the authorities responsible.

The Maritime Code contains measures and action to be taken by the Maritime Administration upon the report or primary investigation of entrusted people:

- .agents from the Local Maritime Administration
- .port safety officers,
- .coast guard officers,
- .captains of Navy ships,

This report, or primary investigation, may be accepted and those responsible fined according to the provisions of the Maritime Code. Moreover the Ministry of Transport may make an application for a judicial investigation by a competent authority.

## CONCLUSION

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### BASIC PROBLEMS OF THE MERCHANT SHIPPING ADMINISTRATION

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As stated at the beginning of the assesement of the present situation of the Maritime Administration in the Country "THE IMPORTANCE OF THE MERCHANT SHIPPING AND PORTS IN THE POLICY OF NATIONAL ECONOMICAL DEVELOPMENT HAS BEEN REALIZED SINCE 1962". This importance is the expression of the state to:

- .stop the flow of foreign currency paid in the form of freight to foreign shipowners;

- .increase the capability of the country providing the carriage of foreign trade of the country.

This participation in world trade among well-established traditional maritime countries as optimum as it might be, can only be achieved by an appropriate national maritime development including an appropriate development of national shipping. In fact there is a strong interdependent relationship between world trade and maritime transport. According to the statistics 90% of world trade is carried by ships.

Since 1976 this has resulted in the :

- .expansion of the national merchant fleet;
- .development of education/training facilities;
- .promulgation of the Maritime Code;
- .ratification of the most important IMO conventions;
- .participation in the evolution of international maritime safety conventions and protection of the marine environment.

This situation requires a parallel strengthening of the :

.Maritime Legislation;

.Maritime Safety Administration infrastructure.

In other words, the expansion of the national merchant fleet, the evolution of international safety standards due to the rapid development of technology have resulted in :

.an out dated Maritime Code,

.inadequacy in the Maritime Safety Administration Infrastructure, to give effect to the requirement contained in the international maritime conventions approved by the State.

These two points are vital as to maritime development and its deficiencies must be rectified as a matter of urgency. Information, recommendations and guidelines are therefore given here-in-after.

PART TWO  
-----  
RECOMMENDATIONS FOR THE FUTURE  
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CHAPTER VI  
-----  
Modernization of the National Maritime Legislation.  
-----

1-Basic principles and international maritime law/conven-  
-----  
tions.  
-----

The Maritime Legislation or the Maritime Code is a body of rules adopted and designed to control maritime activities, including safe navigation (to protect lives and property) and maritime infrastructure within the jurisdiction of the State that includes ships flying national flags.

The primary objectives of the Maritime Legislation need to be:

- .developmental,
- .regulatory,
- .in conformity with international maritime law conventions.

1.1-Developmental.  
-----

The developmental aspect of the Maritime Legislation takes the form of participating in the process of formulating Government policy as regards maritime activities. Such aspects, namely the content and extent of the Maritime Legislation, are essentially contributory to the overall economic, trade, and planning ministries.

In other words, in order to meet the objectives of the Government as regards maritime activities, including transport services by sea all over the world, the Maritime

Legislation has to reflect this aspect through its content and extent.

#### 1.2-Regulatory. -----

This is the formulating of the Maritime Legislation intended to ensure safe navigation and maritime infrastructure, clearly and precisely worded, with effective sanctions and capable of promoting a helpful law-abiding atmosphere.

#### 1.3-In conformity with international maritime conventions. ----- -----

In some cases it may be difficult for any Administration to exercise, fulfil and continuously control some ships on the high seas or to ensure that these sea-going ships are fit for the service intended in conformity with the maritime safety rules of the visited countries.

This can only be overcome by the countries concerned cooperating in shipping operations all over the world.

This cooperation is the expression of Governments to consider and establish common rules, namely conventions or treaties, by reference to which contracting States control maritime activities within their jurisdictions and implement them in the same way, thereby eliminating differences between national practices.

Futhermore, each State has the responsibility to:

- .establish national rules and regulations for the safety of ships in general;

- .decide, based on international standards, national safety standards for the design, construction and operation of ships;

.exercise control to ensure that these standards are complied with.

The overall characteristic of the Maritime Legislation is to protect a wide variety of interests at many levels without interference in the essential aspects of maritime commerce. Therefore, it is important to ensure, when drawing up the necessary Maritime Legislation, that it is in conformity with international maritime law/rules that are found in international conventions derived from pertinent international organizations, namely;

-CMI- Comité Maritime International.  
-----

Established in 1886, this private international organization is devoted to the international unification of maritime law. CMI has produced almost all international maritime conventions:

- .carriage of goods by sea;
- .international regulations for preventing collisions at sea;
- .maritime liens;
- .salvage law.

-UNCTAD-(shipping division).  
-----

The United Nations Conference on Trade and Development was established in 1964 by the UN General Assembly. It concentrates on commercial considerations such as:

- .the code of conduct for liner conferences;
- .the multi-modal convention;
- .marine insurance;
- .convention on the registration of ships.

-IMO-International Maritime Organization.  
-----

Established in 1948 and effective since 1958; IMO is now the major UN agency specializing in the field of shipping. It deals largely with the technical aspects of shipping and the legal implications which flow from them.

IMO provides a forum within which Governments develop, by common consent, the uniform safety rules which are acceptable to as many countries as possible. The conventions, protocols and agreements adopted thereof are international treaties. IMO constitutes only the institutional framework; there is no authority for IMO to implement or enforce any regulations on any ship or any State. Contracting Governments have to make their national laws in conformity with the conventions requirements and enforce them as far as their own ships and personnel are concerned.

This does not mean that IMO has no role as regards the implementation of conventions. The purpose of IMO's technical assistance programme is to help States, especially developing countries, to ratify and to implement the applicable conventions for which IMO is responsible. Today the International Maritime Organization actively carries out technical assistance projects in many countries around the world; but the most ambitious is the World Maritime University at Malmö-Sweden which opened in 1983. Its objective is to provide high level training facilities for personnel from developing countries and, since 1987, developed countries, who have already a relatively high standard of competence in their own countries but who would benefit from further intensive training.

In addition to the conventions and other treaties, IMO has adopted more than 500 codes, recommendations and guidelines dealing with a range of subjects. However, they are not legally binding on Governments, but provide guidance in framing national regulations and requirements. Many Governments do, in fact, apply the provisions of the



recommendations by incorporating them, in whole or in part, in their Legislation.

# IMO's

## Safety Conventions

	Descriptions	entry in force
International Convention for the Safety of Life at Sea SOLAS 60.	The first SOLAS conv was adopted in 1914 and since then four other versions have been adopted including two by IMO in 1960 and 1974.	1965 amends various from 1966 1973
International Convention for the Safety of Life at Sea SOLAS 74.	It covers numerous aspects including surveys, inspections subdivisions and sta- bility, machinery and electrical installa- tions, construction, fire- fighting life saving radio, navigation cargo safety. The 1960 version has been superseded by that of 1974 which incorporates a tacit acceptance amendment procedure.	1980 amends 1980(P) 1981 and 1983
International		

Convention on Loadlines, 1966. (LL)	Establishes minimum freeboard preventing reserve buoyancy, a safe working platform and improved stability.	1968 amends 1971 1975 79/83
International Convention on Tonnage Measurement of ships, 1969. (TM)	Establishes for the first time an inter- nationally accepted method of measuring tonnage of merchant ships. This is import- ant for safety as well as the assessment of taxes, harbour dues and other levies.	1982
Special Trade Passenger Ships Agreement, 1971. STP	Safeguards ships and their passengers engaged in the pilgrim trade which centres on the Indian Ocean and adjacent waters.	1974  amends 1973(P)
Convention on the International Regulations for the Preventing Collisions at Sea 1972 . (COLREG)	Replaces regulations annexed to SOLAS (1960) Among many features, the convention provides for traffic separation schemes which are now used in many parts of the world.	1972 amends 1981
International		

Convention  
for Safe Con-  
tainers,(1972).

(CSC)

Designed to maintain a  
high level of safety  
in the carriage of  
containers by sea by  
providing generally  
acceptable test proce-  
dures and related strength  
requirements.Also  
simplifies control of the  
international movement of  
containers.

1972  
amends  
1981

Convention on the  
International  
Maritime Satellite  
Organization  
(INMARSAT),  
based also at  
LONDON.

Terrestrial radio facili-  
ties have become increas-  
ingly congested over the  
years .IMO has attempted  
to overcome this and other  
problems by establishing  
the international maritime  
satellite organization  
which has created a new  
communication system,  
exclusively for the use  
of shipping,based on space  
satellites.

1979

Torremolinos  
International  
Convention for  
the Safety of  
Fishing vessels,  
1977  
International

Contains safety require-  
ments similar to those  
in SOLAS which are adap-  
ted for fishing vessels  
of 24m in length and over.

Convention on the  
Standards of Train-  
ing and Certifica-  
tion and Watchkeep-  
ing for Seafarers,  
1978, (STCW).

The convention intro-  
duces for the first  
time internationally  
accepted minimum  
standards for the train-  
ing and certification  
of masters, officers and  
ratings. It also establishes  
watchkeeping standards.

1984

International  
Convention  
on Maritime Search  
and Rescue,  
1979, (SAR).

Provides international  
standards concerning  
maritime search and rescue  
and establishes a legal  
framework for a series of  
search and rescue regions  
in different sea areas.

1985

Prevention Marine  
Pollution

International  
Convention  
relating to Inter-  
vention on the High  
seas in case of Oil  
Pollution casualties  
1969, (CSI).

Gives States the right  
to intervene in incidents  
on the high seas which  
are likely to result  
in the pollution of their  
coasts and territorial  
waters. The 73 protocol  
extends the right to  
incidents involving  
substances other than oil.

1975

amends

1973(P)

International

Convention for the Prevention of Pollution of the Sea by Oil 1954, (OILPOL).	Adopted at the conference held under the auspices of the UK. Responsibilities for the convention were transferred to IMO when the Organization came in- to existence. It contains measures to reduce oil pollution resulting from routine operations such as tank cleaning; it has been superseded by Marpol as far as parties to the latter are concerned.	1958 amends 1962 1969 1971 great barrier reef 1971 tank size
--	--	--

International Convention for the Prevention of Pollution from ships 1973 as modi- fied by the proto- col of 1978 (MARPOL 73/78).	Annex 1 has replaced OILPOL as a chief weapon against oil pollution from ships. It contains measures to prevent accidental pollution from tankers as well as operational pollution from tankers and other ships and also deals with noxious liquid chemicals in bulk, chemical in packages form, sewage and garbage.	1983 amends 1978(P) 1984
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## Convention

on the Prevention  
of Pollution by  
dumping of Wastes  
and other matter.  
1972 LDC.

