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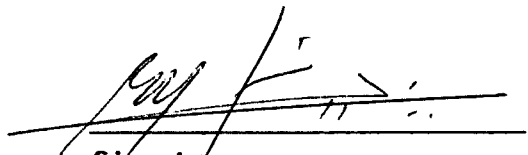
MALMÖ, SWEDEN

PRESENT MARITIME SITUATION IN PERU

By
Commander Peruvian Coast Guard
GONZALO JAUREGUI B.

A document submitted to the World Maritime University in partial satisfaction of the requirements of the Course on Maritime Safety Administration (Nautical).

The contents of this Document reflect my own personal views and are not necessarily endorsed by the World Maritime University or the International Maritime Organization.



Signature

Date: 30 April, 1985

Work directed by Professor P S Vanchiswar
The World Maritime University



ACKNOWLEDGEMENT

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This work could never have been finished without the support of my dear wife Becky Hellen to whom I express my gratitude and dedicate this work.

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ABSTRACT. OF PRESENT MARITIME LEGISLATION IN PERU.-

Peru has a long maritime history that goes back to the inca civilization who exploited the sea food. When the incas were conquered the spaniards came across the sea, during the independence war General Jose de San Martin came from Argentina through Chile and then by sea to free Peru. Today the maritime activity plays an important role in the socio-economic development of Peru. Consequently we never lost contact with this reality, and the life of the peruvians depends in a great scale on the sea. This is the reason for the maritime Legislation to be included in the peruvian Constitution, and for the Maritime Safety Administration to be designated as "Direccion General de Capitanias y Guardacostas", under the authority of the Department of the Navy, in coordination with the Department of Transport and Communication.

Consequently we need a specific Maritime Legislation that covers Merchant Shipping, Ports, Merchant Marine Personnel, Ports Capitains, Coast Guard function, Coast Guard Personnel, Coast Guard Vessels, Fishing Vessels, Fishermen, Merchant Navy School, Measures for Search and Rescue operations, Control of Different Traffic Schemes, Maritime Environment Protection, and which enforces all IMO Conventions regarding safety of Life at Sea, Training and Certification of Seafarers, Pollution Control and so forth.

PRESENT MARITIME LEGISLATION IN PERU

CHAPTER I

INTRODUCTION

The Problem.- The national responsibility for dealing with Maritime matters in Peru is with the Department of the Navy in coordination with the Department of Transport and Communication, both through the Dirección General de Capitanías y Guardacostas, and consequently this Direction has the responsibility for establishing the actual Maritime Rules with the purpose of protecting the human life at sea, the marine environment, the ships and property. So far, the lesser part of these rules is in agreement with the International Maritime Organization Conventions and the greater part of them is in the process of development.

According to the primary function of the General Direction this participates in preparing the policy for Maritime Development and this includes the policy to follow inside the Sub-Regional Maritime Safety Administration for the trade purpose. This Direction has also the responsibility to protect the natural resources in the sea according to our Constitutional Chart, which is in disagreement with the last Law of the Sea Convention, because this does not recognize the term "Territorial Sea" which is included in this Chart.

THE NEED OF GHANGE.- The need of a General Legislation in Maritime Safety Administration matters in my country is the most important aspect for the Maritime Authorities, especially for updating the regulations that are out of date because they do not include the latest Maritime Conventions and do not include the new concept in Maritime Safety Administration.

Shipping in some cases is a very good industry for my country and gives very high income, this is an important reason for giving a special emphasis to this matter, because this industry not only moves goods but also includes other big movements in personnel, materials on board, on shore and, of course, produces employment in connection with ships, such as in shipyards, naval repairs, naval construction and port construction. Consequently this industry needs updated legislation and "MARITIME ADMINISTRATION" for it's regulation and promoting it's development.

The legislation also has to cover the measures for the protection of the fishing industry, enviroment protection and the safety of life at sea.

Due to the above mentioned reasons I will try to make my project to meet the requirements, regulations and rules for my country of the new Maritime Safety Administration. Doing afterwards a study about the present Maritime Legislation, which will be developed in the next chapters. This study will be based on my knowledge about my present Legislation in Maritime matters and under the point of view of the Maritime interest which includes Foreign Trade, Maritime Transportation, International Maritime Organization, Membership of IMO, Merchant Shipping Legislation, Development of Maritime Administration Infrastructure, Maritime Training Facilities, Ports and Relations with administration and finally Shipping Companies Infrastructure.

PART II
CHAPTER I

STATUS OF PRESENT MARITIME LEGISLATION IN PERU

SECTION I
PRESENT MARITIME LEGISLATION

CONSTITUTIONAL POSITION REGARDING THE RESPONSIBILITY FOR MERCHANT
SHIPPING AND PORT:-

Peru is a country with 200 miles of Territorial Sea, 6,000 miles of navigable rivers (the most important being the Amazonas River) and navigable waters in the Titicaca Lake.

Our Fleet includes 5,000 fishing boats at sea, 4,500 fishing and transport boats in the Titicaca lake (boundry with Bolivia), our fishing vessels are comparable to factory ships and produce 300,000 tons of fish per year which has led as into a leading position in the fishing industry.

In Merchant Marine we have 1,200,000 GRT, our ports have received during the last year approximately 5,000 Merchant Vessels of different flags and 500 fishing vessels of different countries (Russian, Japanese, Polish and Cuban).

The above mentioned factors are very important and therefore the adjacent sea has been shown in the last Constitutional Chart (1978) as part of the National Territory up to 200 miles from the shore. Consequently the Maritime Administration has the responsibility for the Merchant Shipping and Ports, according to the Constitutional Chart.

PRESENT MARITIME LEGISLATION OF RELEVANCE

AND PROPOSED CHANGES/AMENDMENTS

The present Maritime Legislation is based on Maritime Organic Law, one specific chapter of this law is exclusively for Shipping and Port Legislation, the other Legislations to support this Law are: Aquatic Law, Fishing Law, Subsoil Law. In the first of these is included the most of the aspects about shipping and port matters, specifically the administrative procedures and different authorities who are in charge of each different matter.

The new amendments are made in the actual regulation and this amendments include, for instance, The Provisions Related to the Marpol and Solas 1974/78.

At present the Direccion General de Capitanias y Guardacostas has rules which are in two volumens, the first one contains:

TITLE I

ORGANIZATION, JURISDICTION AND FUNCTION OF THE PORT CAPTAINS

TITLE II

GENERAL DIRECTION

TITLE III

THE FUNCTION FOR THE REGULATION; PROTECTION AND SAFETY VESTED IN THE MARITIME AUTHORITY

TITLE IV
THE COMPULSORY USE OF CUSTOMS FOR MERCHANT VESSELS

TITLE V
THE MERCHANT VESSELS AND SMALL SHIPS

TITLE VI
MERCHANT MARINE

TITLE VII
THE MERCHANT MARINE MATERIAL

TITLE VIII
THE MERCHANT MARINE PERSONNEL

TITLE IX
THE PASSENGERS

TITLE X
THE HUNT AND FISHING

TITLE XI
THE MARITIME WORK

TITLE XII
TARIFS

APPENDIXES.- These include most of the different application forms and certificates.

The Second Volume contains the following:

TITLE I
THE LOAD LINE CONVENTION 1966

TITLE II
THE LOAD LINE ASSIGNATION RULES

TITLE III
THE SAFETY OF LIFE AT SEA 1969 CONVENTION

TITLE IV
RULES FOR COLLISIONS PREVENTION

TITLE V
SHIPS WITH NUCLEAR PROPULSION

TITLE VI
RECOMMENDATIONS

The new Amendments include the following aspects:

Solas 74/78

Marpol 73

TSPP, Inert Gas System, SBT, CBT

STCW

The proposed changes can be seen in the Conclusion Chapter.

PRESENT FUNCTION OF THE MARITIME AUTHORITY.-

It's function is defined in the following form: "Maritime policing in the marine, fluvial and lacustrine areas, with the purpose to control and protect safety of life and all activities that develop in this dominance".

Currently, in my country, there are some laws about Maritime Safety Administration but they are incomplete and out-of-date, this is due to the fact that the National Congress is a young institution and needs time. The change is done step by step, nevertheless, the spirit to meet up with the requirements of the IMO CONVENTIONS is with some authorities. We make great efforts in ensuring safety of life at sea and in controlling pollution. I believe in the future of the Maritime Legislation of my country because we do our best and because we have new assistance from IMO through the World Maritime University. We trust in the World Maritime University and consider it's utilization as feasible and effective.

I consider as another very important aim in the objectives of the World Maritime University the aim to try to meet the efforts among the countries to ensure a regional integration of the areas of the developing countries.

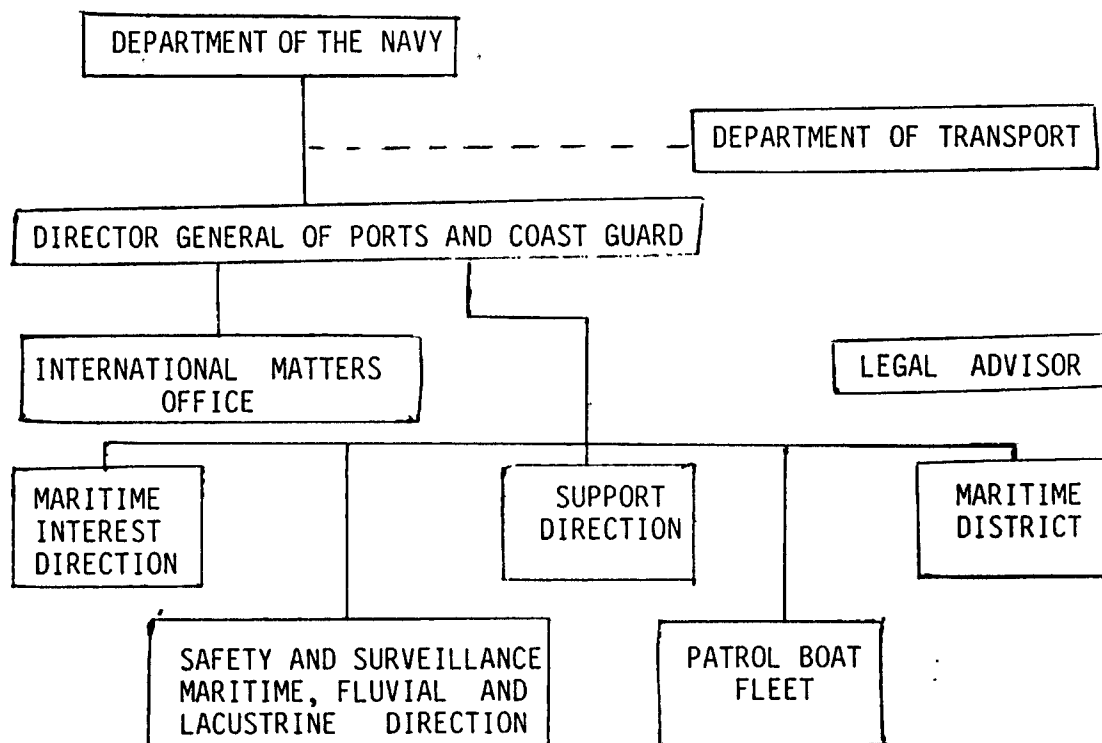
At present my country has a project line advised by IMO and financed by the United Nations Development Programme in the development of Maritime Transport (DESTRANSMAR) with the objective to promote the socio-economic development of the country.

