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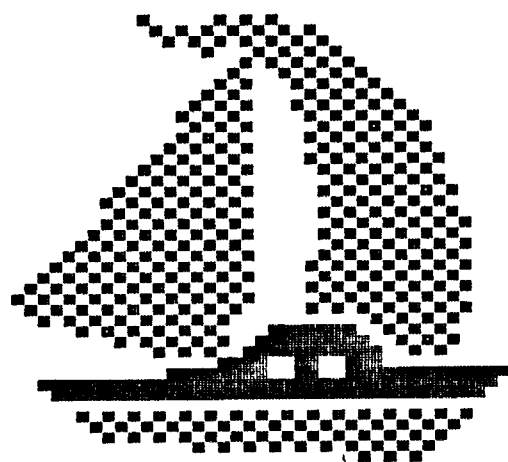
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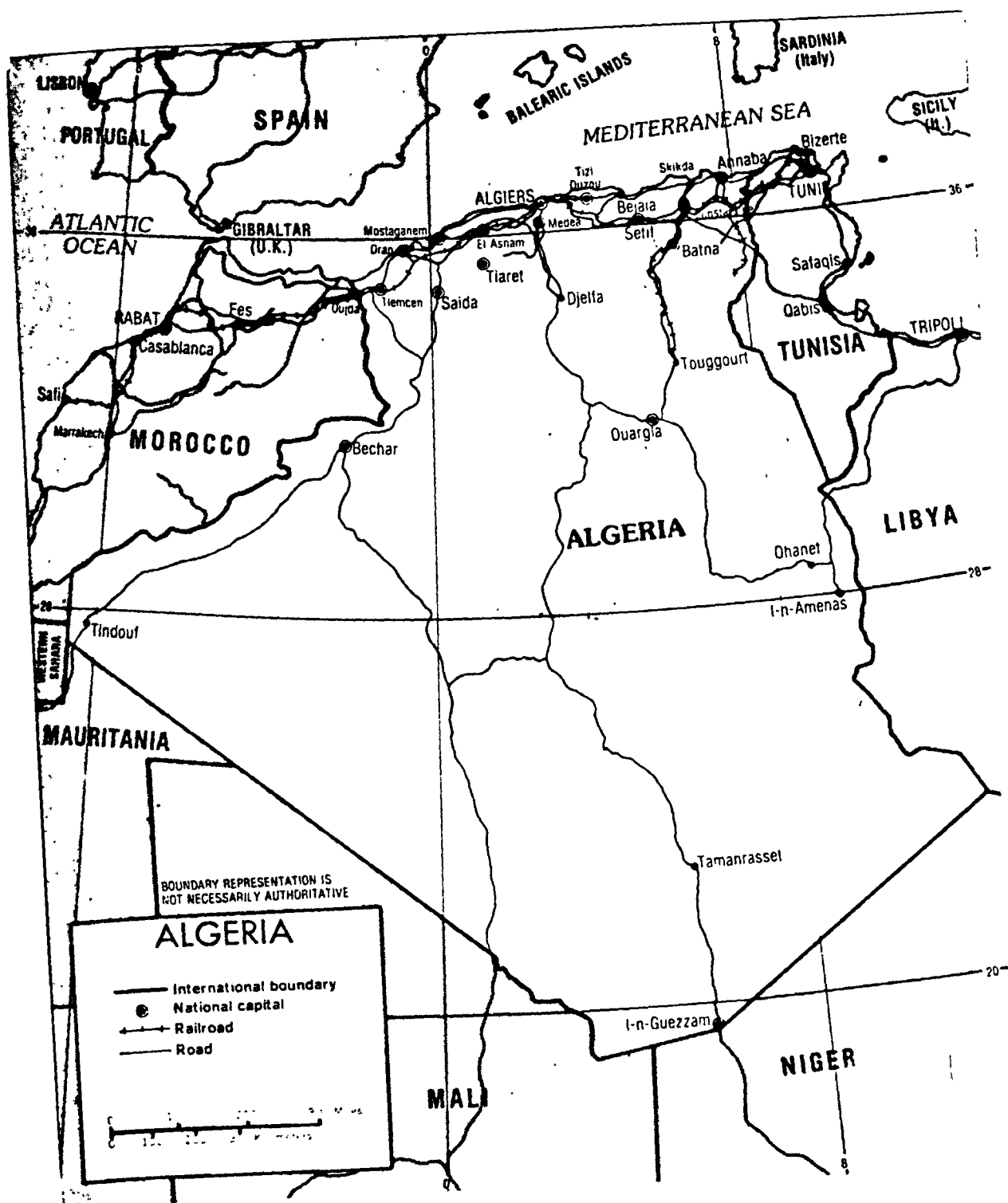
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THE ALGERIAN
MARITIME ADMINISTRATION



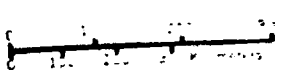
BY: DJAMAL BENCHEIKH
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BOUNDARY REPRESENTATION IS NOT NECESSARILY AUTHORITATIVE

ALGERIA

- International boundary
- National capital
- +— Railroad
- Road



I dedicate this paper to my father
for his goodness and generosity,
and to my dear sister Meriama, who
died recently. God rest her soul.