Adopted under the auspices 1975  
of UK.Secretariat func- amends  
tions transferred to IMO 1978  
on entry into force (disputes)  
controls dumping into 1978  
the sea of waste material incine-  
produced on land. ration  
1980  
list of  
substances

## Liability and Compensation

### International

Convention  
on Civil Liability  
for Oil Pollution  
Damage,1969.

CLC

One of a series of 1975  
measures adopted amends  
following the Torrey amends  
Canyon disaster in 1967. 1976(P)  
It introduces a system 1984(P)  
which enables victims  
of oil pollution to  
claim compensation from  
the shipowner who is made  
strictly responsible  
for such damage.

### Convention

relating to Civil  
Liability in the  
field of maritime  
carriage of nuclear  
material 1971

LNM

Provides for a special 1975  
regime for the payment  
of compensation to  
to victims of incidents  
resulting from the carriage  
of nuclear materials by sea.

<p>International Convention on the Establishment of an Interna- tional Fund for Compensation for Oil Pollution Damage,1971. IFC</p>	<p>Permits extra compensa- tion to be paid to victims of oil pollution when it exceeds the limits laid down in the 1969(CLC). The extra compensation comes from the Fund based in London which is made up of contributions from major oil importing interests.</p>	<p>1978 amends  1976(P)  1984(P)</p>
<p>Athens Convention relating to the Carriage of Passengers and their Luggage by sea,1974. PAL</p>	<p>Establishes a regime of liability and compensa- tion for damage loss or injuries suffered by passengers on sea-going ships.</p>	<p>1987   amends 1976(p)</p>
<p>Convention on Limitation of Liabi- lity for Maritime Claims,1976. LLMC</p>	<p>Special global limits of the liability of ship- owners and salvors for claims in respect of life or personnel injury and loss of or damage to property.</p>	<p>1986</p>

Convention on		
Facilitation of	Aids cooperation bet-	1967
International mari-	ween governments and	
time Traffic,1965.	secures the highest	amends
FAL	practicable degree of	1969
	uniformity in paper-	1977
	work and other proce-	1983
	dures.	

#### Principal Codes adopted over the years.

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.International maritime dangerous goods (IMDG) first adopted in 1965;

.Medical first aid guide for use in accidents involving dangerous goods(MFAG-1973),Emergency procedures for ships carrying dangerous goods (EMS) 1981;

.International code of signals all functions in respect of the code were assumed by the organization in 1965;

.Code of safe practices for solid bulk cargoes 1965;

.Code for the construction and equipment of the ships carrying dangerous goods in bulk,1971;

.Code of safe practices for ships carrying timber deck cargoes 1973;

.Code of safety for fishermen and fishing vessels,1974;

.Code for the construction and equipment of ships carrying liquified gases in bulk,1975;

.Code for existing ships carrying liquified gases in bulk 1975;

.Code of safety dynamically supported craft,1977;

.Code for the construction and equipment of mobil offshore drilling units,1979;

.Code on noise level on board ships,1981;

.Code of safety for nuclear merchant ships,1983;

.Code of safety for diving systems,1983.



Other important recommendations have dealt with such matters as:

- .traffic separation schemes,
- .standard marine navigational vocabulary,
- .IMO search and rescue manual,
- .IMO manual on oil pollution,
- .crew training,
- .performance standards for shipborne equipment.

In addition to these there are other international organizations involved in international maritime law/rules:

- International Labour Organization
  - .ILO- maritime labour and safety;
- World Health Organization
  - .WHO- maritime health;
- World Meteorological Organization
  - .WMO- world weather;
- International Telecommunications Union,
  - .ITU- maritime communication;
- International Hydrographic Organization
  - .IHO- hydrography, charts, notices to mariners;
- United Nations Environment Protection
  - .UNEP- environment protection.

Each of the conventions listed earlier is constituted of two parts. The convention and annex(es) namely detailed provisions (subject to amendment) which constitute an integral part of the convention. All IMO conventions contain provisions for amendments. This is especially important in the case of technical instruments which need to be up-dated to take into account the rapid changes in shipping and associated technology.

In some of the earlier treaties, any amendments adopted must be accepted by a specified proportion of contracting parties before they can enter into force. This is known as "the explicit acceptance" procedure.

Because of the length of delays experienced in obtaining sufficient acceptances of amendments to bring them into force, many later conventions have included a procedure known "tacit acceptance". Under this, amendments enter into force on a specified date unless a stipulated number of contracting parties expressly object.

All major technical conventions adopted by IMO since 1972 have incorporated provisions for amendment by the tacit acceptance procedure

Any convention approved by the State calls for a domestic legislation or/and administrative actions, ie, introduction of the provisions into national legislation. Therefore it is important to understand that the national maritime legislation should be divided into:

- .Primary Legislation to effect the accepted convention

- .Subsidiary Legislation to give effect to the annex/es to the convention,

and respectively the annex and the Subsidiary Legislation constitute an integral part to the convention and the Primary Legislation.

## 2-Primary legislation

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The primary legislation constitutes the legislative frame which is promulgated by the National Assembly to ring and control Maritime Affairs within national jurisdiction. That includes ships flying national flag and foreign ships when

sailing in national waters. It should not be too narrow or too specific ;but,should contain provisions to empower the Ministry of Transport to make specific rules namely the subsidiary legislation.

The arrangement given here-in-after is suggested as a model or guideline when preparing or up-dating the maritime legislation to give effect to the applicable international maritime conventions.

## PRIMARY LEGISLATION

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### PART I

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#### PRELIMINARY

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- 1-Short title and commencement
- 2-Objects and construction
- 3-Application of Act
- 4-Definitions

### PART II

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#### ADMINISTRATION

---

##### Appointment of statutory officials

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- 5-Director/Director General
- 6-Marine department/s and principal officer/s
- 7-Surveyors
- 8-Radio inspectors
- 9-Shipping offices and shipping masters
- 10-Seaman employment office/s

PART III

-----  
REGISTRATION OF SHIPS -MORTGAGES  
-----

Registration of Algerian ships  
-----

11-Qualifications of ownership

12-Obligation to register Algerian ships

Procedure for registration  
-----

13-Ports of registry

14-Appointment of registrars

15-Register book

16-Application for registry

17-Survey and measurement of ships before registry

18-Marking of ships

19-Declaration of ownership

20-Evidence on the first registry

21-Entry of particulars in register book

22-Documents to be retained by the registrar.

Certificate of registry  
-----

23-Custody and use of certificate

24-Power to grant new certificate

25-Change of Master

26-Change of ownership

27-Delivery of certificate of ships lost or ceasing to be  
Algerian

28-Provisional certificate

29-Temporary pass in lieu of certificate of registry

## Transfers-transmissions

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

## Mortgages

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

## Name of ship

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

## Registration of alterations & registration anew

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- 48-Alterations in ship
- 49-Registration of alterations
- 50-Provisional certificate and endorsement
- 51-Registration anew on change of ownership
- 52-Procedure for registration anew

53-Restrictions on re-registry of abandoned ships

National character and flag  
-----

54-Nationality and flag

55-Unlawful assumption of Algerian character

56-Cancelment of Algerian, or assumption of foreign character.

57- National colours

Miscellaneous  
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58-Liabilities of ships not recognized as Algerian ships

59-Proceeding on forfeiture of ships

60-Notice of trust not received

61-Liability of owners

62-Evidence of register book

63-Government ships

64-Power of Government to make rules.

PART IV  
-----

Certificates of officers,  
-----  
Masters, Mates, and Engineers  
-----

65-Manning with certificated officers

66-Grades of certificates of competency

67-Examinations

68-Certificates of Service

69-Form of certificates

70-Record of orders

71-Loss of certificates

72-Production of certificates

73-Power to cancel or suspend certificates

74-Recognition of certificates granted by other Government

75-Power to make regulations for the purpose of this part.

PART V

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Seamen and apprentices  
-----

-----  
Classification of Seamen & Prescription of minimum  
-----  
manning scale  
-----

76-Power to classify seamen

77-Duties of shipping masters

78-Fees to be paid

Apprenticeship to sea service  
-----

79-Assistance for apprenticeship

80-Special provisions as to apprenticeship

81-Manner in which apprenticeship contract is to be  
recorded

82-Production of contract of apprenticeship . .

Seamen's Emploment Office  
-----

83-Seamen's employment offices

84-Supply or engagement of seamen in contravention of Act  
prohibited

85-Receipt of remuneration from seamen prohibited

Engagement of Seamen  
-----

86-Engagement of seamen

87-Prohibition of engagement of unauthorised seamen

88-Agreements with crew

89-Form and contents of the crews' agreement

90-Special provisions with regard to crews' agreement

91-Renewal of running agreements

92-Changes in crew to be reported

- 93-Certificate as to agreement with the crew
- 94-Copy of agreement to be made accessible to the crew
- 95-Alteration in agreement

#### Employment of young Persons

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- 96-Employment of young persons
- 97-Medical examination
- 98-Maintenance a list of young persons
- 99-Power to make rules prescribing conditions for employment of young persons

#### Discharge of Seamen

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- 100-Discharge of seamen
- 101-Certificate of discharge
- 102-Certificate as to work as seamen
- 103-Discharge and leaving behind of seamen by masters
- 104-Wages and property of (such) seamen
- 105-Repatriation of seamen
- 106-Discharge of seamen on change of ownership

#### Payment of Wages

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- 107-Master to deliver account of wages
- 108-Disrating of seamen
- 109-Deduction from wages of seamen
- 110-Payment of wages before shipping master
- 111-Time of payment of wages
- 112-Settlement of wages
- 113-Master to give facilities to seamen for remitting wages
- 114-Decisions of questions by shipping masters



- 115-Production of ship's papers
- 116-Payment of seamen in foreign currency

#### Advance and Allotment of wages

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- 117-Allotment notes
- 118-Commencement and payment of sums allotted

#### Rights of Seamen in respect of Wages

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- 119-Right to wages
- 120-Wages and salvage
- 121-Wages not to depend on freight
- 122-Wages on termination of service by wreck, illness, etc
- 123-Wages not accrue during absence without leave, refusal to work, or imprisonment
- 124-Compensation to seamen
- 125-Protection of wages

#### Mode of recovering Wages

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- 126-Suit for Wages
- 127-Restrictions on suits for wages
- 128-Wages not recoverable outside Algeria
- 129-Master's remedy for wages