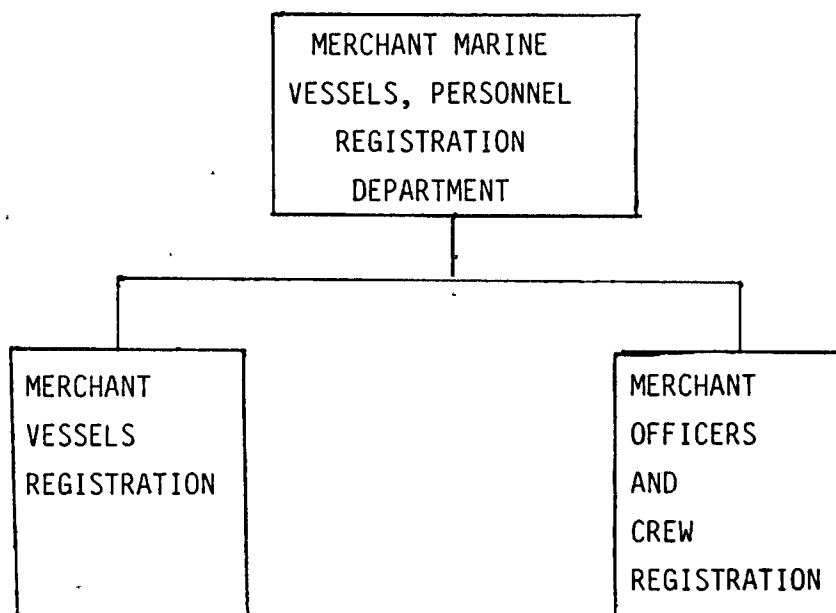
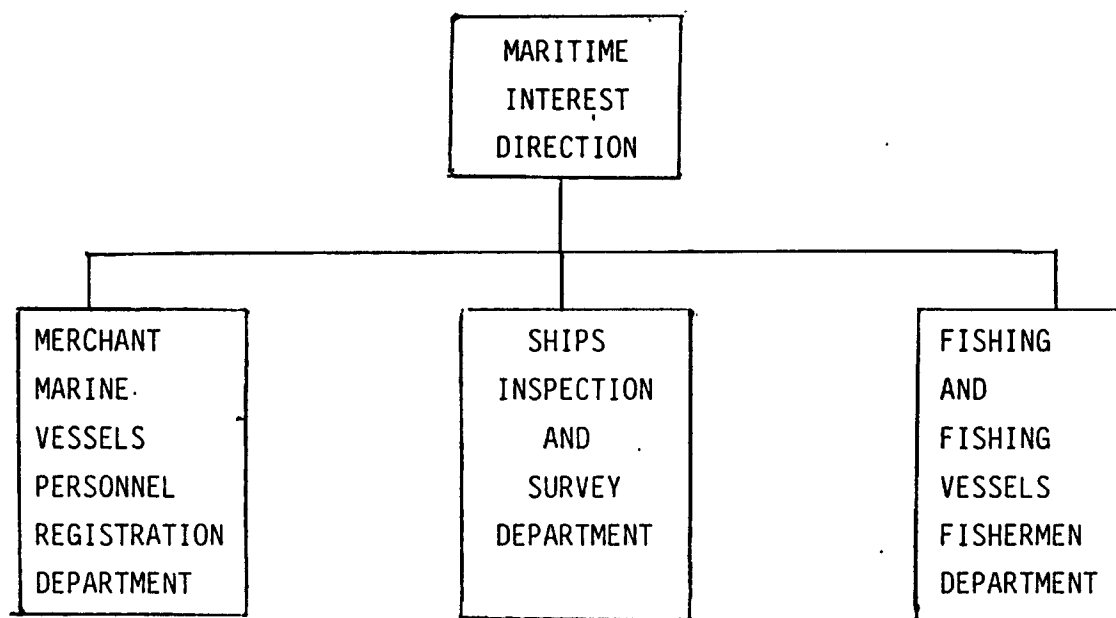
Finally, we issue the certification for officers and ratings in accordance with the Convention for Training, Certification and

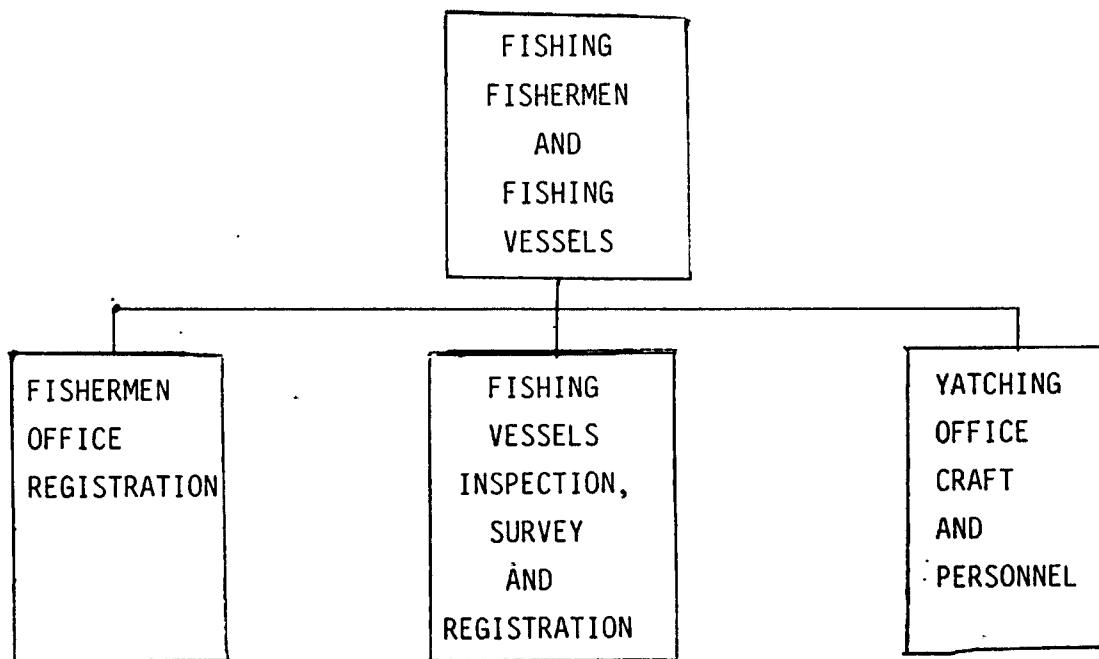
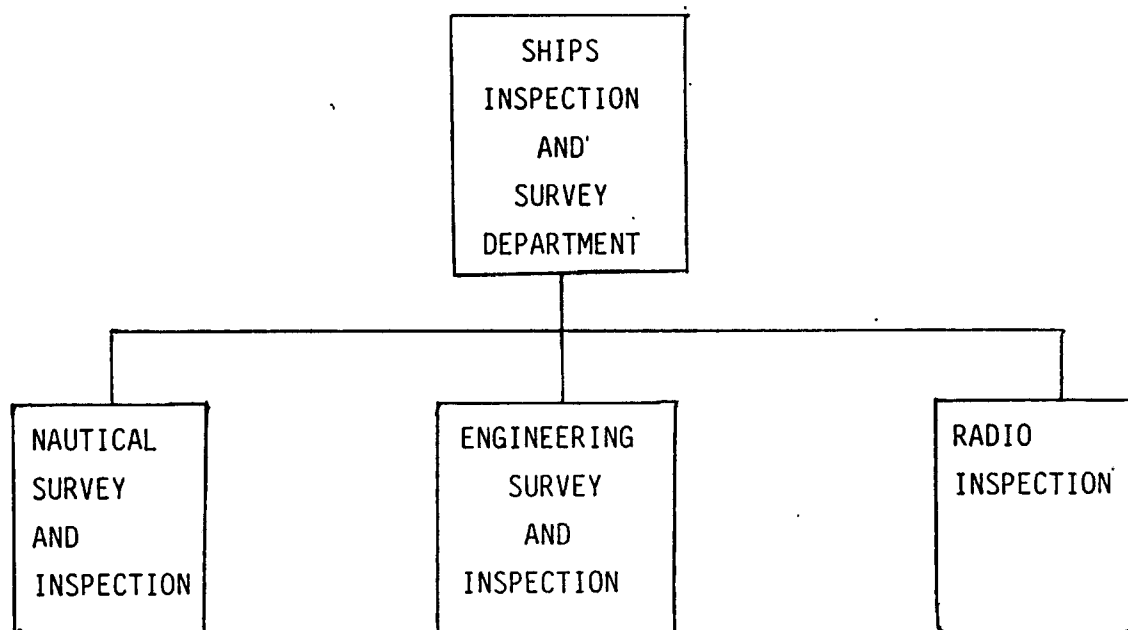
Watchkeeping for Seafarers, Safety Certificate for ships according to Solas 74/78 Convention, Certification according to Marpol 73, and different certifications in agreement with different IMO CONVENTIONS. Otherwise we make the registration of the ships (merchant) and fishing vessels and we make the survey and inspection of ships. We are also controlling the yachts and in general all types of recreation crafts.

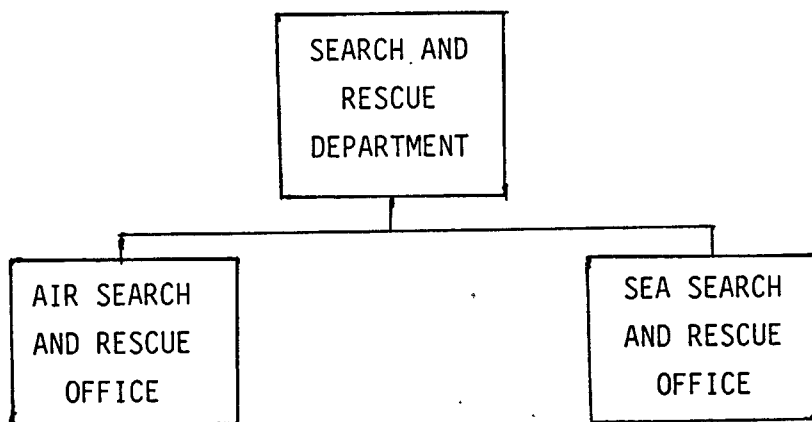
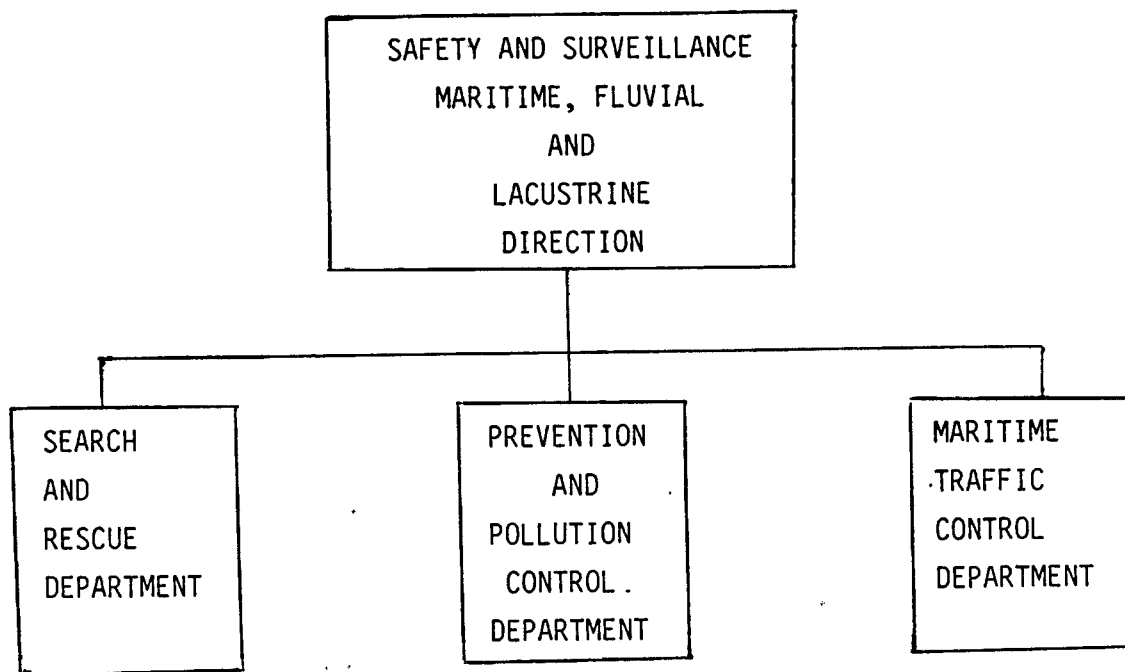
Another aspect is the social security for the merchant marine personnel, in this case our participation is only as surveyors. But in the work contract it is different because we have direct participation and we have control over all contracts through the Seamen Placing Office.