WORLD MARITIME UNIVERSITY
MALMÖ - SWEDEN

THE ALGERIAN MARITIME ADMINISTRATION

BY

Djamal BENCHEIKH

ALGERIA

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

GENERAL MARITIME ADMINISTRATION

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

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Date: 17. 11. 1986

Supervised and assessed by:

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=====

It is my pleasure to thank Professor P.S VANCHISWAR for his assistance and availability during my work.

My best thanks to all my professors, resident and visiting and to my course professor Aage OS for his kindness and understanding.

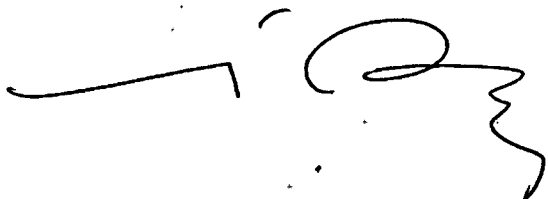
Particular thanks to Miss Alison HOWE for having accepted the task to correct my written English and to my wife for the typing and her moral support.

I owe special debts of gratitude to my country for having given me the opportunity to attend the two-year course at the World Maritime University.

Finally, my kind regards to my colleagues and friends.

Malmö, December 1986

Djamal BENCHEIKH



A B S T R A C T

The main objectives of this modest work are to describe the Maritime Administration in my country and to point out the many problems and difficulties which face our officers in the accomplishment of their duties.

These obstacles are in most cases, the unavoidable consequences of the absence or insufficiency of the legislation and other regulatory instruments, the inefficiency of our administrative organisation and its intervention, the lack of trained personnel, etc..

These problems which are more or less common for all developing countries should be eliminated and it is easy to do so if sincere efforts are made and there is no need for a great amount of material means and other sophisticated equipment.

In Chapter One, I have given a general picture of ALGERIA, its historical and geographical situations, the early maritime administration and the development of its maritime activities.

The second and the third chapters deal with the present maritime legislation in force in my country and point out the importance for having a well-knit framework where the Maritime Administration Authorities can exercise their functions.

The fourth chapter deals with the present activities relating to the safety of navigation and the vital role of these elements in the protection of our maritime interests.

The fifth and the last chapter is dedicated to the administration of seamen and the fundamental role of their training.

Finally, I tried briefly to make some recommendations and suggestions about the aforesaid matters.

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§. 1: Particularities of the Mediterranean Sea

The Mediterranean is not only the cradle of civilisation, arts and sciences, history, philosophy and democracy. For its people, who carry on this 4000 year heritage, the Mediterranean Sea is vital for their everyday existence.

It feeds them, provides them with jobs and, as in the past, it is a major link for them with the outside world.

They, in return, cherish their sea as one of the world's treasures, a unique and beautiful heritage.

The Mediterranean Sea looks like a lake. It is almost completely enclosed, both fed and drained primarily through the straits of Gibraltar. Its waters are renewed every 80 to 100 years. It is a relatively shallow sea, with an average depth of 1500 metres.

Around 100 million people live along its coast, and by the year 2000 their number is expected to double.

When environmental concern became fashionable in the '60s and '70s the Mediterranean attracted particular attention. The first warnings were alarming. Some described a dying sea and predicted doomsday. Since then we have learned through many years of laborious scientific research that the situation is not so desperate; the sea is indeed in danger, but it is certainly not dying. At least not yet.

Oil tankers and passengers liners, freighters

and other vessels release hundreds of tons of waste, including oil, into the sea each day. It has been estimated that of all the world's oil pollution, one-eight to one-fourth ends in the Mediterranean.

This is not surprising considering that it is still one of the major crossroads for the world's merchant ships.

Oil pollution may not be the Mediterranean's most serious problem, but it is certainly one of the most visible.

To face this threat, the Mediterranean countries have taken since 1976 a series of measures to protect their marine environment and in the long run strengthen the intervention of their governments (Maritime Administration, Coast Guard, etc..) in order to enhance the surveys of ships, especially of those which are sub-standard.

§. 2: Geographical and Historical aspects of Algeria

ALGERIA is one of largest countries in Africa -2,4 million sq.km- situated in the north with a Mediterranean coastline of about 1200km. Two Atlas mountain ranges cross the country, dividing Algeria laterally into three zones.

Between the northern Tellian Atlas and the Mediterranean is a narrow, fertile coastal plain -the Tell (arabic for hill)- with a moderate climate year-round and

rainfall adequate for agriculture. Stretching southward from the Tellian to the Saharan Atlas is the high plateau region, averaging 914m above sea level, with little rainfall and great rocky plains and desert. It is generally barren except for scattered clumps of trees and intermittent bush and pasture land.