#### Power of Court to rescind Contracts

---

- 130-Power to rescind contracts
- 131-Disputes between seamen and employers
- 132-Conditions of service, etc, to remain unchanged

## Property of Deceased seamen and apprentices

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- 133-Property of deceased seamen
- 134-Delivery of the property
- 135-Recovery of Wages of deceased seamen-
- 136-Disposal of unclaimed property of deceased seamen

## Distressed Seamen

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- 137-Distress of seamen
- 138-Mode of providing for return of seamen
- 139-Receiving distressed seamen on ships
- 140-Provisions as to taking distressed seamen on ships
- 141-What shall be evidence of distress
- 142-Decision of Consular Officer
- 143-Power to make Rules

## Provisions, Health and Accommodation

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- 144-Provisions and water
- 145-Allowance for short or bad provisions
- 146-Weights and measures
- 147-Certificated cook
- 148-Scale of medical stores
- 149-Certain ships to carry medical officers
- 150-Medical treatment
- 151-Crew accommodation
- 152-Inspection by the shipping master, etc.
- 153-Inspection by Master

## Special Provisions for Protection of Seamen

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### in respect of Litigation

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- 154-Certificate and Notice to be given in case of unrepresented seaman

- 155-Decrees and orders passed against serving seaman
- 156-Modification of law of limitation where seaman is a party
- 157-Reference in matters of doubt to shipping masters

Provisions for the Protection of Seamen and respect  
-----  
of other matters  
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- 158-Facilities for making complaints
- 159-Assignemt and sale of salvage invalid
- 160-No debt recoverable till end of the voyage
- 161-Seamen's property not to be detained-

Provisions as to Discipline  
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- 162-Misconduct endangering life or ship
- 163-Desertion and absence without leave
- 164-Power to suspend deserter's certificate of discharge
- 165-Conveyance of deserter or imprisoned seamen on board ships
- 166-General offences against discipline
- 167-Smuggling of goods by seamen or apprentices
- 168-Entry of offences in official log book
- 169-Report of desertions and absences without leave
- 170-Entries and certificates of desertion abroad
- 171-Facilities for proving desertion
- 172-Application of forfeiture
- 173-Decision of question of forfeiture and deduction
- 174-Payment of fines imposed to shipping master
- 175-Seaman or apprentice not to be enticed to desert
- 176-Stowaways and seamen carried under compulsion
- 177-On change of master, documents to be handed over to successor
- 178-Deserters from foreign ships

## Official Log Books

- 179-Keeping of official log book
- 180-Entries to be made in the official log books
- 181-Offences in respect of official log books
- 182-Delivery of official log books to shipping masters
- 183-Official log books to be sent to shipping masters in case of transfer of ship or loss.

## PART VI

### Passenger Ships(Carriage of Passengers)

- 184-Power to make regulations for carriage of passengers
- 185-Offences ref: passenger ships
- 186-Ticket for passenger

## PART VII

### SAFETY

#### General

- 187-Definitions
- 188-Power of surveyors
- 189-Declaration of survey
- 190-Records of inspections/surveys

### Safety and loadline conventions

- 191-Powers to make regulations ref:safety and loadline conventions

### Construction of ships

- 192-Powers to make rules for the construction of ships.

### Inspection /survey for safety

- 193-Surveys of passenger ships
- 194-Initial survey of passenger ships
- 195-Subsequent surveys of passenger ships
- 196-Additional surveys of passenger ships
- 197-Cargo ship safety construction survey
- 198-Life-saving appliances:cargo ships
- 199-Fire-fighting appliances:cargo ships
- 200-Radio installations
- 201-Stability information
- 202-Pleasure craft
- 203-Survey's duty ref: reports
- 204-Powers to make various Safety Regulations

### Issue of certificates

- 205-Certificates to passenger ship or cargo ship
- 206-Local safety certificate.Powers to make regulations
- 207-Posting of certificates
- 208-Certificates by other Governments
- 209-Certificates to non-Algerian ships

### Proceeding to sea

- 210-Production of certificate
- 211-Algerian ships and certificates
- 212-Non-convention ship

### General safety

#### Precautions & Responsibilities

- 213-Qualifications of crew
- 214-Reporting hazards to navigation

215-Distress signals-powers to make regulations  
216-Misuse of distress signals  
217-Obligations to assist in distress  
218-Reporting of accidents.

Prevention of collisions  
-----

219-Giving helm orders  
220-Powers to make regulations for preventing collisions  
at sea  
221-Observance of collision regulations  
222-Inspections of enforcing collision regulations  
223-Assistance in case of collision.

Loadline & loading  
-----

224-Definitions  
225-Powers to make regulations  
226-Compliance with regulations  
227-Submersion of load lines  
228-Alteration of defacement of marks  
229-Loadline certificates  
230-Renewal of certificates  
231-Cancellation of certificate  
232-Periodic load line surveys  
233-Certificate to be surrendered  
234-Ship without certificate  
235-Certificate display and entry  
236-Particulars in crew agreement  
237-Certificate of foreign ships  
238-Validity of certificates of foreign ships  
239-Inspection of foreign ships  
240-Production of certificate  
241-Powers to make deck cargo regulations

- 242-Powers to make Timber deck cargo regulations
- 243-Offence against regulations
- 244-Defence to contravention
- 245-Securing compliance.

#### Carriage of grain

- 246-Carriage of grain and powers to make regulations

#### Dangerous goods

- 247-Meaning of "dangerous goods"
- 248-Carriage of dangerous goods
- 249-Disposing of dangerous goods
- 250-Forfeiture of dangerous goods
- 251-Powers to make regulations
- 252-Application of provisions.

#### Unseaworthy ships

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

#### Miscellaneous

- 259-Powers to make regulations for the protection of long-shoremen
- 260-Powers to exempt.

PART VIII

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Wrecks and Salvage  
-----

Wrecks  
-----

- 261-General superintendence
- 262-Powers to appoint receivers of wrecks
- 263-Fees and expenses of receiver
- 264-Duties of receiver
- 265-Powers of receiver
- 266-Passage over adjoining lands
- 267-Immunity of receiver
- 268-Obstruction of receiver
- 269-Taking possession of wrecks
- 270-Concealment of wreck
- 271-Notice of wreck
- 272-Owner's right to wreck
- 273-Power to sell wreck
- 274-Unclaimed wreck
- 275-Discharge of receiver
- 276-Removal of wreck.

Salvage  
-----

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



PART IX

Shipping casualties,Inquiries & investigations

287-Definition

288-Shipping casualties and reports thereof

289-Investigations into shipping casualties

290-Preliminary inquiry

291-Formal investigation

292-Power of court(or commissioner)of investigation to inquire into charges

293-Power of Government(Minister)to direct inquiry into charges of incompetency or misconduct

294-Opportunity to be given to person to make defence

295-Power of court(or commissioner)as to evidence and regulation of proceedings

296-Assessors

297-Power to arrest witnesses and enter ships

298-Power to commit for trial and hand over witnesses

299-Report by court(or commissioner)to Government (Minister)

300-Report by court(or commissioner)as to certificates licences

301-Power of court(or commissioner)to censure master,mate or engineer

302-Power of court(or commissioner)to remove master,and appoint new master

303-Delivery of Algerian certificate(licence) cancelled or suspended

304-Effect of cancellation or suspension of certificate (licence)

305-Suspended certificate(licence)not to be endorsed

306-Power of Government(Minister)to cancel or suspend other certificates

307-Ref:heaving and appeal

308-Power of Government(Minister).

## PART X

### ----- Limitation and division of liability -----

#### Limitation of liability -----

309-Definitions

310-Subsequent variation

311-Tonnage rules(for the propose)

312-Foreign ship's measurement

313-Liability of owners limited

314-Power to consolidate claims

315-Extention of limitation

316-Limitation for dock and harbour owners

317-Release of ship with security

#### Division of liability -----

318-Division of liability

319-Joint and several liability

320-Right of contribution

321-Extended meaning of owners

## PART XI

### ----- Prevention of Pollution of the Sea by Oil -----

#### General Provisions -----

322-Application

323-Definitions

324-Prohibitions as to discharge

325-Exemptions

326-Report by the master of ship

327-Power to make Regulations for the construction, equipment and other requirements for ships to prevent pollution

328-Oil record book  
329-Survey/inspection, certificates and control  
330-Power of Surveyor/Inspector  
331-Reception Facilities

Pollution related to shipping Casualties  
-----

332-Shipping casualties  
333-Right to recover in respect of unreasonable loss or  
    damage  
334-Offences in relation to section 332  
335-Service of documents under Section 332  
336-Application of section 332 to 335 to foreign ships  
337-Government ships  
338-Prosecution and Penalties

Civil Liability for oil pollution  
-----

339-Definitions  
340-Liability for oil pollution  
341-Exemptions from liability  
342-Restriction of liability  
343-Limitation of liability  
344-Limitations actions  
345-Concurrent liabilities of owners and others  
346-Cases excluded  
347-Compulsory insurance against liability for oil  
    pollution  
348-Issue of certificate (pertaining to insurance/security)  
349-Rights of third parties against insurers  
350-Jurisdiction of Algerian court and registration of  
    foreign judgments  
351-Government ships

- 352-Liability for cost of preventive measures where Section 340 does not apply  
353-Saving for recourse action

## PART XII

### ----- Penalties and procedure -----

- 354-Offences and penalties  
355-Procedure  
356-Jurisdiction  
357-Special provision regarding punishment  
358-Offences by companies  
359-Depositions to be received in evidence when witness cannot be produced  
360-Power to detain foreign ship that has occasioned damage  
361-Power to enforce detention of ships  
362-Levy of wages, by distress of movable property or ship  
363-Notice to be given to consular representative of proceedings taken in respect of foreign ship  
364-Application of fines  
365-Service of documents

## PART XIII

### ----- Supplemental -----

- 366-Protection of persons acting under this act  
367-Power of persons authorized to investigate, etc  
368-Power to prescribe alternative fittings, etc  
369-Exemption of public ships, foreign and Algerian ships  
370-General powers to exempt  
371-General power to make rules and regulations  
372-Provisions with respect to rules and regulations including fees

- 373-Power to constitute committee to advise on rules,  
regulations and scales of fees
- 374-Removal difficulties
- 375-Transitional provisions.

### 3-Subsidiary Legislation.

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As said earlier the Subsidiary Legislation constitutes a body of specific and detailed rules and regulations applicable under the Maritime Law so as to give effect and enforce the provisions of the Primary Legislation. Its preparation by the Maritime Administration under the provisions of the related annex(es) to the relevant convention or national need and its approval at the level of the Ministry of Transport should facilitate every enforcement of any amendment or national interpretations when necessary and bring them into force at a specific time .