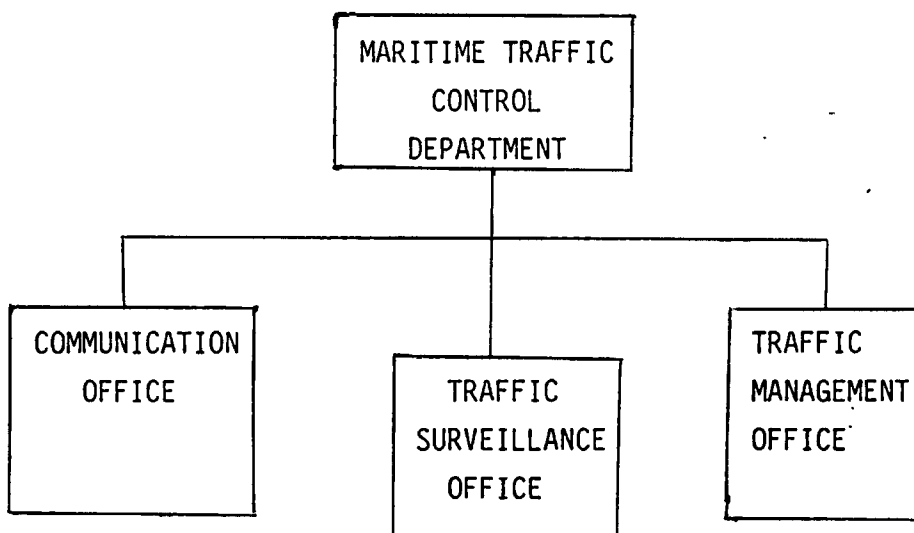
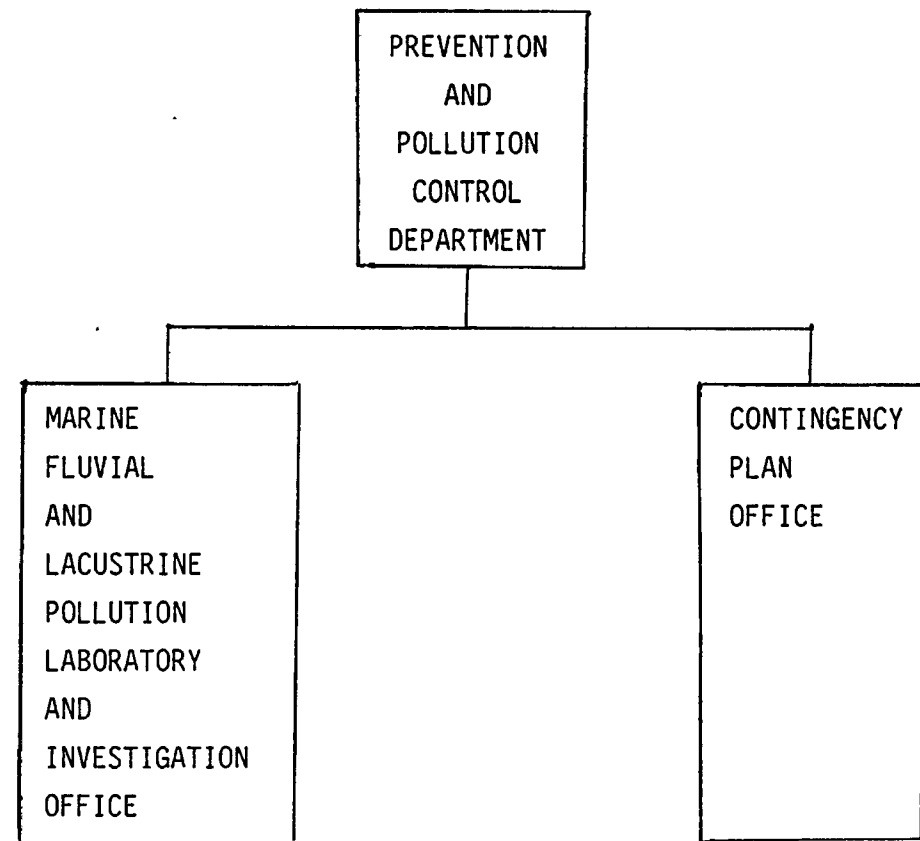
In order to fulfil all these aspects the present organization is as follows:

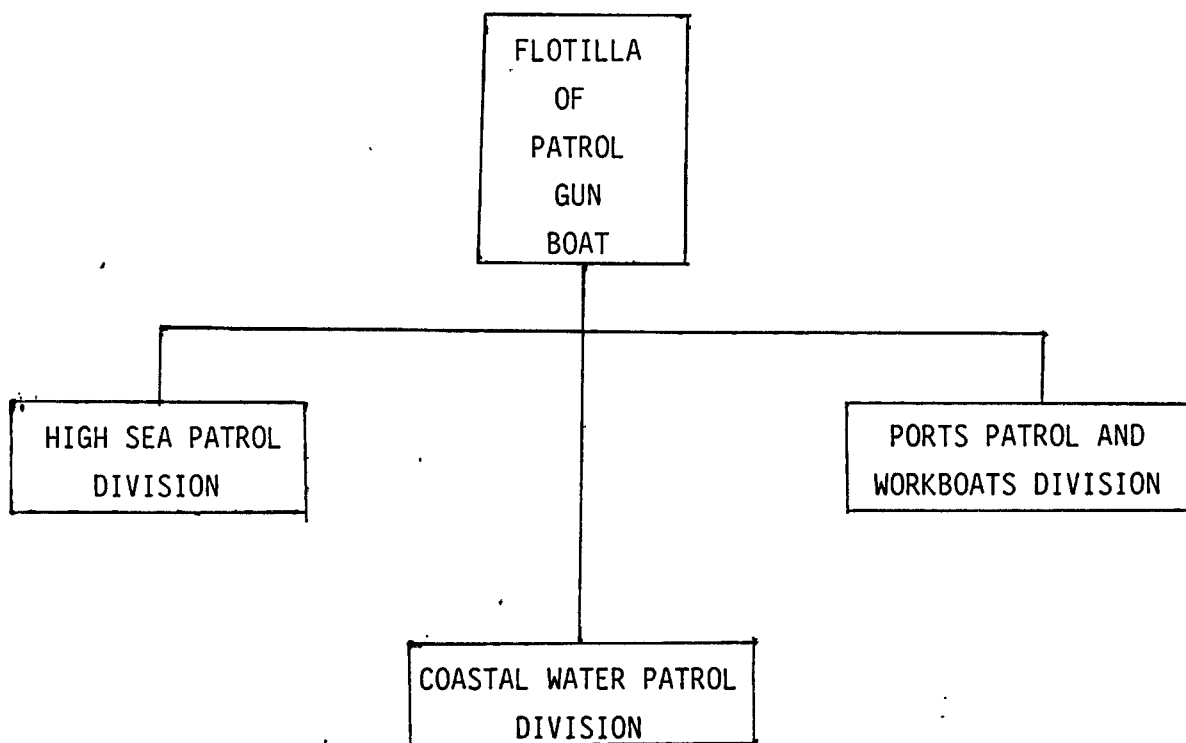
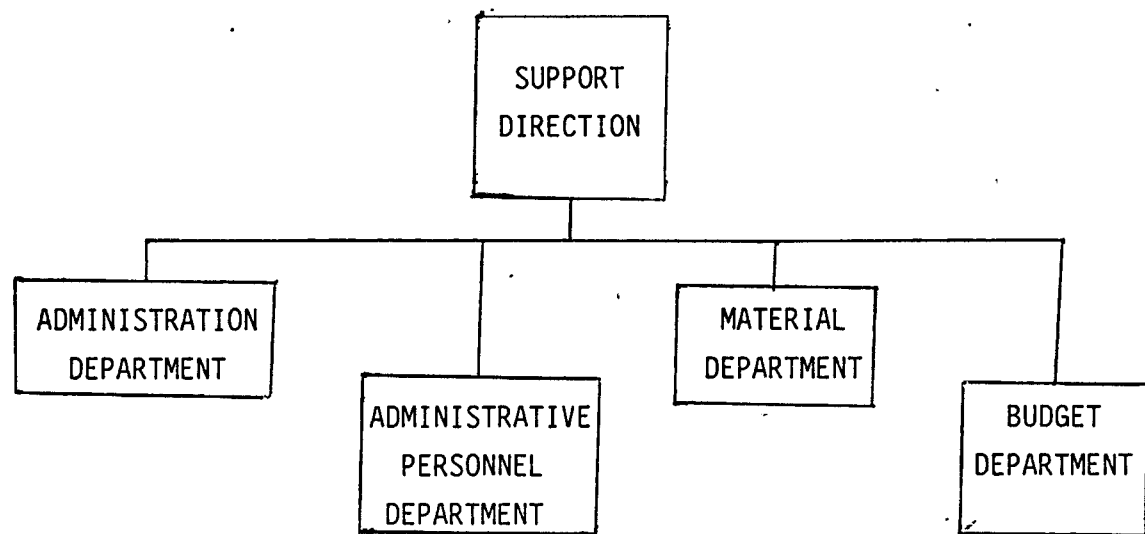












DIRECTION GENERAL

The Director General shall be responsible for the enforcement of the maritime legislation before the President of the Republic via the respective ministry. He gives solutions to the appeals made by owners of ships and by fishermen. He has a high ranking level as advisor in different areas and assists the Ministers of Navy and Transport in all the matters regarding IMO CONVENTIONS and different kinds of international relations.

DIRECTIONS

There are three Directions which are responsible for the enforcement of Maritime Legislation in their respective areas and for the preparation of projects for new maritime legislation. They are also advisors of the Director General on different questions and specially in case of appeals of the owners for punishments and mullet, and finally, they inform the Director General of the most importants events.

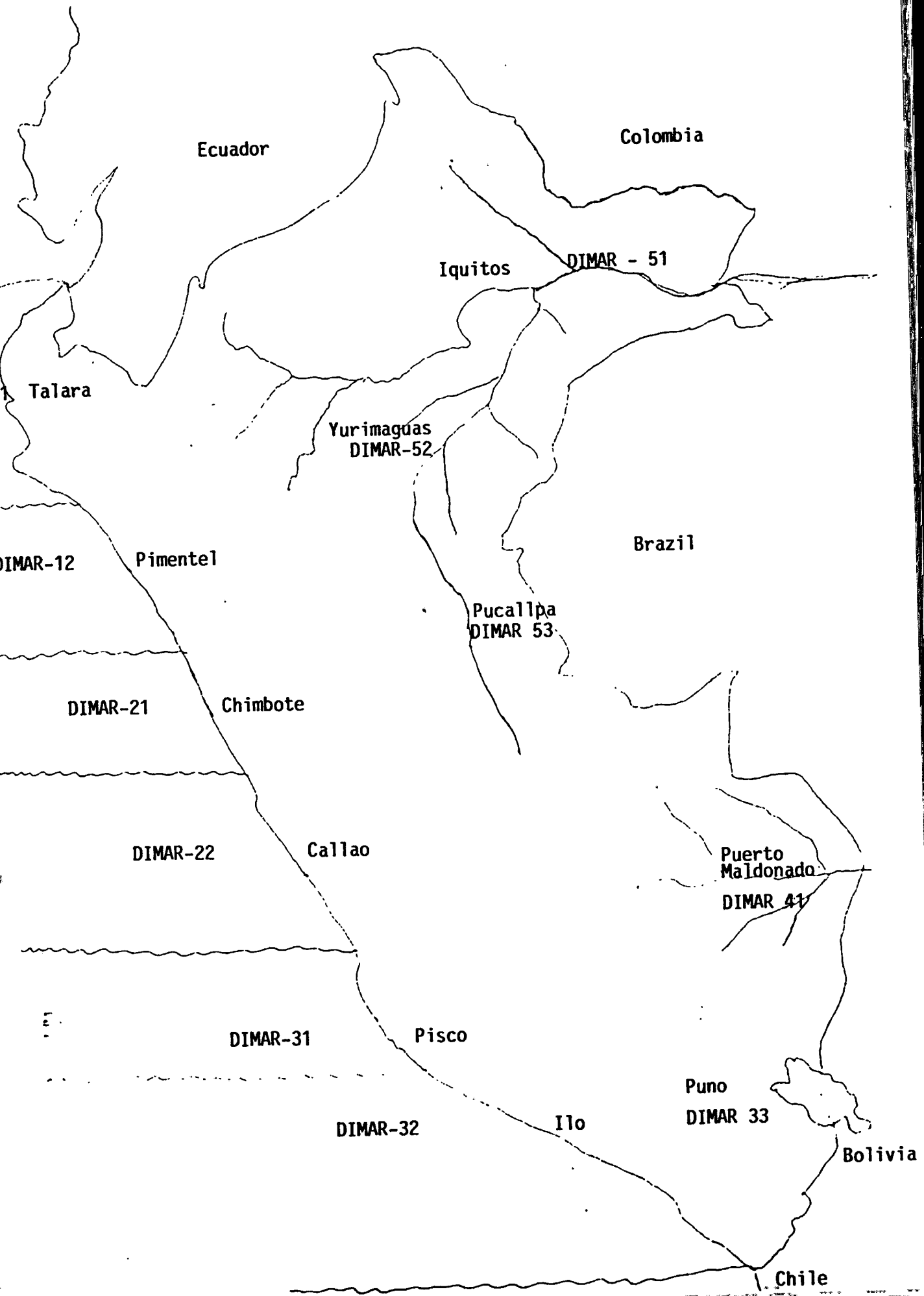
These functions are exercised by merchant marine or navy officers with the rank of captain.

Each director has a determined number of departments under his authority and responsibility.

DEPARTMENTS

This Departments are the "battle horses" because they have direct contact with the people who need to deal with the Maritime Authority.

PERUVIAN MARITIME DISTRICTS (DIMAR)



SECTION II

OFFICERS IN MARITIME ADMINISTRATION

TOTAL NUMBER OF MARINE OFFICERS IN THE MARITIME ADMINISTRATION

The present Maritime Administration is headed by a Navy Admiral appointed as General Director and has three directors under his command, each of them is in charge of a Direction and has the following number of marine officers in their respective directions which are considered as the Maritime District of Patrol Boat:

MARITIME INTERES DIRECTION	= FIVE (5)
SAFETY AND SURVEILLANCE MARITIME, FLUVIAL AND LACUSTTRINE DIRECTION	= FOUR (4)
SUPPORT DIRECTION	= FOUR (4)
LEGAL ADVISOR	= TWO (2)
INTERNATIONAL MATTERS OFFICE	= THREE (3)
FLOTILLA OF PATROL BOAT	= FIFTY (50)
MARITIME DISTRICTS	= TWENTY (20)
TOTAL NUMBER OF MARITNE OFFICERS IN M. A.	= EIGHTY EIGHT (88)

POSITIONS FILLED

The positions filled are the following:

General Direction

Maritime Interest Direction

Safety and Surveillance Direction

Support Direction

Flotilla of Patrol Boat

Maritime Districts and Harbour Masters (Port Captains)

Merchant Marine Department

Merchant Officers and Crew Office

Ship Inspection and Survey Department

Nautical Surveyor

Engineer Surveyor

Fishing and Fishing Vessel Department

Fishermen Office

Material Department

Personnel Department (Administrative)

Administration Department

Communication Department

Search and Rescue Department

Pollution Control Department

Traffic Control Department

Advisor Office

International Matters Office

POSITIONS VACANT

The following positions are vacant but their functions are carried out by the nearest office. Most of these positions are vacant because we do not have enough officers in the Organization another very important reason being that each of these positions must be filled by officers specialized in specific matters:

- Merchant Vessel Registration Office
- Radio Inspection Office
- Fishing Office
- Yatching Office
- Contingency Plan Office

LOCATION OF SUCH OFFICERS

The officers are located on the basis of their jobs as shown in the following lines:

The Director General, Directors and Department Officers in the General Direction of Ports and Coast Guard; District Officers in their respective zones, as shown in the Peruvian Map and the same for Port Captains.

The Flotilla of Patrol Boat Officers is located on board, in different areas of the Peruvian Coast.

QUALIFICATION AND EXPERIENCE REQUIRED FOR ABOVE POSITIONS OF MARINE OFFICERS

First of all we talk about qualifications for Marine Officers. If we think of the kind of work they are to perform, their qualifications must be the best and consequently, these officers ought to come from the Navy War School, Merchant Navy School, National Universities and private, of course, during the first projectional years. These officers work under the authority of the most expert officers and in each rank must fulfil several requirements and studies in Post Graduate Schools as the Navy War School, M S Administration, short courses about fire fighting, oil pollution fighting, Search and Rescue Operations, survey and Inspections (Nautical and Engineering).

Regarding the experience, this is acquired through training along the professional life, each officer must try to work in one of the following areas: Ensign or Third Mate as officer in small patrol boats, in different places, in Merchant Vessels in Nautical and Engineering fields according to their speciality.

Lieutenant or Second Mate, in patrol boats of different classes and in Merchant vessels in their respective areas.

Lieutenant Commander, First Mate and Chief Mate, in patrol boats as commander, in merchant vessels in their speciality, in Harbour Capitaincies, in second class ports, and in first class ports as executive officers, in the General Direction the work is in the different departments and offices.

Commander, Captains and Chief Engineer in Port Capitaincies as Harbour Masters, in Direction as Department Chief, advisor

staff of Flotilla Patrol Gun boat, in different Maritime Districts in executive function, Nautical and Engineer surveyors, expert in oil spill fighting inside the contingency plan, they must have experience in all IMO CONVENTIONS.

Captain, Commodore and Chief Enginner, District Chief, Major Port Captain, Director Commander to the Flotilla, IMO Conventions Representative, high level advisor for the department of the Navy and Transport.

STATUTORY DUTIES PERFORMED BY SUCH MARINE OFFICERS

Most of these Marine Officers are appointed for applying the National Maritime Legislation in order to enforce those, the statutory duties performed, are, of course, given according to the position and rank, for instance the Port Captain in some areas has enough authority to apply rules and to prosecute those who violate the law, this authority is under the District Commanders, for administrative purposes both under the Director General.

The Port Captains are appointed for solving most of the shipping troubles in their areas, for issuing different kinds of certificates within the National Waters they are responsible for ensuring the correct application of Maritime Legislation in their areas they have the responsibility for search and rescue operations in their jurisdiction, and, of course, for fighting oil or any kind of pollution of the sea.

They have the control over the fishing boats in connection with the safety measures and correct application of fishing rules regarding the size of fish, fishing with explosives, fishing in excess and therefore overloading the boat and endangering the safety of the crew.

The other kind of statutory duty is referred to apply fines to unseaworthy vessels, fishing vessels, and fishing vessels from foreign countries which have been found in illegal fishing act.

Most of the Marine Officers are surveyors in Nautical and Engineering fields, not only for merchant vessels but also for fishing vessels.

SYSTEM OF TRAINING GOVERNMENT SURVEYORS

The training of Surveyors starts when the Marine Officers are very young and is only practiced during their professional life, the first stage of this training is on board a patrol boat in which the officers perform different duties such as chief of different nautical or engineering areas under the supervision and advice of the commander of the patrol who is also a surveyor. This kind of training lasts between one or two years, after this the officers are sent to tanker or cargo ships in which they will work in one specific area during not less than one year.

When the officers are promoted in rank, they are nominated to fill the low level position in Port Capitaincies, in Maritime Districts and positions in patrol boats as Chief of Department.

During this time those officers start doing inspection and survey of fishing boats under the supervision of an official surveyor, some of those officers have the opportunity to practice in the National Shipyard (Servicio Industrial de la Marina).

Finally, after ten years of practices the officials are designated as GOVERNMENT SURVEYORS.

SECTION III

MERCHANT VESSELS

REGISTRATION OF SHIPS - RULES AND PROCEDURES

RULES.- In order to include a merchant ship in the National Register for Merchant Vessels it is necessary to fulfil the following requirements:

- a) The owner must be peruvian
- b) The captain, officers and crew must be peruvian
- c) If the ownership is a society, the capital of this should be property of a peruvian citizen, otherwise, not less than the 75%. The manager must be peruvian.
- d) All merchant ships must be given nationality in order to hoist the national flag and to ensure the benefits that the state gives to the national ships.

The documents that show the nationality are:

- a. The Patent of Navigation
2. The Certificate of Matriculation
3. Crew List.

The Patent of Navigation is called the certificate and it is granted by the Government to the ships with registry of over 100 ton, in this is shown the peruvian nationality, the name, the prevailing characteristics, the owners and the permission to sail in all seas.