An arrangement of rules /regulations ,constituting the Subsidiary Legislation taking into account the provisions of the annex(es) to the applicables international conventions ,is given here-in-after.

### SUBSIDIARY LEGISLATION

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- 1-Rules for registration of ships
- 2-Safety convention certificate rules
- 3-Regulations for preventing collisions at sea
- 4-Rules for use of distress signals

- 5-Navigational warnings regulations
- 6-Life saving appliances regulations
- 7-Fire(fighting) appliance rules
- 8-Fire Protection regulations
- 9-Muster regulations
- 10-Pilot ladder and hoist regulations
- 11-Navigational equipment regulations
- 12-Regulations re:carriage of nautical publications
- 13-Official log books regulations
- 14-Radio installation regulations
- 15-Tonnage regulations
- 16-Crew accommodation rules
- 17-Medical scale regulations
- 18-Loadline rules
- 19-Rules for the carriage of deck cargo
- 20-Rules for the carriage of dangerous goods
- 21-Regulations for the carriage of grain
- 22-Cargo ship construction and survey regulations  
(Safety Convention Ships)
- 23-Local cargo ship certificate rules  
(Small ships- under 500 GRT)
- 24-Passenger ship construction regulations
- 25-Anchor and chain cable rules
- 26-Rules ref:apprenticeship to sea service
- 27-Regulations for the certificate of A.B's
- 28-Regulations for the certification of skippers and  
second-hand fishing boats
- 29-Regulations for the certification of marine engineers
- 30-Regulations for the certification of deck officers
- 31-Regulations for Prevention of Pollution of the Sea by  
Oil
- 32-Wreck and Salvage Rules.

CHAPTER VII  
-----  
RECOMMENDATION FOR AN APPROPRIATE MSA  
-----  
INFRASTRUCTURE.  
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The Merchant Shipping Administration in Algeria is, in this structure, an organization composed of the Merchant Shipping Directorate and its external services called Local Maritime Administrations. Its object is to enforce the provisions of the Maritime Code including the implementation of the requirements of international maritime conventions ratified by the State. Before proposals and recommendations as to the appropriate MSA infrastructure, that is to say:

- .identification of the personnel needs/needed,
- .Merchant Shipping Administration organization,

it should be pertinent to identify functions and activities to be performed by the Merchant Shipping Administration.

1-Functions and activities to be performed by the MSA.  
-----

These are the same as the Maritime Legislation i.e the functions and activities must be:

- .regulatory,
- .developmental,
- .in conformity with the relevant international safety conventions approved by the State.

1.1-The regulatory functions are those intended to  
-----  
ensure.  
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- .ship safety and safety of lives at sea;
- .protection of the marine environment;

that is to say; surveys, inspections, certification of ships port state control, etc. They must be embodied within the Maritime Code. Furthermore they will contribute to maritime and economical development as follows:

- .maximum efficiency in the operation of ships;
- .reduction of the maintenance cost of ships;
- .avoidance of disasters and consequential loss of life/injuries, loss or damage to property and marine resources involving great expenditure;
- .protection of the image of the country in a very favourable light in the maritime world;
- .creation, development and protection of national skills;
- .conservation of foreign exchange.

1.2-The developmental functions:  
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Are those taking the form of participating in the process of formulating national policy as regards maritime development including maritime transport services in the world at large or/and home trade. Such functions are essentially contributory to the overall economic trade and planning ministries and vice versa. They may include:

- .appropriate analysis/assessment of the most suitable types and number of ships required to meet the scale of development ;

- .development of the man-power needs of the shipping industries,

- .development of ship repairing and ship building capabilities,

- .development of the marine ancillary industries,

- .assessment of the suitability of national ports, for the intended ships and proposals for the required development improvements;

- .development of the marine manpower needs for ports;

- .development of employment opportunities for national seafarers.

1.3-In conformity with the relevant international maritime laws/conventions.

That is to say specific functions related to specific MSA conventions have to be given due consideration for adoption .

These functions deal only with the relevant conventions to which they refer to, including their evolution or amendments,

- .function SOLAS;
- .function Loadline 66;
- .function Tonnage measurement 69;
- .etc.

The fields of activities that are derived from the aforesaid functions of the MSA are related to the ownership the management, operation and upkeep and maintenance of national shipping and related matters, ship repairing dry docking, port operations, shipbuilding, maritime training .

The operational aspects of the Maritime Safety Administration as regards ship safety and marine surveying take form of:

- .general superintendence and coordination;
- .adoption and implementation of international maritime safety conventions ratified by the State;
- .registration of ships and related matters;
- .surveys and inspections and certification of ships;
- .inspection and detention of unseaworthy/unsafe ships;
- .conducting of examinations leading to, and issuance of the appropriate certificate of competency and/or proficiency to various categories of seafarers;
- .conducting inquiries/investigations into shipping casualties and violation of regulations;
- .port state control of foreign ships;
- .dealing with matters pertaining to the prevention/control, combat of marine pollution;
- .search and rescue;
- .crew matters;
- .registration of seamen;
- .wrecks;

- .registration of seamen;
- .wrecks;
- .advicing the Government on maritime matters.
- .participating in international activities related to maritime safety and marine environment protection.

## 2-Nature and implications of the operational aspect of ----- the MSA. -----

### 2.1-Adoption and implementation of international maritime ----- safety conventions. -----

Catastrophic accidents such as, The TITANIC (1912) ,the TORREY CANYON (1967), and the AMOCO CADIZ (1978) forced governments and the shipping industry to take urgent action to improve maritime safety and marine environment protection. The objectives of IMO are to provide machinery for cooperation among governments in the field of governmental regulations and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation and the prevention and control of marine pollution from ships and to deal with the legal matters related thereto.

At present there are 28 (twenty eight) conventions and similar instruments developed under the auspices of IMO. Nearly all of them are in force. The provisions of these instruments would make a significant contribution to maritime safety and protection of the marine environment.

They have been revised and updated over years in the light of new technological developments and lessons learnt from serious casualties. As a whole these conventions and similar instruments constitute the minimum

acceptable system as to maritime safety.

They cover:

- .construction and equipment;ships should be designed,constructed,and equipped to the highest practical standards;

- .safety of navigation;ships should be navigated safely and efficiently to prevent accidents;

- .cargo handling;cargoes;including bulk cargoes, dangerous goods and containers,must be handled and stored in a safe manner;

- .crew training;ships should be manned and operated by qualified personnel;

- .facilities ashore and at sea ;safety of ships should be supported by facilities ashore,such as search and rescue arrangements,aids to navigation telecommunications including satellite communications,hydrographic services.

In the field of the prevention and control of pollution the following aspects are covered:

- .control of operational discharge;

- .prevention of accidents;

- .minimization of spills;

- .combating pollution;

- .liability and compensation to victims of oil pollution for their financial losses.

This system,which is in force,has to be considered by every new maritime country for adoption and implementation as far as its own jurisdiction is concerned.

Contracting governments have to undertake and promulgate all laws,ordinances,decrees,orders,rules and regulations

and all other necessary steps to give the conventions full and complete effect in order to ensure, safety of life and property at sea, protection of the environment and qualifications of the crew for their duties. Certificates are issued by contracting governments as proof that their ships engaged on international voyages are in conformity with the international safety standards for the services intended.

The role of the MSA is to discharge this obligation of the State including the preparation of technical rules and regulations as well as national interpretations when no specifications have been laid down in the relevant IMO conventions.

In fact, even if the relevant IMO sub-committees where drafting have endeavoured to be as detailed as possible it is natural in a forum where so many Countries have to come to a compromise to find sentences such as :

"...to the satisfaction of the Administration..."

"...exemptions ,equivalence..."

which need to be legally and detailed defined. In other words, it is necessary when adopting conventions to complement them with national interpretations within the framework of the relevant safety rule.

In this process it is considered of great importance to have close contact with the organizations concerned.

In order to be able to draw up the necessary legislation it is necessary to have a good understanding of the different requirements contained in the relevant international conventions including the way in which the conventions have been drafted. As regards SOLAS 74, the following steps should be considered:

.general requirements applicable to all ships;

- .special requirements applicable to passenger ships;
- .special requirements applicable to cargo ships;
- .new requirements being made applicable only to new ships being built after a certain date in the future;
- .new requirements being made applicable also to existing ships after a certain date in the future.

This explains why it is important and relevant to participate in discussions leading to the adoption of international maritime conventions; so, when accepted, one will not have to deal with it in isolation.

After the requirements for entry into force of a treaty have been achieved, there is a "period of grace" before it actually comes into force. This period varies from a few months to a year or even two years, and is intended to enable the governments concerned to take the necessary legislative or administrative measures for implementing the provisions of the convention which always involves some form of domestic action.

In addition to the preparation of the necessary legislation ordinances, decrees, orders, appropriate documentation forms and certificates must be available in Arabic and English or French to all concerned at the same time the legislation enters into force. In this connection it is worth mentioning that minor things such as a list of material and equipment approved for use on board national ships will facilitate the work of the Administration. The implementation of conventions in national legislation will depend on the aforesaid recommendations.

This implementation in national law can be done by:

- .incorporating the requirements in one or more special rules/regulations under the authority of the Maritime Code;
- .by just making reference to the convention

requirements in the Maritime Code thus the convention becomes an integral part of the Maritime Legislation. However, the process of implementation is the same as given here-in-after.

PROCESS OF IMPLEMENTATION OF IMO  
CONVENTION

	I
PHASE	I
	1-RATIFICATION /ACCESSION
	2-PREPARATION OF NATIONAL LEGISLATION (Primary & Subsidiary)
I	2-DOCUMENTATION(Form & Certificates)
	2-PREPARATION OF INSTRUCTION,EXECUTIVE ORDERS TO OFFICIALS CONCERNED
	2-DEVELOPMENT OF APPROPRIATE AND ADEQUATE MARITIME ADMINISTRATION INFRASTRUCTURE
	I
	I
II	3-IMPLEMENTATION OF NATIONAL LEGISLATION THROUGH THE EXISTING APPROPRIATE FUNCTIONS BY THE OFFICIAL OF THE MARITIME ADMINISTRATION
	I
	I
III	4-CERTIFICATION OF SHIP/SEAFARERS AND ISSUANCE OF CLEARANCE TO SHIPS TO PROCEED TO SEA

## 2.2-Surveys, inspections and certification of ships.

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This is one of many responsibilities of the MSA ;to ensure that national ships engaged on international voyages are fit for the services for which they are intended under the provisions of the Maritime Code which is in conformity with the applicable international safety conventions. Certificates are issued by the Maritime Safety Administration or recognized organization as proof. Valid certificates on board a ship mean that it has been surveyed and periodically inspected and still complies with the relevant safety standards.