The Patent of Navigation is valid as long as the ship lasts and while there is no change of name, ownership or no substantial

modifications have been made in it's machinery or hull which may change it's general characteristics and as long as there are no circumstances that change the Tonnage Measurement Certificate.

The Certificate of Matriculation is granted by the Port Captain and means that the ship has been matriculated in the Port.

The Crew List is the official document signed by the Captain and Purser of the ship and endorsed by the Port Captain of the first port of origin, in which the names, occupation on board, nationality and salaries of the crew members are shown.

PROCEDURES.- In order to register a major ship, the owner or the legal representative must present an application form to the President of the Republic through the General Director of Port and Coast Guard, requesting the registration and nationalization.

This application form must be accompanied by the following documents:

- a) Title or document of ownership
- b) Sufficient documentation in order to obtain nationality, as mentioned above
- c) Following statements:
 - Name of the ship
 - General information about the owners
 - Propulsion system and full characteristics of the ship
 - Name of the builders
 - Last nationality of the ship if second hand
 - Date of issue of Navigation Patent
 - Number of passengers that it can carry in each class
 - Number of crew members

- Machinery type and power, builder
 - Price of the ship
 - International Signal code number
- d) Provisional certificate if the ship is purchased in a foreign country, granted by a consular representative
- e) Last Patent and Matriculation.

After checking this application form the Director General sends an official surveyor to the port in which the ship is.

The surveyor recommends the measures to follow and whether the purchase is suitable or not.

NATIONAL SHIPS AND THEIR PARTICULARS

<u>NAME</u> <u>SHIPOWNER</u> <u>TYPE AND TRADE</u>	<u>YEAR AND COUNTRY BUILT</u> <u>SHIPYARD</u> <u>CLASS SOC</u>	<u>GRT</u> <u>DWT</u> <u>LDT</u>	<u>DRY CARGO</u> <u>REE ER</u> <u>LIQUID (m3)</u>
PALMA CPV General Cargo oceangoing	1970 Finland Oy Wartsila Lr	9463 13920 5367	18574 0 1400
PARINAS Of. Nav. Comercial Oil tanker Coastal	1968 Peru SIMA LR	7376 10140 3325	538 0 13733
PIMENTEL Of. Nav. Comercial Oil tanker Coastal	1969 Peru SIMA LR	7376 10237 3325	538 0 13733
PIURA Consorcio N P General cargo Oceangoing	1969 W Germany Deutsche Werft GL	9018 12763 4970	8661 119 0
POLLUX Negocios del Mar Bulk carrier	1963 U Kingdom Austin & Pickersgill LR	13461 22094 7000	30508 0 0
PRESIDENTE JOSE PARDO CPV Multipurpose Oceangoing	1982 Peru SIMA LR	16520 20000 9200	0 1315 3995
RIMAC CPV General Cargo Oceangoing	1973 Peru SIMA LR	10216 13268 5924	19563 560 0
RIO HUALLAGA Petroperu Barge	1974 Peru Metalempresa LR	1739 3600 450	0 0 3975

ILO	1972 Peru	10216	19563
Of Nav Comercial	SIMA	13450	560
General Cargo	LR	5924	0
Oceangoing			
INCA CAPAC YUPANQUI	1969 Spain	9624	19753
CPV	S E Const Naval	13179	0
General Cargo	ABS	5121	1400
Oceangoing			
INCA HUAYNA CAPAC	1969 Spain	9624	19753
CPV	S E Const Naval	13179	0
General Cargo	ABS	5121	1400
Oceangoing			
INCA PACHACUTEC	1968 Spain	9624	19753
CPV	S E Const Naval	13179	0
General Cargo	ABS	5121	1400
Oceangoing			
INCA ROCA	1969 Spain	9624	19753
CPV	E N Bazan	13179	0
General Cargo	ABS	5121	1400
Oceangoing			
INCA YAHUAR HUACA	1969 Spain	9624	19753
CPV	S E Const Naval	13179	0
General Cargo	ABS	5121	1400
Oceangoing			
JOSE OLAYA	1974 Peru	15297	35671
CPV	SIMA	25195	0
Bulk carrier	LR	6876	0
Oceangoing			
KERO	1961 U Kingdom	8701	17387
N Neptuno	W Doxford	11554	216
General Cargo	LR	5645	0
Oceangoing			

CHOCANO	1970 Finland	9463	18574
CPV	Oy Vartsila	13920	0
General cargo	LR	5367	1400
Oceangoing			
CUZCO II	1973 France	12464	22040
Consortio NP	CH N La Ciotat	17257	143
General cargo	BV	6385	0
Oceangoing			
EL CONQUISTADOR	1968 Japan	5480	12159
Bonasa	Tsuneishi	8737	0
General cargo	ABS	0	0
Oceangoing			
EL KOLLAO	1960 Japan	6953	17780
N Neptuno	Mitsubishi	10011	0
General cargo	NKK	4200	0
Oceangoing			
EL LIBERTADOR	1965 Spain	2271	4448
Bonasa	S E Const Naval	3693	0
General cargo	LR	1000	0
Oceangoing			
GARCILASO	1969 Finland	9464	18574
CPV	Oy Wartsila	13920	0
General cargo	LR	5367	1400
Oceangoing			
HERMANOS CARCAMO	1974 Peru	15297	35671
CPV	SIMA	25195	0
Bulk carrier	LR	6876	0
Oceangoing			
HUANDOY	1965 Japan	18723	40521
N Humboldt	Nippon Kokan	34602	0
Bulk carrier	NV	7380	0
Ocenagoing			

YACU RUNA	1955 W Germany	2667	7777
Nav Amazonica	K Howaldtswerke	4527	0
General cargo	GL	2188	0
Oceangoing			
YACU TAITA	1955 W Germany	3383	8492
Nav Amazonica	K Howaldtswerke	4819	0
General cargo	LR	2889	0
Oceangoing			
YACU WASI	1962 Japan	7384	14979
Nav Amazonica	Ishikawajima Harima	10051	0
General cargo	NKK	4181	0
Oceangoing			
YACU WAYO	1969 W Germany	4525	14554
Nav Amazonica	Howaldtswerke	7500	124
General cargo	GL	3750	0
Oceangoing			
YERUPAJA	1970 U Kingdom	14766	34485
Nav Humboldt	Austin & Pickersgill	26596	0
Bulk carrier	LR	6437	0
Oceangoing			
ZORRITOS	1959 Peru	4297	633
Of Nav Comercial	SIMA	6106	0
Products tanker	LR	2700	7489
Coastal			
ANDINO	1956 Netherlands	1816	4810
Intercontinental	T Van Duijvendijk	3256	697
General cargo	LR	1775	0
Oceangoing			
CAPAHUARI	1980 Peru	16633	0
P Transoceanica	SIMA	25401	0
Oil tanker	LR	6954	35662
Coastal			

TACNA	1959 W Germany	9017	19608
Consortio N P	Deutsche Werft	12968	99
General cargo	BV	4970	0
Oceangoing			
TALARA	1978 Peru	16633	0
Of Nav Comercial	SIMA	25401	0
Products tanker	LR	6954	35662
Oceangoing			
TELLO	1970 Finland	9464	18574
CPV	Oy Wartsila	13920	0
General cargo	LR	5367	1400
Oceangoing			
TROMPETEROS	1976 Peru	16633	0
P Transoceanica	SIMA	15648	0
Products tanker	ABS	6954	35662
Coastal			
TUMI	1953 Netherlands	4048	10624
Nav Neptuno	De Merwede	6710	191
General cargo	BV	2000	0
Oceangoing			
UNISOL	1966 Sweden	5788	11668
Nav Universal	Lindholmens	8186	172
General cargo	LR	0	0
Oceangoing			
VALLEJO	1969 Finland	9463	18574
CPV	Oy Wartsila	13920	0
General cargo	LR	5367	1400
Ocenagoing			
YACU CASPI	1963 Netherlands	6170	11642
Nav Amasonica	Bolnes	7658	610
General cargo	BV	4000	0
Oceangoing			

RIO MORONA	1974 Peru	1739	0
Petroperu	Metalempresa	3600	0
Barge-River	LR	450	3975
 RIO NAPO	 1959 USA	 1234	 0
Petroperu	Ingalls	3100	0
Barge-River	LR	400	3480
 RIO PASTAZA	 1974 Peru	 1739	 0
Petroperu	Metalempresa	3600	0
Barge-River	LR	450	3975
 RIO TIGRE	 1974 Peru	 1739	 0
Petroperu	Metalempresa	3600	0
Barge-River	LR	450	3975
 SABOGAL	 1969 Finland	 9463	 18574
CPV	Oy Wartsila	13920	0
General cargo	LR	5367	1400
Oceangoing			
 SALCANTAY	 1969 Taiwan	 17941	 33879
N Humboldt	Taiwan Shipb	28610	0
Bulk carrier	ABS	7206	4242
Oceangoing			
 SANTA RITA	 1970 France	 12464	 22040
Naviera Santa	CH N La Ciotat	17257	143
General cargo	BV	6385	0
Oceangoing			
 SIETEMARES	 1943 USA	 12947	 27719
Naveg Andina	Sun Shipb	21362	0
Bulk carrier	ABS	0	0
Oceangoing			

KIPU	1970 Spain	3993	11084
N Neptuno	Astano	6940	500
General cargo	LR	3220	0
Oceangoing			
LIMA II	1974 France	12464	22040
Consorcio N P	CH N La Ciotat	17257	143
General cargo	BV	6385	0
LIVINI	1969 W Germany	9402	21569
N Humboldt	Flensburger Schiffs	15381	0
General cargo	GL	5250	0
Oceangoing			
LOBITOS	1966 Peru	4297	604
Of Nav Comercial	SIMA	6010	0
Products tanker	LR	2700	7488
Coastal			
LORETO	1966 Denmark	52673	0
Consorcio N P	Odense	99745	0
Oil tanker	NV	16515	114289
Oceangoing			
LUCY	1973 Japan	1544	0
Cia Nav Sirius	Kishimoto	2194	2576
Reefer	NKK	795	0
Oceangoing			
LUIS BANCHERO	1966 USSR	22759	47130
Nav Humboldt	Baltika	38201	0
Bulk carrier	LR	9425	0
Oceangoing			
LUNAMAR	1965 Sweden	35823	0
Naviera Santa	Eriksbergs	63173	0
Oil tanker	NV	13000	73828
Oceangoing			

MANCO CAPAC	1971 Peru	1535	0
Enafer Peru	SIMA	1380	0
Ferry-River	LR	420	991
MARANON	1981	15297	33725
CPV	SIMA	25587	0
Bulk carrier	GL	9434	0
Oceangoing			
MISTI	1969 Belgium	23102	46525
N Humboldt	Boelwerf	40098	0
Bulk carrier	GL	9434	0
Oceangoing			
Ollanta	1930 U Kingdom	1230	754
Enafer Peru	Earle's Shipb	750	0
Passenger - River	LR	675	44

<u>SHIPS</u>	<u>TYPE</u>	<u>YEAR</u>	<u>OWT</u>	<u>MARPOL 73-78 REQUIREMENT</u>
B/T La Libertad	OBO	1967	74527	IGS CBT or SBT or COW in 1983 SBT or COW in 1985
B/T Santamar	OBO	1965	72325	IGS CBT or SBT or COW in 1983 SBT or COW in 1985
B/T Lunamar	Tanker Crude Oil	1965	63173	IGS in 1984 CBT or SBT or COW in 1983 SBT or COW in 1987
B/T Capahuari	Tanker Crude Oil	1980	25401	IGS in 1984 If HCWM not available exemp tion could be granted by the Maritime Authorities of Peru
B/T 9 de Octubre	Crude Oil Tanker	1959	20600	IGS in 1984 If HCWM not available exemp tion could be granted by the Maritime Authorities of Peru
B/T Trompeteros	Product Carrier	1976	25648	IGS in 1984 Only if she has HCWM
B/T Talara	Product Carrier	1978	25401	IGS in 1984 Only if she has HCWM

All the other ships are subject to the discharge criteria in accordance with Marpol 73-78.

SYSTEM FOR SURVEY AND INSPECTION OF SHIPS

According to the present Legislation the purposes of surveys and inspections are to establish the seaworthy conditions of a ship and to determine if the ship fulfils the requirements of safety at sea.

We understand by survey or inspection the verification of the conditions of the machinery and ship equipment when this is accepted as Peruvian Merchant Vessel, and the periodical surveys for such conditions in a date decided according to the national rules and when the Captain of Port of Callao considers it necessary to do the eventual inspection.

The surveys and inspections must be done by the official surveyors who are designated by the Ship Inspection and Survey Department.

The system followed in order to carry out the surveys and inspections is:

FOR SURVEY.- The owner must submit an application requesting the survey to the General Director of Ports and Coast General. In this application the following information must be included:

- Principal particulars of the ship
- Principal particulars of the owner
- Port in which the survey is to be done, if it is a foreign port the owner must provide air-tickets for the official surveyor and the fees according to the official table.
- Photostatic copy of the last survey or inspection

- Name of the captain
- If the ship is in a drydock or in a port
- If the ship is in a foreign drydock, the owners must submit the Department of Transport's authorization for using a foreign shipyard for its repair.

When the application form is approved, the official surveyor proceeds to do the survey afloat or in drydock depending on the situation, after this, he should present a report and his recommendations according to the SOLAS and MARPOL CONVENTIONS. If the results of the Survey are approved by the Administration, the appropriate certificate must be issued in the next few days.

THE INSPECTION.- This is made without previous notice and is realized by Port Captains of Major Ports, with the purpose to verify the seaworthy conditions of the ship and her equipment in general. Each inspection is very specific and one important aspect of this is not to affect the normal operations of the ship.

SYSTEM FOR ISSUE OF APPROPRIATE SURVEY AND INSPECTION CERTIFICATES.-

The system considers the following three situations for issue of appropriate Survey and Inspection Certificates:

- a) Survey and Inspection of hull, machinery and tonnage measurement of the ship that will be acquired.
- b) Periodical survey and inspection of hull and machinery of existing ships.
- c) Survey and inspection with the purpose to investigate ship casualties.

In the first case, it is taken for granted that the ship will be surveyed and inspected before the acquisition and that this is to be complete. If the inspection and survey is satisfactory, the marine authority issues the following certificates that are in agreement with the relevant Conventions, and using the official forms.:

- 1. International Load Line Certificate
- 2. Safety Construction Certificate
- 3. Safety Material and Weapon Certificate
- 4. Safety Radiotelegraphy Certificate
- 5. Exemption Certificate
- 6. Tonnage Measurement Certificate
- 7. Valuation Certificate.

In case (b) the Administration issues the renewal certificate after the official surveyor gives his report about the ship that was surveyed on the owner's request, one month before the last certificate becomes out of date.

And finally, when it is necessary to do investigations about ship casualties, the surveyor gives his report on which the Captain of Port's decision is based, the report is used by the Director General in case of appeal.

SYSTEM FOR MAINTENANCE OF RECORDS/PLANS OF NATIONAL SHIPS.-

There are two kinds of National Ships, ships owned by private owners and ships owned by the government. In the first case each owner prepares the annual records/plans for maintenance which must be done in the national shipyard, if this is not possible due to the shipyard's schedule, the owner is authorized to make the maintenance in any foreign shipyard but under the supervision of a national surveyor, with the obligation to present the invoice in order to check the management of foreign currency.

The private owner must present, each first week of the year, the records/plans for maintenance of his ship during the entire year, such plans should be in detail and show costs.

Regarding the ships that are owned by the state, it is compulsory to make the maintenance in the national shipyard, except if there is no capacity to undertake the work. The shipyard representative should send an official communication to the administration in which they must specify the reasons for which it is not possible to do the work. The National Shipyard (SERVICIO INDUSTRIAL DE LA MARINA) in coordination with the owners of the state's fleet should prepare each December the next records/plans for maintenance.

When these records/plans are not possible to be produced due to the shipyard's schedule, the representatives must send the communication to the Maritime Authorities in the same way as for the private fleet.

All kinds of maintenance will be under the official surveyor's supervision because after the maintenance some certificates (hull, machinery, etc.) may have to be issued.

NUMBER OF NATIONAL SHIPS VISITING NATIONAL PORTS, PER ANNUM.-

The table bellow shows the number of national ships visiting national ports during the last year.

<u>PORT</u>	<u>No of Ships</u>
Talara	450
Paíta	90
Bayovar	120
Pimentel	48
Salaverry	60
Chimbote	150
Supe	24
Huacho	10
Chancay	12
Callao	1,400
San Martín	140
San Juan	72
Matarani	360
Ilo	96
 TOTAL	 3,032 Ships/annum
=====	=====

SEAGOING SHIPS CONSTRUCTED
IN THE COUNTRY

The following seagoing ships were constructed in the National Shipyard (Servicio Industrial de la Marina).

<u>Ship Type</u>	<u>Year</u>	<u>DWT</u>
ZORRITOS Tanker	1959	6,106
LOBITOS Tanker	1965	6,010
PARINAS Tanker	1968	10,140
PIMENTEL Tanker	1969	10,237
RIMAC General cargo	1973	13,268
ILO General cargo	1969	13,450
JOSE OLAYA Bulk carrier	1974	25,195
HERMANOS CARCAMO Bulk carrier	1974	25,195
AMAZONAS Bulk carrier	1975	25,200

TROMPETEROS Tanker	1975	25,648
TALARA Tanker	1976	25,401
CAPAHUARI Tanker	1977	25,401
MARANON Bulk carrier	1979	25,587
PDTE JOSE PARDO Multipurpose	1982	20,000

At present the National Dockyard is in the process to build two Multipurpose ships similar to the Pdte Jose Pardo.

PROCEDURE FOR CONDUCTING INQUIRES/INVESTIGATIONS OF SHIP CASUALTIES.-

With the purpose to conduct inquires/investigations of ship casualties, the DIRECTOR GENERAL of Ports and Captains has delegated this function to Port Captains who are in charge in their local areas in first instance and to the DIRECTOR GENERAL for appeal.

The procedure is based on the kinds of casualties, these are the following:

1. When the casualty occurs within national waters,
2. When the casualty occurs in foreign waters.

In the first case the Port Captain is the official surveyor who must gather the relevant facts, including most of the evidence to establish the cause of the casualty. He should specially take full and exact declarations. After this procedure he must send a report with his recommendations and, of course, with the result of the investigation, to the Director General. If this authority considers it necessary to make the case the subject of a formal investigation, he will take the subsequent measures to find out the true reason and apply the corresponding fine.

When the casualty occurs in foreign waters, the administration sends one or two official surveyors (nautical or engineer) to the port nearest to the casualty, in order to contact the shipmaster, officers and crew members in the first instance. In this case the surveyor should take the declarations of the witnesses, he must get information from the Official Log Book, and finally prepare the first report for the General Director and then contact him in order to furnish further information about the casualty if it is possible.

SECTION IV

MERCHANT MARINE PERSONNEL

PROCEDURE FOR EXAMINATION AND ISSUE OF CERTIFICATES OF COMPETENCY TO MERCHANT MARINE OFFICERS.-

The Director General of Captains and Coast Guard grants the titles to the Merchant Marine Officers who have attended the four year education in the Merchant Navy School and present educational certificates from the school authorities.

The programmes for examination should be prepared by the Merchant Navy School and are based on the School's Plan of Studies. Those programmes shall be presented to the General Director for consideration and approval. A revision is made every two years in order to keep the programmes up to date.

The Merchant Navy School will organize short courses to be given in lecture rooms and by correspondence for officers who are sailing, with the purpose to prepare the officers for the examination.

The final examination for officers should be done in the months of January, April, July and October each year. The examination will start during the week corresponding to the third Monday of the indicated months.

Each candidate must fill in an application form in which it is necessary to show the following:

1. To be Peruvian
2. To be aged between 18 to 60 years
3. To have the necessary education for the position he is applying for.

4. To be medically fit.
5. To have the professional knowledge, both theoretical and practical, in order to deal with the future positions. The theoretical part is proven during the examination and the practical part shall be proven with an official form issued by a Port Captain, specifying the time spent on board a sea-going ship.
6. The moral aptitude must be certified on an official form signed by three different owners of ships or the captains in charge.

After the examination, provided the candidate is approved a new Official Certificate would be granted by the maritime authority. If the candidate is not approved a new opportunity will be given after one year.

SYSTEM FOR REGISTRATION OF SEAMEN.-

The registration of Seamen is compulsory for all and each seaman and it is considered an indispensable requirement for developing function or for shipping activities.

The personnel on board must be registered as follows:

- Officers, in the Direction General of Ports and Coast Guard.
- Crew members, in the Port Captain of Callao.
- The General Direction and Port Captain of Callao must keep the following information:
- THE OFFICERS REGISTRY BOOK
- THE CREW REGISTRY BOOK.

Each of these organizations has to keep those registers updated and keep a special page for each officer and crew member with specific information of the time on board, time on shore, disciplinary aspects, name and owners of ships in which he has worked.

No seaman can be considered as peruvian seaman if all of these requirements are not met.

NUMBER AND CATEGORIES OF NATIONAL SEAGOING PERSONNEL

Captains	80
Chief Mate	250
First Mate	300
Third Mate	350
Chief Engineer	100
First Engineer	120
Second Engineer	150
Third Engineer	200
First Radiotelegraphist	60
Second Radiotelegraphist	80
Pursers	90
Cadets	280

CHAPTER II

MARITIME ADMINISTRATION AND MARITIME SAFETY ADMINISTRATION IN PERU

SECTION I

MEMBERSHIP OF INTERNATIONAL MARITIME ORGANIZATION AND PARTICIPATION IN THE EVOLUTION OF IMO'S STANDARDS.-

It is very important that the representatives of Peru take part in the evolution of IMO's standards by participating in conventions, codes, work committees and by participating in most of the meetings and sessions of the sub-committees and conferences of IMO.

The active participation ensures the following:

- i) The pertinent rules are the "highest practicable", taking note of the results obtained in different developing countries.
- ii) The utilization of indigenous resources in order to obtain sophisticated systems.
- iii) The relevant rules do not tend to extend indefinitely the dependence on external sources, except by choice.
- iv) The relevant standards are justifiable on the grounds of safety and/or pollution prevention and not provoked by other motivation.
- v) The needs of Peru regarding the technical assistance and the attendance funding assistance can be made known.
- vi) The officials get new experiences and improve their knowledge through discussions and consultation during the sessions, formal or informal.

vii) Personal contacts are established with colleagues from other developing and developed countries, obtaining the best understanding and cooperation.