The required surveys and inspections are to be carried out by the MSA namely, governmental surveyors.

However the MSA cannot carry out all surveys and inspections, indeed it is very costly to send surveyors abroad if a ship has to be surveyed abroad. It is also not possible for the the MSA to hire the necessary expertise to do all the various kinds of qualified technical evaluations related to ship safety. Therefore some surveys and inspections should be delegated to other National Administrations and Classification Societies that are recognized world wide , namely:

- .American Bureau of Shipping
- .Bureau Veritas
- .Det Norske Veritas
- .Germanischer Lloyd
- .Lloyd's Register of Shipping
- .Nippon Kaishiki Kaisha
- .Polish Register of Shipping
- .Registro Italiano Navale.



The main objective of the CSs is to promote safety at sea especially regarding life, the ships and their cargoes and the marine environment.

They have extensive resources in manpower and technology to undertake surveys and inspections, maintain records and conduct the technical reviews necessary to fulfil the various convention requirements. They establish rules, standards and guidelines for the design, construction and surveys of ships and on other structures based upon many years of experience from thousands of ships in service and on advanced research and theoretical and practical experiment.

The delegated surveys and inspections shall be subject to agreement between the MSA and the Classification societies of ships recognized by the State. Such an agreement shall be based on internationally adopted standards for the safety of ships at sea as laid down in the international conventions, codes, recommendations, and national regulations. The issuance of a cargo ship safety certificate as required by the SOLAS convention should be based on a declaration from the classification society recognized by the State or the CS empowered to issue such a certificate on behalf of the government.

In order to maintain the original standards ships must be presented for survey at periodical intervals as specified in the class rules; failing to meet these terms or not complying with the recommendations issued, may result in the suspension or cancellation of its class.

Therefore with the exception of the surveys regarding class certificate, cargo ship safety construction certificate or inspection for certification (endorsement or renewal) while the ship is abroad and loadline certificate, all of which can be delegated to recognized classifications societies, all other surveys and inspections

should be done by National Administrations.

### 2.3-Port State Control.

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For the purpose of giving guidance on surveys and inspections to Administrations IMO has developed guide lines concerning procedures for the control of ships. With respect to foreign ships visiting national ports;

- .ILO n-147 article 4
- .SOLAS 74/78 chapter I reg 19
- .STCW 78 article X
- .MARPOL 73/78 article 5
- .ILLC article 21

mention the rights and obligation for a contracting Government to verify that these ships and their crew comply with the relevant safety standards and:

.are fit for the services for which they are intended;

.offer healthy working and living conditions;

.do not present any threat of harm to the marine environment.

The control is carried out:

.by ship inspection officers of the MSA or port safety officers to verify that there are valid certificates on board foreign sea-going ships;

.on the basis of information regarding a sub-standard ship submitted to the authorities of the Port State Control.

In the event of any intervention of any kind arising, the officer carrying out the control shall immediately inform in writing the Consul or the Diplomatic Representatives of the State whose flag the ship is entitled to fly of all the circumstances in which intervention was deemed

necessary. In addition, nominated surveys or recognized organizations responsible for the issue of the certificates shall be notified. The facts concerning the intervention shall be reported to IMO. "NO MORE FAVOURABLE TREATMENT MAY THEREFORE BE GIVEN TO SHIPS REGISTERED WITH NON-CONTRATING GOVERNMENTS".

The prime objective of the port state control is to enforce the observance of the safety standards internationally recognized as the minimum for merchant ships regardless their Country of registry.

#### 2.4-Inquiries/investigations into shipping casualties.

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The Merchant Shipping Administration has an obligation to conduct an investigation after any serious marine casualty or incident according to:

- .SOLAS 74/78 chapter I reg 21,
- .LLC 1966 article 23,
- .ILO n-147 article 2 (g).

With respect to pollution incidents the investigation may also be carried out on foreign ships. However, any legal action towards the ship's master has to be taken by the flag state. In addition, IMO must be supplied with all the pertinent information in order that the relevant sub-committee is able to determine possible changes in the convention.

The prime objectives of the inquiries/investigations into shipping casualties are to:

- .ascertain the facts;
- .obtain all relevant information;
- .determine as precisely as possible the cause/s

of the incidents so to enable the MSA to take the necessary steps to prevent, as far as practicable, the occurrence of similar casualties. In this connection the system of inquiry investigation should be carried out in two stages:

- .preliminary inquiry,
- .formal investigation.

#### 2.4.1-Preliminary inquiry.

This inquiry should be conducted by officials of the Administration having the necessary background including sea-service as mate or as master of sea-going ships, or retired officer, duly notified as the proper officer for the purpose under the Maritime Code. Such officers need to be trained for the purpose and to appreciate that they are undertaking a solemn duty, during which they have to:

- .show great patience and understanding in examining witnesses, since they are likely to have been through a traumatic experience;

- .remember to place themselves "in the shoes" of the witnesses when recording their statements, so as to be able to understand the relevant circumstances properly;

- .appreciate the fact that their conclusions/ recommendations may have far-reaching consequences affecting the career/s of the seafarer/s concerned and perhaps the shipowners themselves;

- .distinguish clearly between "error of judgement" and "negligence" as regards their conclusions; regarding an act of omission or commission on the part of any seafarer concerned, remembering the difficulties of seafaring;

- .remember the purpose and objective of the inquiry
- .ensure that the proceedings and the report of the inquiry are such as to be capable of forming a proper basis for the decision of the government as regards further follow-up action/s;even though it shall remain the prerogative of their superiors to differ with any or all of their conclusions/recommendations.

The duties of the officer conducting a preliminary the inquiry are to:

- .inform the government(Ministry concerned)of the shipping casualty having occurred within its jurisdiction;

- .hold a preliminary inquiry,when considered necessary ,into the shipping casualty and for this purpose if necessary;

- .go on board the ship and inspect the same or any of the machinery,boats,equipment,or articles on board thereof while not unnecessarily detaining or delaying the ship from proceeding on any voyage;

- .enter and inspect any premises,the entry or inspection of which appears to be requisite for the purpose of the report the officer is directed to make;

- .summon,require the attendance of all persons as he thought fit to call before the officer and for such purposes and require answers as deemed necessary for the purpose;

- .require and enforce the production of all books papers,or documents which are considered important for the purpose;

- .administer oaths or in lieu thereof require any person to be examined and to subscribe a declaration of the truth of the statement made in the officers' examination;

- .submit the proceedings and report of the prelimi-

nary inquiry to the government(relevant Ministry);

- .make an application to a court(or commissioner) empowered under the Maritime Code for a formal investigation into the shipping casualty,if same is considered necessary,and,in any case if directed to do so by the government.

It is relevant to point out that the Merchant Shipping Administration,through executive orders /instructions should control:

- .the power to administer oaths,
- .the power to summon witnesses,
- .the duties to be performed by such officer/s in connection with the preliminary inquiries and formal investigations should be given in detailed written instructions.

A preliminary inquiry is for departmental purposes and the report of this inquiry is not made public. The circumstances under which copies of depositions and other relevant documents can be given to interested parties are covered under the aforesaid "instructions".

#### 2.4.2-Formal investigation;

This investigation is a judicial inquiry to be held in addition to or instead of a preliminary inquiry, as may be decided by the government.It is held by a court under the power of the Maritime Code assisted by accessors of the appropriate expertise drawn by the court from a panel maintained for the purpose by the Merchant Shipping Administration.

Usually a formal investigation is ordered by the official in charge of the MSA duly empowered in any cases identified by the Maritime Code. The following cases can be considered as justification for ordering a formal

investigation:

- .the preliminary inquiry is not considered sufficient;

- .it appears that the shipping casualty has occurred through an avoidable cause;

- .it appears likely to lead to the prevention of similar casualties in the future;

- .the said casualty has given rise to a substantial amount of public attention, or to a disturbance of public attention, or to a disturbance of public confidence;

- .the said casualty was accompanied by loss of life or property or involved serious damage;

- .where there has been any alleged default or negligence on the part of the master or any officer;

- . where a certificate of competency of an officer (including master) is likely to be dealt with.

The powers of the court (commissioner) conducting a formal investigation, rules/procedures and the provisions for re-hearing appeals, are those embodied in the national legislation concerned.

The role of the MSA is to assist the court in every possible manner as to :

- .the appointment of a counsel to present the government and thus provide assistance through him;

- .the production of the panel of assessors;

- .the presentation of the facts/evidence as available;

(the proceedings of the preliminary inquiry can be invaluable for this purpose);

- .the presentation of the list of witnesses;

- .the arrangement for the attendance of witnesses;

- .the arrangement for the attendance of any expert witness that may be necessary;

.the arrangements for the court and assessors to make any visit to any ship or place that is relevant;

.any other form of assistance needed by the court .

The counsel for the government should be briefed by the nominated official/s of the Merchant Shipping Administration and the latter should be present right through the formal investigation. When the report and proceedings of the formal investigation are received, the MSA needs to examine them and advise the Government as regards further action and/or follow-up action required .



## 2.5-Registration of ships and related matters.

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Without special rules a ship, while at sea, would find itself in a legal vacuum. To fill that vacuum States give their ships a nationality, the outward sign of which is a ship's right to sail under the national flag. People on board, even in another State's territorial waters, live under the law of the State whose flag the ship is flying.

The principle of international law in connection with the exclusive jurisdiction of the flag State over ships on the high seas are contained in articles 91, 93 and 94 of UNCLOS 82 .

However, littoral States can claim concurrent jurisdiction in respect of offences committed on ships while sailing in territorial waters but unless interests of the State are affected no jurisdiction is claimed in respect of offences affecting only life on board.

In general, registration of ships indicates that the ships comply with the basic international rules related to:

- .construction standards
- .navigational standards
- .manning
- .qualifications of the crew
- .health
- .liability questions

Registration rules include:

- .the qualification of owners
- .financing arrangements
- .beneficial ownership
- .control by the administration of the flag State.

This registration involves rules such as

- .the name of the vessel
- .the marking with an official number

.the GRT and NRT

.certification,ie,registry certificate,certificate of the builders,various safety certificates, declaration of ownership,bill of sale,mortgage/hypothecation , survey certificate.