In this aspect my country is improving its participation in different meetings of the International Maritime Organization. There is now a large group of Peruvian officials who have a nice relationship with representatives of other countries, these relationships being for the benefit of my country as we are ensuring a new form of understanding with our neighbours and I believe that we now have started working together.

BASIC MARITIME PROBLEMS IN PERU.-

The list bellow contains what I believe are the basic maritime problems concerning the Maritime Administration and particularly the Maritime Safety Administration:

- i. Outdated Maritime Legislation (subsidiary)
- ii. Inadequate or nonexistent infrastructure regarding organization, personnel and material, for ensuring:
 - a) proper standards of Maritime Safety on board ships and the prevention of pollution from ships and offshore installation, which covers not only the ships themselves but also the personnel manning them,
 - b) maritime development in general, and
 - c) attention to allied maritime matters.
- iii. Short number of marine officers in the organization.
- iv. Shortage of marine officers with the needed qualifications and experience:
- v. Lack of training facilities for seamen.
- vi. Inadequate port administration.
- vii. Inadequate policy as regards state's shipping company.

THE RELEVANCE OF IMO'S TECHNICAL ASSISTANCE PROGRAMME AND THE WORLD MARITIME UNIVERSITY TO PERU.-

IMO has for many years operated a programme of technical assistance which now forms a major part of the organization's activities.

The major areas of technical assistance provided by IMO hitherto could be broadly categorized as follows:

- Maritime Safety Matters.
- Maritime Safety Administration.
- Maritime Legislation.
- Maritime Training.
- Safety of Navigation.
- Radio and Navigational Aids.
- Shipyards, Shipbuilding, Ship Design and Construction.
- Ports and Harbours Technical Administration and Operation.
- Harbour Piloting.
- Marine Pollution Matters.
- To facilitate Maritime Traffic.
- Dangerous Cargo
- Efficient implementation of IMO Conventions.

IMO has also considered the fact that each developing country has special need of advanced training for it's own personnel in order to avoid dependence on foreign experts, and regarding this important aspect IMO secretariat has created the World Maritime University, one of the most exciting and ambitious projects undertaken by the International Maritime Organization.

The purpose of the University is to provide advanced training for senior personnel from developing countries that are involved in various maritime activities. Training of this type is normally not available in the developing countries and there is no comparable institution anywhere in the world.

The World Maritime University will be the first international effort to provide training opportunities for personnel who have already reached positions of some authority. Personnel, in fact, who in the years to come will become responsible for the effective implementation of IMQ standards, through work in maritime educational areas, surveyors, inspectors, technical managers and maritime administrators.

At present Peru has a project called DEVELOPMENT OF MARITIME TRANSPORT (DETSTRANSMAR), financed by the United Nations Development Programme (UNDP) with the participation of the Regional Adviser of IMO for Latin America on Maritime Safety. The objectives of this project are the following:

1. Strengthening of the National Maritime Administration by reinforcing its different organs so as to let them fulfil their promoting and regulating role in maritime activities; the identification of problems involved and their most effective solution.

This will be achieved by:

2. Improving the national capability on maritime matters by strengthening and developing the shipping sector through the training of the personnel involved in these activities.
3. Promoting the organic development of the national merchant marine and the adoption of new marine technologies.

SECTION II

MERCHANT SHIPPING LEGISLATION

PRESENT MERCHANT SHIPPING LEGISLATION.-

The present Merchant Shipping Legislation in Peru is unsatisfactory, incomplete and mostly based on political reasons and consequently adjusted each year. Only some aspects are included in the Maritime Administration Rules i.e.:

- Administration
- Registration of ships
- Procedure for Registration
- Certificate of Registry
- Transfers
- Name of Ship
- Registration of alterations
- National character and flag
- Government authority to issue rules
- Liability of owners
- Manning with graduated officers
- Seamen and apprentices
- Safety and Load line Convention
- Ships construction
- Safety inspection/survey
- Safety regulations
- Issue of certificates
- Proceedings at sea
- Prevention of collisions
- Loadlines and loading
- Dangerous goods/cargo
- Shipping casualties, inquiries and investigations
- Penalties and Procedures

Taking into consideration that the primary objectives of the Merchant Shipping Act in all the developing countries ought to be: a) Developmental, b) Regulatory, and c) in conformity with the relevant international law/conventions; Peru has engaged in the application step by step, of the National Merchant Shipping rules and, of course, the contribution of the World Maritime University in this field is important, since most of the guidelines will be taken from the recommendations of each participant who returns to Peru with updated information and better knowledge in this area.

Most of the missing rules in shipping matters are included in the conclusion chapter, intending to give the guide lines for the preparation of updated Merchant Legislation in my country, with the purpose to develop the maritime aspects, and the enforcement of adequate maritime safety standards. Regarding this last item Peru is engaged in a project named DESTRANSMAR (Development of Maritime Transport), financed by UNDP and advised by IMO.

The Peruvian Government considers that the foreign trade plays an important role in such development and that the maritime transportation has a decisive incidence in the foreign trade. Consequently it has decided to intensify the support given to the development of maritime transportation.

The above mentioned is oriented to update the Merchant Shipping regulations, to improve the national capacity on maritime matters, to develop the shipping sector and, finally, to promote the organic development of Merchant Marine.

Having dealt with the primary Merchant Shipping Legislation in force in Peru, I will now try to show the subsidiary legislation currently in force.

- 1 Rules for Registration of Ships
- 2 Regulations for preventing collisions at sea
- 3 Cargo Ship Construction and Survey Regulations (safety convention ships)
- 4 Radio Installations regulations
- 5 Tonnage Regulations
- 6 Official LOG-BOOKS regulations
- 7 Navigational Warnings Regulations
- 8 Carriage of Nautical Publications Regulations
- 9 Rules for the carriage of Dangerous Goods
- 10 Loadline rules
- 11 Medical Scales Regulations
- 12 Regulations for the certification of Marine Engineers
- 13 Regulation for the certification of Deck Officers
- 14 Navigational Equipment Regulations
- 15 Tanker ships safety regulations

Most of the subsidiary legislation that was not considered in the above list will be dealt with in the conclusion, with the purpose to assist my own Maritime Administration in the preparation of new rules.

PREPARATION AND ENFORCEMENT OF MERCHANT SHIPPING LEGISLATION.-

PREPARATION.- One of the most difficult tasks within the Maritime Organization is the preparation of updated Maritime Legislation which considers the inclusion of the Merchant Shipping Legislation as one of the most important areas in maritime matters, since it has an important incidence in the economic aspects of the balance of payment.

In order to prepare the project for a new legislation that is in agreement with the technological advance and recent IMO Conventions in Merchant Shipping, the Directors shall prepare a legislation project to meet the requirements of IMO Conventions and to try to bring our country among the developed countries in merchant shipping and fishing. The project shall then be sent via the Director General to the responsible Minister, who after exhaustive revision will remit it to the Congress of the Republic for its approval.

ENFORCEMENT.- After the above mentioned procedure, the new law is remitted to the President of the Republic for enforcement, subsequently the Directors take the new primary law and start preparing the subsidiary legislation.

With the knowledge acquired in the World Maritime University I can foresee that the complementary aspects needed for the enforcement of the Merchant Shipping Legislation are: a) Legal, and b) Administrative, and I think these aspects shall be applied in the future with the purpose to enforce the new Maritime Shipping Legislation.

SECTION III

DEVELOPMENT OF MARITIME ADMINISTRATION INFRASTRUCTURE.-

The primary aspects relate to the development of Maritime Administration Infrastructure and it is necessary to examine the important functions that need to be carried out. These functions are the following, I will describe briefly each one:

1. General Superintendence and Coordination
2. Registration of ships and related functions
3. Surveys, Inspections and Certification of ships and Certification of Seafarers.
4. Crew matters: discipline, personal safety, health, wages and welfare of seamen.
5. Registration of seamen and the regulations of their employment.
6. Wrecks
7. Process for implementation of any International Maritime Convention.

General Superintendence and Coordinator.- In Maritime Safety matters the official assumes the responsibility to exercise the functions of General Superintendence and Coordination of the work is "Director General of Captain Ships and Coastguard" and he is statutory official, duly appointed and appropriately empowered under the Merchant Shipping Act, and is internationally recognized as Peruvian Maritime Authority.

Registration of Ships and related functions.- The United Nations Convention on the law of the Sea is relevant to the question of registration of ships, especially in Articles 91, 92, 93 and 94; in all these articles we find information about the natio-

nality of ships, status of the ship, ships flying the U N flag, it's specialized Agencies and the International Atomic Energy Agency and finally the duties of the flag state.

The Peruvian Maritime Authority has included in the "Reglamento de Capitanias y Marina Mercante" the rules and procedures for registration of ships, these were broadly shown in Part I, Section III, Chapter I of this project.

Surveys, inspections and Certification of ships and Certification of Seafarers.- These matters are the "back bone" of the Maritime Safety Administration in Peru, because in these areas we can apply most of the safety rules to protect the life at sea and the marine environment, safety of navigation and finally we ensure good business, because if we remember the old proverb "prevention is better than cure", our ships and seafarers will sail in safe conditions.

In Part I, I talked about the system for survey and inspection of ships and system for issue of the appropriate certificates and in the same part I tried to explain the procedure for examination and issue of certificates for officers and seamen.

Within the functions of Maritime Safety Administration, I can list the following:

- i) Different types of periodical surveys and inspection of ships in accordance with the last IMO Conventions and issue of one or all certificates required by SOLAS and Marpol Conventions.

- ii Intermediate Survey and Inspection of Ships to verify that the ships and their equipment are in good conditions thus being able to warrant the continuation of the validity of the appropriate certificate(s) holding.
- iii Approval of various plans of new ships under constructions.
- iv Coordinating the work with classification societies, as regards classification of the ships (In Peru C S do not have other statutory functions).
- v Maintenance of the technical records of national ships.
- vi Acceptance or refusal of requests for any kind of "exemptions".
- vii Conducting four examinations during the year in order to grant certificates of competency to officers.
- viii Conducting inquiries and investigations of shipping casualties.
- ix Taking the lead for any kind of measure to prevent and control pollution at sea, rivers and lakes.
- x Being responsible for any kind of search and rescue at sea.
- xi Ensuring safety of fishing vessels and other small craft.
- xii Advising on any kind of technical matters.

The functions omitted above are not applied in my country due to the deficiencies in meeting up with safety matters, otherwise, we would be a developed country.

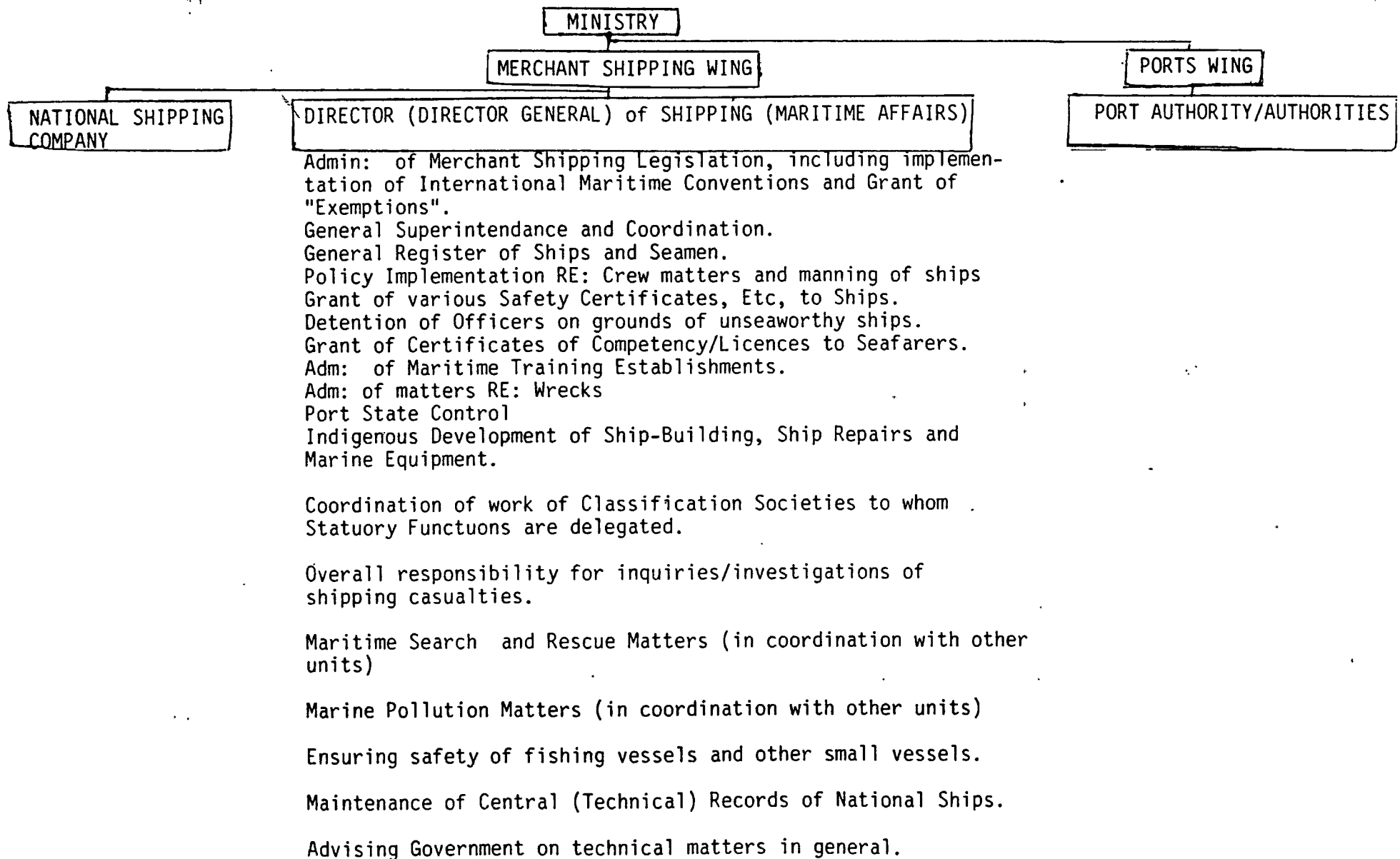
Crew Matters: Discipline, personal safety, health, wages and welfare of seamen.- In Peru, the Seamen Corps belong to several governmental departments such as Department of Work, Department of the Navy, Department of Justice and Department of Health, and of course there are different kinds of participation of each of them and these are briefly stated below:

- The Department of Work is responsible for all matters refer-

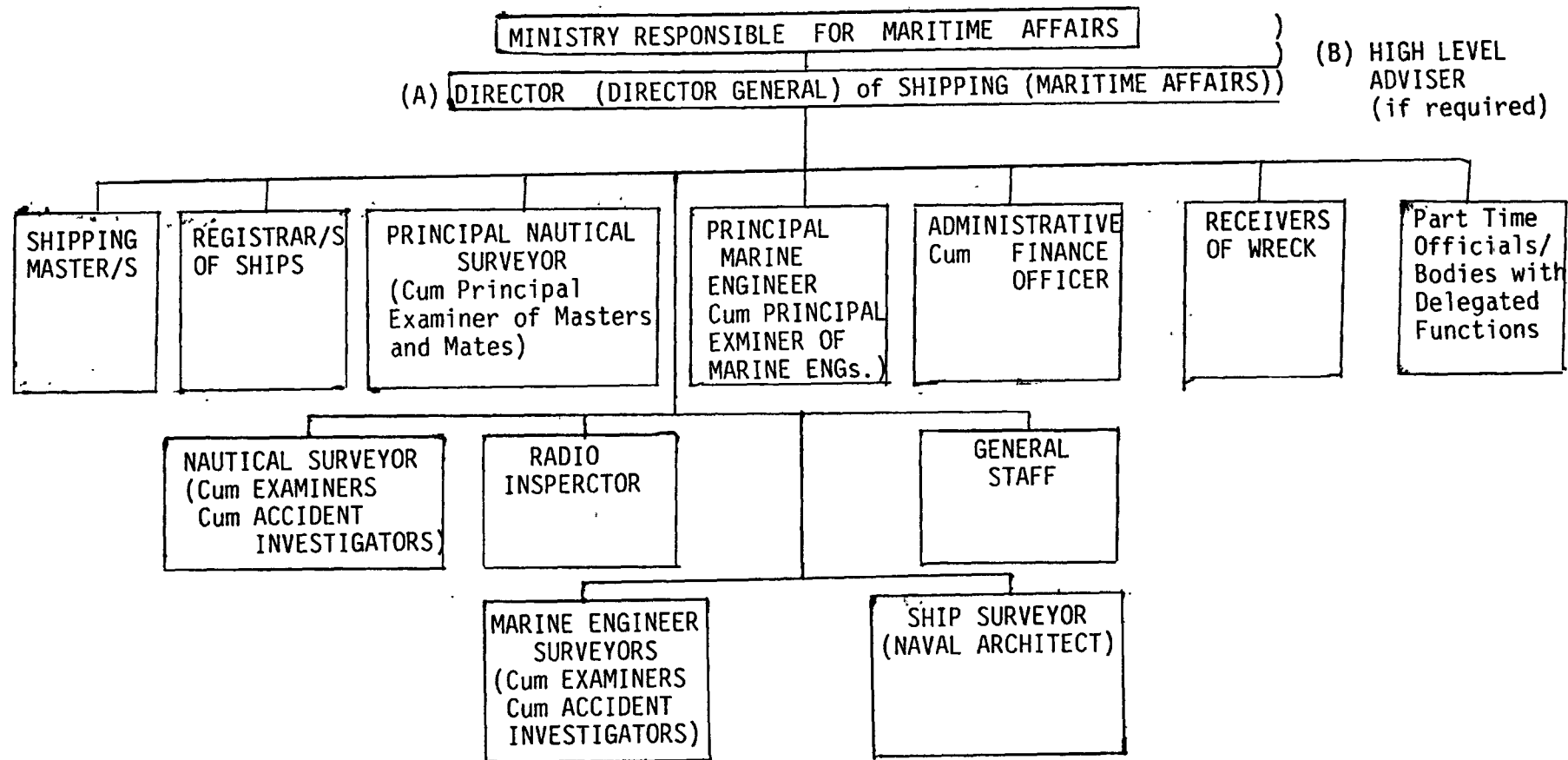
red to work conditions, legal aspects, contracts with owner-ships, and in most of the cases it obligates the owner to fulfil most of the ILO Conventions and recommendations on maritime labour, safety, health, wages and welfare of seamen. In other words this department ensures the obedience of the legal aspects according to international standards.

- The Department of Navy is in charge of Maritime Safety Administration through the Director General of Ships, Ports and Coast Guard who is in charge of disciplinary aspects such as safety on board and control of fulfilment of the contracts by owners and captain of the ship.
- The Department of Health ensures the fulfilment of the international obligations regarding health matters and deratization certificates and medical aids on board.
- The Department of Justice is in charge of all kind of judgments through the work jurisdiction office but, in Peru, most of the troubles between owners and seamen are solved under the maritime authority's prescence as good will desired from both parts, and on rare occasions the trouble is brought to the Department of Justice.

ORGANIZATIONAL CHART (ON FUNCTIONAL BASIS)



ORGANIZATIONAL CHART (STAFF STRUCTURE)



PROCESS FOR IMPLEMENTATION OF ANY INTERNATIONAL MARITIME CONVENTION

CONVENTION

- | | | |
|---|---|-------------------------------------|
| a) Ratification/Accession | Implementation of
National Legislation | Certification of
ships/seafarers |
| b) National Legislation
(Primary of Subsidiary) | through the excersising
of appropriate functions | of
issue |
| c) Documentation | by the officials of
the Maritime | clearances |
| d) Executive orders/
instructions to
officials concerned | Administration | to

ships tp proceed
to |
| e) Appropriate of adequate
Maritime Administration
Infrastructure | | Sea. |

PART II

CONCLUSIONS

Taking into consideration the aforesaid development with regard to the present Maritime Legislation, Maritime Administration and Maritime Safety Administration in Peru, I come to the following conclusions:

- Nonexistent primary Merchant Shipping Legislation regarding:
 - Mortgages
 - Transmissions
 - Passenger ships
 - Precaution and responsibilities
 - Carriage of dangerous goods
 - Unseaworthy ships
 - Wrecks
 - Salvage (as regards property)
- Limitation of Liability
- Division of Liability
- Outdated Maritime Legislation (subsidiary)
- Inadequate or nonexistent infrastructure in Maritime Administration (organization, personnel and material) to ensure safety standards on board ships to prevent pollution.
- The short number of marine officers in the organization
- Shortage of marine officers with the required qualification and experience.
- Lack of training facilities for seamen
- Inadequate policy regarding state owned ships
- Rules for use of distress signals
- Life saving appliances regulations
- Fire appliances rules
- Local cargo ship safety certificates rules
- Crew accommodation rules

- Passenger ship construction regulation
- Pilot ladders and hoist regulations
- Closing of opening and watertight bulkheads regulations
- Anchor and chain rules
- Musters regulations
- Carriage of deck cargo rules
- Certification of skippers and second hand fishing boats
- Inspection pertinent to port state control of foreign ships rules
- Waste dumping regulations.

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ABREVIATIONS

U N	United Nations
IMO	International Maritime Organization
WMU	World Maritime University
SOLAS	Safety of Life at Sea Convention
MARPOL	Maritime Convention of Marine Pollution
UNDP	United Nations Development Programme
DESTRAMAR	Development of Maritime Transport
SIMA	Industrial Marine Services (Peruvian Dockyards)
CPV	Compañía Peruana de Vapores
CNP	Consorcio Naviero Peruano S A
ENAFER PERU	Empresa Nacional de Ferrocarriles
SANTAMAR	Empresa Naviera Santa S A
APEDEMAR	Asociación Peruana de Derecho Marítimo
IMARDE	Instituto del Mar del Peru
OFINACO	Oficina Naviera Comercial
PETROPERU	Petroleos del Peru
ENAPU	Empresa Nacional de Puertos
FOFIN	Naval Industry Financial Fund
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Protection
ITU	International Telecommunication Union
ILO	International Labour Organization
IHO	International Hydrographic Organization