While the registration of a ship is obligatory under international rules/laws of the sea,conditions and rules giving adequate and appropriate details as to the formalities to be observed/ensured and the documents needed and the procedures to be followed for the registration of Algerian ships and the subsequent transactions changes are governed by National Legislation.

These provisions embodied within the Maritime Code are implemented,ensured and enforced by the Merchant Shipping Administration.

## 2.6-Prevention/Control,Combat of Marine Pollution.

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Pollution of sea water has many sources:

- .discharge from urban areas,
- .run off from agricultural pesticides and fertilizers,
- .products of industry.

However a significant amount of pollution is caused by shipping and maritime activities.

In 1980 the National Academy of Science of the United States estimated as much as 3.54 million tons of oil entered the seas every year and that the world oil consumption was 58 million barrels a day for the same year. Oil is carried not only as a cargo but also as fuel. Therefore oil is the most important threat and source of pollution of the environment,resulting from:

- .oil fields under sea,either by natural seepage,

or offshore production operations when failure or faulty operations of oil drilling rigs and ships can and do occur;

- .marine casualties such as the standing , collisions and foundering of oil tankers and dry cargo vessels which may carry oil as fuel;

- .oil tanker operations where oil can be spilled during loading and discharging cargo and the bunkering of all types of ships and barges;this includes vessels alongside terminals or moored to an offshore buoy terminal;

- .any ships when disposing of fuel residues and bilges;

- .operations in transferring oil from one vessel to another such as in the case of lightering operations or bunkering from barges;

- .land sources such as discarded lubricants and other liquid hydrocarbons;

- .hydrocarbon fall-out in the atmosphere.

Pollution incidents may have serious effects on the environment particularly in the Mediterranean sea because of its land-locked nature and because the complete exchange of water with the Atlantic Ocean takes almost 100(hundred)years. Even if a cleaning up operation of oil spillage may run into millions of Algerian Dinars, (1USA\$=4.50AD)it cannot restore the environment to exactly as before.The role of the Merchant Shipping Administration is to ensure the existence of:

- .measures to control and prevent pollution from ships and other maritime activities within national jurisdiction;

- .contingency plans (local and national) to combat eventual oil pollution.

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#### 2.6.1-Control/Prevention of Oil Pollution.

Regarding measures to tackle marine pollution ,IMO has as also stated earlier adopted ,rules contained in specific international conventions to prevent and control pollution from ships on high seas extended to the jurisdiction of parties to the conventions and vice-versa,as well as recommendations to assist them when implementing these conventions,namely

.The International convention for the prevention of pollution of the sea by oil 1954(OILPOL 54);

.The International convention relating to intervention on high seas in cases of oil pollution casualty 1969(CSI 69);

.The International convention on liability for oil pollution damage 1969(CLC 69);

.The International convention for the establishment of an International Fund for compensation for oil pollution damage 1971(IFC 71);

. The Convention on the prevention of marine pollution by dumping of wastes and other matters 1972(DLC 72);

.The International convention for the prevention of pollution from ships 1973 as amended by its protocol 1978 (MARPOL 73/78).

OILPOL 54 is concerned with the deliberate or operational discharge of oil at sea and was amended by IMO in 1962 and 1969.Further amendments were adopted in 1971 but did not enter into force.The CSI 69 deals with the right of contracting Governments to take action to prevent or mitigate the danger of pollution by oil following accidents outside but threatening territorial waters.The CLC 69 is designed to ensure that adequate compensation

is available to persons who suffer from oil pollution by placing the liability for compensation upon the owner of the ship from which the oil escaped or was discharged, However, at the same time it limits the amount of compensation payable. The IFC 71 is made up of contributions by oil importers and enables further compensation to be paid when the limits of compensation payable under the 1969CLC have been reached.

The aim of the DLC 72 is to prevent or limit the deliberate disposal at sea of various types of waste materials produced from land. MARPOL 73/78 deals with pollution from oil, noxious liquid substances carried in bulk, harmful substances carried in packaged forms, sewage and garbage. The 78 Protocol introduced more stringent requirements dealing with the prevention of oil pollution. MARPOL 73/78 contains measures designed to prevent or reduce accidental as well as operational pollution. It entered into force on 2 October 83. The first set of amendments was adopted in 1984 and entered into force on 7 January 1986. The second set was adopted in December 1985 and entered into force on 7 April 1987.

The aim of IMO, through these conventions, is directed towards the:

- .control of operational discharges including the prohibition or limitation of operational discharges and standards for the construction itself and other equipment in reducing operational discharges;

- .prevention of accidents covered by measures taken within the framework of maritime safety;

- .minimization of spills including technical and legal measures to mitigate the effects of pollution resulting from maritime accidents;

- .liability and compensation including the

establishment of schemes whereby victims of pollution are compensated for their financial losses.

The role of the Administration of a contracting Government is the implementation and enforcement of the provisions relating to maritime safety and pollution prevention, that is to say,

- .surveys and certification of national ships in respect of construction and equipment;

- .port state control of foreign ships and the surveillance and detection of discharges in contravention of the applicable international convention and national rules/regulations.

Masters of vessels have the particular responsibility of ensuring that their crews are aware of the importance of avoiding oil pollution and that relevant provisions are adhered to. Administration and shipowners should ensure that facilities, equipment and training are available for this purpose.

In addition to these aforesaid conventions the IMO MEP committee has developed and published, inter alia, a manual on oil pollution consisting of five sections:

- .section I prevention,

- .section II contingency planning,

- .section III salvage,

- .section IV methods for dealing with spillages of oil published in 1972 and is currently revised and up-dated.

- .section V Legal aspect.

Section I, entitled prevention, deals only with the avoidance and prevention of oil pollution of the sea. It describes procedures for the handling of oil cargoes, bunkering, discharge of oily residues, tank washing, ballast and bilge waters all in order to prevent oil pollution of the sea.

#### 2.2.6.2-Contingency Planning for the Oil Spillages.

Sections II and IV of the IMO Manual on oil pollution provide guidance to governments on ways of establishing response organizations and preparing contingency plans.

Section II deals with identifying those points which need to be considered in the establishment of response organizations and the preparation of contingency plans; both local and national.

Section II suggests what resources might be appropriate and in what situation.

Besides, the International Tanker Owners Pollution Federation, established in 1968, is actively involved in all aspects of combating oil spills in the marine environment and provides technical advice on contingency planning, cleaning-up measures and environmental effects. It is a valuable source of information.

A contingency planning in response to an oil spillage would involve:

- .means and equipment,
  - .people to use them;
- as well as their evaluations as to the types and quantities needed according to
- .the nature of the oil,
  - .size of the spillage,
  - .place where it has occurred,
  - .environmental effects,
  - .atmospheric and hydrographic conditions.

The efficiency of a response to oil spillage depends on the capability to stop the spill and to clean up the oil including :

- .choice of equipment,
- .training of people,
- .rapidity of response,
- .level of ambition,namely the quantity of oil to deal with.

This is fundamental when preparing national contingency plans.

Pollution incidents from ships might result from collision,explosion or fire and the salvage operation of the vessel and its cargo may mitigate the effects on the environment.In this connection it should be pertinent to consider section III(salvage)of the IMO Manual on oil Pollution.Therefore it is advisable that contingency planning contains information on where and how resources for the purpose of quick salvage may be available.

The operation of combating oil pollution in the event of emergency involves many National Organizations and Administrations,namely:

- .the MSA,
- .the National Organization for the Environment Protection and Disaster Response Groupe,
- .the Air Force/Civil Aviation,
- .the Navy/Coast Guards,
- .the Port Authorities,
- .the Fisheries Department,
- .the Fisheries Scientific Organization(as to the use of equipment such as dispersants-chemical or biodegradable),
- .National Shipping Companies,
- .Oil Company/ies in the country,
- .the Institute of Petroleum Studies,
- .National Insurance interests,
- .the Meteorological Department,



.the Ministry of Health.

These bodies apart from performing the tasks of surveying the spillage, search and rescue, lightening cargo, salvage and clean-up activities are concerned with the effects on the environment, fisheries, industry, recreation as well as public health and safety. It should be pertinent to associate them with the preparing and testing contingency plans.

The foundation of a national plan is based on the local plans at specific points:

- .ports,
- .oil terminals,
- .length of coast at high risk of pollution or requiring special protection from spillages.

Each plan involves equipment, reception facilities and trained people to deal with oil spillages depending on the level of ambition, namely the quantity of oil to deal with. The total equipment, so divided between local plans will cope with the level of ambition of the national contingency plan if the incident occurs in one place.

In other words, the national contingency response in the event of oil pollution should lead to an assumed quantity of oil to deal with. The necessary equipment and reception facilities and other matters required, shall be divided between local plans according to their respective level of ambition which will depend on the:

- .quantity of oil loaded and discharged daily,
- .number and type of vessels calling at national ports
- .flow of traffic around the coast, and
- .the quantity of oil passing along the coastline.

Should the scale of a pollution be beyond the national capability, a regional cooperation in combating oil pollution in the event of an emergency is required not just as a substitute but as a supplement to the national response capability. Indeed, no country in the world can deal by itself with a pollution incident as large as the TORREY CANYON (1967) without help from other countries. This is the purpose of the convention of Barcelona to protect the Mediterranean Sea against pollution and inter alia, the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency, which entered into force in 1978.

Following the adoption at the Barcelona conference of resolution 7, the regional oil combating center ROCC was established in Malta in 1976 by UNEP and IMO to:

- .facilitate cooperation among Mediterranean States in order to combat massive pollution by oil;
- .assist the States in the development of their national capability, and
- .facilitate the information exchange, technological cooperation and training.

ROCC has developed a "guide for the authorities responsible for the oil pollution in the Mediterranean" which is similar to these under the Bonn and Helsinki Agreement, only with more emphasis on providing basic information on the means available for combating marine pollution and criteria for selecting the most appropriate.

## 2.7-Search and rescue.

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In this connection the role of the MSA is to ensure that:

- .national and visiting ships comply with the requirements of safety conventions;

- .response organization either when ships or aircrafts are involved;

- .the facilities ashore and at sea;for the search and rescue of people in distress function as quickly as possible within territorial waters and beyond up to a limit based on regional cooperation with neighbouring countries.

IMO has,during its existence,adopted measures to improve the safety of life at sea and many of its conventions are concerning with this subject of stoping accident.However, accidents still occur.As a result IMO has adopted measures to mitigate the effects of an accident at sea and ensure that those involved are rescued.These include:

- .the Merchant Ship Search and Rescue Manual(MER-SAR)which provides guidance to those requiring assistance at sea or who find themselves in a position to provide assistance to others in distress.

- .the IMO Search and Rescue Manual(IMOSAR) adopted by the Maritime Safety Committee in 1978 which provides guidelines rather than requirements for a maritime search and rescue policy encouraging all coastal States to develop their organization on similar lines and enabling adjacent States to cooperate and provide mutual assistance.

Taking into account that maritime and aeronautical search and rescue organizations are complementary, the manual has been aligned as closely as possible with the International Civil Aviation (ICAO) system.

.adopted in HAMBURG in 1979 and entered into force on 22 June 1985 the International Convention on Maritime Search and rescue contains provisions regarding:

.the organization and coordination of search and rescue services for persons in distress;

.cooperation between States whenever necessary;

.preparatory operations to be taken at different stages of a sea operation;

.operating procedures;

.a ship reporting system.

The Algerian coast is very "clean" or with a little shallow water, but the particular characteristics of the Mediterranean sea are that it :

.is land-locked,

.has little tide,

.has sudden storms which generate high waves of up to 4 meters

.has short periods of less than 50 meters; this makes it very difficult for small ships to sail or to maintain their courses without danger to the crew, passengers, and even the ships themselves.

The implementation of the SAR convention shall depend on the aforesaid situation as well as the density of traffic and the importance of fishing vessels and pleasure craft. There is no need for a national legislation as regard SAR operations, a government approval is enough.

If merchant ships are equipped in conformity with the safety conventions there is little in similarity with fishing boats and pleasure craft which are the more likely to be concerned with SAR operations and which should be considered as a supplement to rather than a substitute for, safety of life requirements when construction, equipment, and manning of ships are concerned

Moreover, it is relevant to emphasize on the importance of:

- .a ship reporting system,
- .an efficient system of telecommunication,
- .salvage including, fire-fighting and towing capability;
- .medical assistance and evacuation of injured persons in need of quick medical treatment,
- .type of equipment to rescue people in distress
  - .close to the coastline,
  - .on the high seas,
  - .the training of people in charge of rescue operations at sea,
- .national safety rules/regulations for pleasure craft and fishing vessels; as regards the latter IMO has developed and adopted a similar instrument to SOLAS applicable for fishing vessels;
- .as well as the cooperation with neighbouring States in view to conclude agreements concerning,
  - .the bringing together of their respective means;
  - .developing of common procedures;
  - .exchanging of information;
  - .flexibility of formalities concerning the crossing of territorial waters and provision for reciprocal assistance for SAR operations.

## 2.8-The Transport and handling of dangerous goods.

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Dangerous goods are those which pose danger to human beings, living creatures and the environment due to their individual properties and nature. The hazards coming from cargoes carried on ships are diverse and may include explosion, flammability, toxicity, corrosion, radiation, suffocation, support of combustion and others. The transport of dangerous goods by sea transgresses national borders and comes within the jurisdiction of different countries. It is therefore essential to have internationally agreed regulations.

It is estimated that more than 50% of the cargoes transported by sea today can be classed as dangerous or hazardous, and some of them may also be harmful to the environment.

The IMO, a specialized agency of the United Nations and internationally responsible for safety at sea incorporated the classification system of dangerous substances into its main instrument, SOLAS 74. This fundamental classification is contained in regulation 2 of chapter VII and stands as follows:

- class 1    explosives;
- class 2    gases compressed, liquified or  
          dissolved under pressure;
- class 3    flammable liquids;
- class 4    flammable solids;
- class 5    oxidizing substances;
- class 6    poisonous (toxic) substances;
- class 7    radioactive materials;
- class 8    corrosives
- class 9    dangerous substance which experience  
          has shown to be of such a dangerous  
          character that provisions of this  
          part shall apply to it.

This classification into classes from 1 to 9, more detailed in the International Maritime Dangerous Goods (IMDG) Code, was not done in the order of the degree of magnitude of the hazard, but by the type of risk involved, thus meeting technical conditions of transport storage and stowage not only on board ship but also in port areas

The port is the interface, the connecting link, between various modes of transport. Hinterland (rails, roads) on the landside and sea transport on the marineside. It is also the main storage place for the intermediate storage of cargoes with administrative and or other difficulties sometimes causing considerable delays in the consignee's taking delivery of imports.

The transport of dangerous goods by sea has shown considerable impact on the carrying vehicle, the ship, and caused concern as to its safety. This has therefore had an impact on port safety all over the world.

"A port need not passively allow any/all ships to enter and remain, nor need a port allow any unsafe or polluting activities". The transport of dangerous goods in developed countries is under full control but there is nothing similar in developing countries. The latter have to deal with the same amount of dangerous substances as developed countries. On the otherhand they do not have the resources, namely, finances, expertise, man-power, as the industrialized countries. This has repercussions on the safety standards of the ports of developing countries and it is not just a few who have experienced costly accidents involving dangerous goods.

As a result of the increase in the quantity and variety of shipments of dangerous goods transported by sea, developing countries often lack the necessary :

.legislation,

- .education/training,
- .administrative structure,
- .contingency plans and response organization.

These points need to be rectified as matters of urgency to overcome the problem of the safe transport and storage stowage of dangerous goods, both on board ships and in port areas while keeping pace with the changes in technology.

The required national legislation governing the transport of dangerous goods by sea shall be embodied within the Maritime Code and shall be based on internationally accepted recommendations adopted by IMO:

- .special requirements for ships carrying dangerous goods contained in regulation 54 of chapter II-2 of the amendments to the SOLAS 74. The amendment entered into force in September 84;

- .instructions and precautions detailed in the IMDG-code prepared by IMO and amended from time to time in accordance with the IMO Assembly res A 81(IV) annex 3;

- .recommendations on the packing of dangerous goods, annex 1 of the IMDG-code;

- .emergency procedures and actions contained in the IMO emergency for ships carrying dangerous goods, Ems-code, 1985;

- .IMO/WHO/ILO medical first aid guide for use in accidents involving dangerous goods (MFAG) 1985;

- .the recommendations on the safe use of pesticides in ships revised in 1980;

- .the IMO/ILO guidelines for packing cargo in freight containers or vehicle;

- .the regulations for the prevention of pollution by harmful substances carried by sea in packing



forms or in freight containers, portable tanks or road and rail tank wagon containers in annex 3 of MARPOL 73 supplemented by the guidelines for interim measures to protect the environment from pollution which might arise from the carriage of harmful substances in packaged forms or in freight containers portable tanks or road and rail tank wagons, contained in IMO MEPC/cir 78 of Sept 1979.

The role of the MSA is to ensure the existence of provisions and facilities such as :

- .the education training, examining and certifying seafarers;

- .the shipboard carriage of national rules IMDG, and Ems-code;

- .the system for approval of stowage plans for dangerous goods;

as well as the identification of:

- .dangerous goods exported by the country;

- .test-houses for packaging.

The closeness and the relationship to the sea mode suggests that the port safety regulations should be oriented to these aforesaid international requirements which have been set up by IMO so as to transport, store, handle of dangerous goods in port areas. The most relevant ones are:

- .the International Maritime Dangerous Goods IMDG-code;

- .Recommendations on the Safe Transport Handling and Storage of Dangerous Substances in Port Areas, IMO Port Recommendations.

The latter covers packaged dangerous goods, liquid in

bulk dangerous substances, general aspects, aspects pertaining to ships, shore installations and handling on board ship and shore all dealt with for each of type of cargo.

In addition, special categories are mentioned, eg, handling explosives; four appendices focus on:

- .advanced notification,
- .the transport and handling of explosives,
- .segregation for radioactive substances on shore
- .ship/shore check list.

Under the authority of the Maritime Code the role of the Port Directorate is to design its own rules/regulations as to the transport of dangerous goods in port areas based on the IMO recommendations. The rules should be divided into:

- .direct delivery,
- .special berths,
- .quantity limitation,
- .allocation of storage spaces,
- .documentary and administrative requirements,
- .operational procedures and other criteria.

The acceptance of different types and amounts of dangerous goods depends on the proximity of the population to the port, port facilities, education and training of the emergency services man-power/equipment.

The safe management of the port requires administrative facilities together with a smooth flow of information (no bureaucracy). There are three main streams of information:

- .from shippers/carriers,

- .within the port,
- .to carrier/consignee.

In addition, the safety authorities, emergency organization and statistical offices should be kept informed. The required information should include those suggested in appendix I of the IMO port recommendations. The port should insist on receiving shipping papers as recommended in the IMDG code (dangerous goods declaration, container packing certificate, dangerous goods manifest, etc.)

Port administration procedures and the internal flow of information for dangerous cargoes should be centralized around the safety division. This safety division should constantly be kept informed, should make spot checks and overrule any other decision in case of doubt and should initiate special procedures if so warranted by the particular properties of certain dangerous goods. The emergency authorities (fire brigade) should be included in the outgoing flow of information.

As a minimum the port should keep centrally the daily summary of dangerous goods at any one time in order to make it immediately available to the emergency services. A similar obligation should be posed upon each ship in port which should be required to produce, on demand, a dangerous goods manifest and a stowage plans.

The question whether packaged dangerous goods should be stored separately from other cargo and whether in the open or a warehouse depends on:

- .the types of goods stored most frequently;
- .their amount,
- .the size of the port,
- .the general awareness and training of the port personnel,

- .the prevailing climate.

The storage of dangerous goods in one area may form a bomblike substance instead, such goods can be:

- .distributed over the port according to a well established system,

- .stored in one area but segregated by classes as recommended in the IMDG Code,

- .allocated special areas operated by well-trained personnel only.

The question whether open air or warehouse storage is more advantageous depends on various factors,

- .the climate,

- .average weather conditions,

- .types and quantities of dangerous goods.

However, legislation is only one part of the battle. A contingency plan and response organization should be prepared and tested to mitigate the effects of incidents involving dangerous goods. This to protect:

- .ships lying in the port,

- .waterways,

- .cargo storage in the port areas,

- .population areas,

- .other port users.

In this connection it should be relevant to consider the IMO code-emergency for ships carrying dangerous goods (Ems), when preparing contingency plans. Dangerous goods should always be handled by specially instructed dock workers who have received basic training in the safe handling of these goods.

The operation itself should be carried out under the supervision of a safety officer or at least a knowledgeable foreman. In the case of goods which pose a great danger it is desirable to inform the fire brigade and to have it on stand by. The responsibility for all operations at special area allocated to dangerous goods should be given to one contractor upon an agreement with the MSA. He should be obliged to use the safest equipment, to cater for the training and updating of personnel and to ensure that all emergency equipment is in good working order and ready for use.

Operational equipment would include special small and remotely located areas where damaged containers with dangerous goods or damaged packages can be treated, repacked, special drums, large open drums, working clothes etc. Once again the Ems-code can be of a great deal of value.

Safety standards can be improved only if the complete structure related to is revised and adopted to the changes in the technology.

### 3-Organization and personnel required.

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Having in the previous chapter identified and described in some detail certain functions of the Maritime Administration including objectives and criteria, it is now proposed to deal with the main recommendations and suggestions, namely:

- .the organization and structure of the MSA,
- .the personnel needed/needs.

This should lead to an appropriate maritime activity such as marine surveying and the protection of the environment

#### 3.1-Organization and structure.

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Since it is a question of deconcentration and decentralization and decision-making thereunder it is relevant to suggest and recommend the creation or establishment of an autonomous Directorate responsible for maritime affairs on behalf of the State under the political or governmental responsibility of the Ministry of Transport.

This central Directorate of Maritime Affairs in charge of Maritime Safety and Navigation the functions of which have been identified in chapter VII-1 page 87 could be located anywhere in the country. There is no need for it to be close to the Ministry of Transport since it has a public administrative function to ship surveying and marine environment protection that are carried out in the field by a Regional organization structure, namely the Local Maritime Administration Units, as well as by other National Administrations and Organizations ashore and at sea, by the Coast Guard and Port Authorities.

There will be no need for a central or local commission of inspections. Their activities and attributions will be

taken over by permanent, responsible people specialized in type approval and certifications at the central level and surveys at the local level.

The organizational structure is shown in the form of an organizational chart in the fig 5 ,page 131 and is further explained below.

The Merchant Shipping Administration is composed of a Directorate of Maritime affairs composed of six Sub-Directorates and a Regional Organization headed by a Board whose members are the six Sub-Directors. The chairman of the Board is the Director General of the Central Directorate.

3.1.1-The Central Directorate structure, it is divided into six Sub-Directorate:

- .Legal/Administrative Sub-Directorate,
- .Technical Sub-Directorate,
- .Ship operation and equipment Sub-Directorate,
- .Ship Inspection Sub-Directorate,
- .Operational Sub-Directorate,
- .Maritime Transport Sub-Directorate,

3.1.1.1-The Legal/Administrative Sub-Directorate is divided into four offices:

- .the Administrative Office: employees, accounts, internal services, stationary, maintenance and purchasing;
- .the Economical Office: budget, economical planning fees and salaries;
- .Legal Office: legal issue of rule and regulations as to cargo ships, passenger ships, fishing vessels ,

pleasure craft,dangerous goods,pollution,navigation and other legal matters;

.Seamen Office:crew matters,status,discipline. social security,medical service;

3.1.1.2-The Technical Sub-Directorate,is divided four offices:

.the Loadline Office:stability and freeboard calculations and control of ships:

.the Tonnage Office:tonnage measurement and issue of tonnage certificates,

.the Ship Construction Office:control of hull-strength,watertight divisions,approval of survival system;

.the Solas(machinery)Office:propulsion,auxilliary fire protection,engine room equipment.

3.1.1.3-The Ship Operation and equipment Sub-Directorate is divided into four offices:

.the SOLAS(nautical)Office:life-saving appliances shipborne navigation equipment,fire extinguishing appliances,

.the Accident prevention Office:accommodation,cargo gear,lifts,personnel protection;

.the Technical Office:dangerous goods arrangement, electrical plants,welding;

.Fishing vessels and pleasure craft Office:technical operational safety,pleasure craft campains,



3.1.1.4-The Ship Inspection Sub-Directorate, is divided into four offices:

- .the Registry Office:registration of ships, registration of seamen, issue of seamen book;

- .the Ship control Office:coordination of ships control operations, port state control of foreign ships and matters pertaining to classification societies,

- .Manning Office :manning of ships, the qualification and training of the crews, issue of certificates of competency,

3.1.1.5-The Operational Sub-Directorate is divided into four offices:

- .the Ship reporting system Office:SAR organization pollution response lead office, /

- .the Marine investigation/inquiries Office:investigation and inquiries into shipping casualties and violation of regulations and Maritime code,

- .the Research Office:coordination and research development and long term planning,

- .the Computer Office.

3.1.1.6-The Maritime Transport Sub-Directorate is divided into four offices:

- .the Facilities Office,

- .the Traffic Office,

- .the Economical analysis Office,

- .the Defense Office.

3.1.2-The Regional Organization is composed of:

.03 Maritime Safety and Marine Investigation  
Stations :ALGER , ANNABA , ORAN.

.09 Ships Control Offices: located at every  
national port for merchant ships;from EL KALA in the  
eastern of the country till GHAZAOUT in the western part.

Each of which is submitted to a double dependency,  
.organical dependency of the local state authority  
.functional dependency of the board of directors

3.2-Personnel needed/needs.  
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The type of officials required should be contained,as  
recommended,in the maritime code .

3.2.1-Statutory Official.

It is necessary that all of the statutory Officials  
should have a maritime background as deck officer or eng-  
ineer officer plus adequate training to carry out the  
job;

- .the Director General,
- .the Registrar/s of Ships,
- .Shipping Master/s,
- .Marine Surveyors
- .Shipping Accident Investigators,
- .Seamen Employment Officers,

It is important that all them shall possess the following  
qualifications;

.an MSc degree (Maritime Safety Administration)  
from the World Maritime University or Extra Master's,  
Extra First Class Engineer Certificate or equivalent ,

.a broad knowledge of international maritime  
conventions and maritime standards,

.experience in preparing and administrating of  
rules and regulations relating to maritime matters.

In addition the Director General and the six Sub-Direc-  
tors shall have the following :

.experience in high level governmental negotiations

.experience in contributing to government maritime  
policies,

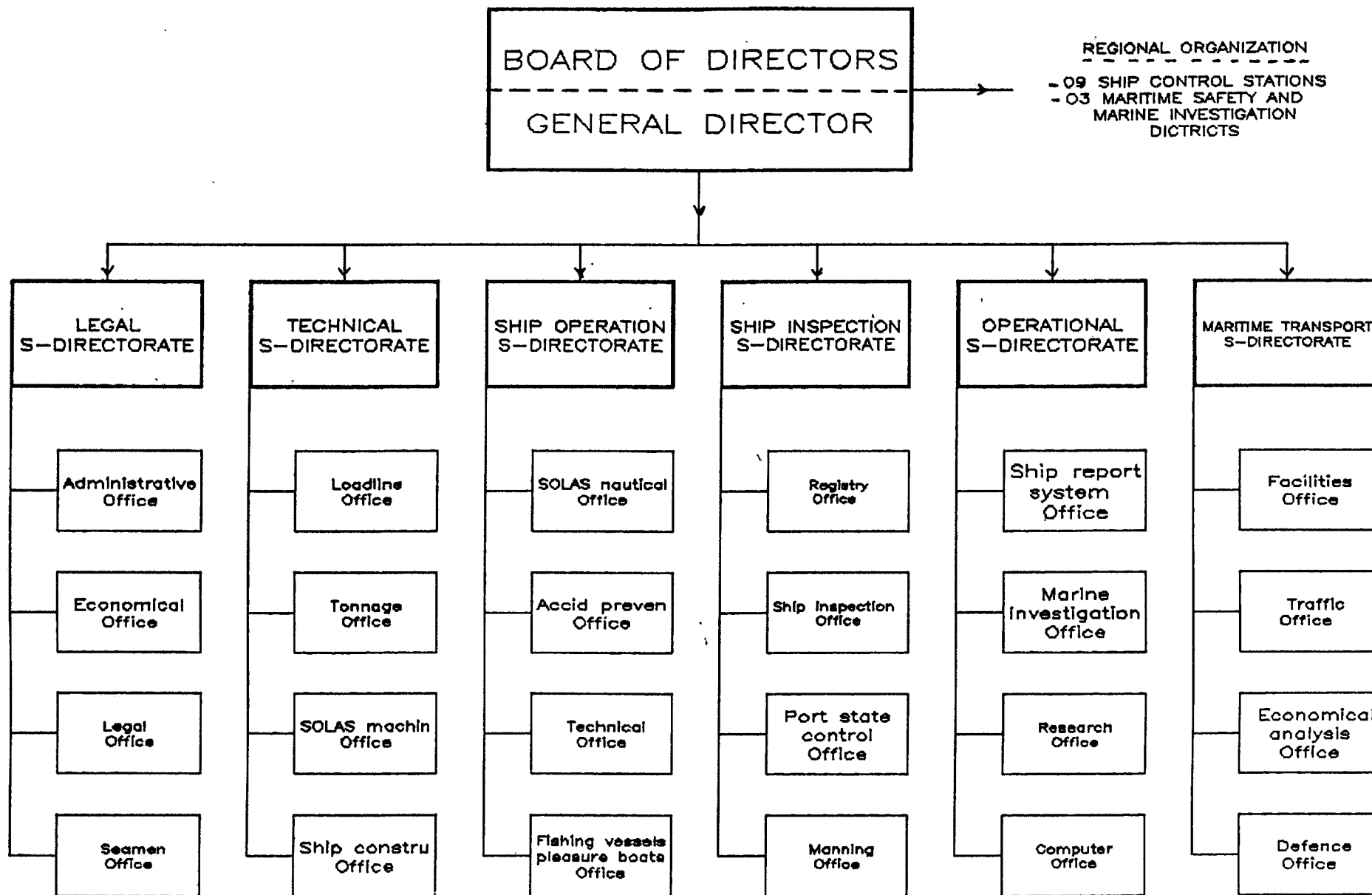
.experience in government procedures and financial  
control,

3.2.2-General Staff,adequate provisions need to be made  
for the secretarial/clerical staff.

# Merchant Shipping Administration Organization chart

fig 5

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The Merchant Shipping Administration organization structure requires a flow of information which necessitates a data base which can be available to all those concerned at all time .The traditional ways through clerks,mail,or other delivery processes result in a lot of delays.The only way to solve the problem of delays as to the exchange of information between all concerned is through data/communication which links together the various elements of a data processing system such as primary computers and terminals.It may consist of a terminal in a executive's office connected to a computer in another part of the building or in another part of the country through the telephon network.Dataprocessing also called teleprocessing makes it possible to collect data at one or more points of origin,transmit the data to a central location for processing and distribute the results of processing to one or more points of use.

Datacommunication can not only reduce the number of employees but it can improve services reduce errors and improve the use of data processing facilities. This way of communication should,together with the words processing be,considered for adoption in the future to keep pace with the changes of technology associated with ship safety and protection of the environment .

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