The third and largest zone, south of the Saharan Atlas, is mostly desert. About 60% of the country comprises desert, steppes, wasteland, and mountains.

Ninety percent (90%) of the Algerian population live along the Mediterranean coast on 12% of the land area. The settled and nomadic population in the Sahara totals 1,5 million. Forty-five percent (45%) of the population are urban, and the cities attract an increasing migration.

According to the 1977 census, 54% of the population are under age 18. Nearly all Algerians are Muslims of Arab, Berber, or mixed Arab-Berber stock. A mostly foreign Roman Catholic community exists, as well as small Protestant and other communities.

Many foreign technicians, teachers and experts reside in Algeria.

The indigenous tribes of Algeria were Berbers. Phoenicians, Romans, Vandals, Byzantines, Turks, and finally the French invaded the country.

The greatest cultural impact came from the Arabs, who brought Islam and the Arabic language.

In 1830, France began its conquest of Algeria and proceeded to colonize the territory.

Most of the many French people who settled there were engaged in the business and agriculture.

Algeria was eventually organised into overseas departments of France, with representatives in the French national assembly, and France controlled the entire country.

However, the traditional Muslim population in the rural areas remained relatively separated from the modern economic infrastructure of the European community.

In 1962, Algeria became independent and a constitution was adopted.

In 1976, a national charter, stating the goals and principles of Algeria was ratified.

Following this, a new constitution, providing for a presidential system of government and a national popular assembly (APN) was approved.

Regarding the governmental organisation, Algeria has centralized government, which administers the country but takes its guidance on fundamental policy issues from periodic congresses of the Algerian unique party F.L.N (National Front of Liberation).

Nowadays, Algeria is divided into 48 "Wilayat" (regional administrative entities), which are subdivided into "Dairat" (districts) and communes.

The planning, development, and administration of the Algerian economy is almost totally under government control. Government agencies and state enterprises control foreign trade and operate almost all major industries,

much of the distribution and retail systems, all public utilities, and the entire banking and credit systems.

Nevertheless, the 1982 investment code gives more latitude to private investment.

The nominal gross domestic product (G.D.P) grew 7% in 1982 to \$40 billion (US \$ = 4,45 dinars).

Hydrocarbons, primarily crude oil, gas, condensates, and refined products accounted for 32% of the GDP; transports, commerce and services accounted for 23%, construction for 14% and agriculture for 6.5%.

§. 3: The early Maritime Administration of Algeria

Before 1962, the date our independence, the organisation and the structures of the Algerian Maritime Administration were the same as those of France. Algeria was at that time one of the French Maritime Affairs Directorate -Direction des Affaires Maritimes- with its headquarters in the capital, Algiers.

This Directorate was subdivided into sub-directorates or Quarters -Quartiers des Affaires Maritimes- located in the main ports -Oran, Algiers, Annaba, and Bejaia- Each of these quarters was also divided into stations depending on the importance of the matters dealt with.

The main tasks of this administration, which was administered by military (navy) and civil servants, were the registration of ships and seamen, the inspection of

ships (particularly fishing vessels), the control of fishing zones and periods, and the establishment of statistics, etc..

To avoid any breakdown in the existent system, Algeria passed the same legislation and maintained the same organisation, except in those matters related to the national sovereignty.

In 1974, the Directorates of Transport were established in each wilaya in accordance with the administrative division of the country where the government invested the regional authorities with greater liberty of actions so as to give the opportunity for this structure to develop the regional and local capabilities, and strengthen the decentralization policy which became one of the principles of our system.

Since that time, maritime affairs have been the responsibility of the Sub-Directorates of Maritime Affairs.

Moreover, these authorities were also in charge of fisheries and port matters.

Even with the existence of a proper structure within the Ministry of Transport, this latest is more pre-occupied with matters pertaining to road transport, air transport, meteorology, etc..

In 1981, a Secretariat of State in charge of maritime transport and fisheries was created, but unfortunately this experiment was not continued and the Ministry of Transport once again absorbed the maritime matters, whereas the Ministry of Agriculture took charge of fishing matters.

§. 4: Maritime Traffic

The Algerian coast is characterized by its length of about 1200 kilometers. From the eastern boundary with Tunisia to the western boundary with Morocco, the coastline consists of a series of ports and locations of various sizes. Among them are fishing harbours, recreational locations, large and specialized ports (oil and gas terminals, chemical facilities, naval infrastructures, etc..) and a lot of beautiful beaches with all the facilities.

However, if this coast is one of the most attractive and by nature one of our lovely treasures, it is nowadays in danger, not from natural forces but from human abuse: establishment of chemical industries, dumping of domestic wastes, etc..

Another aspect which may also be pointed out is the pollution of the sea by oil.

In 1984, 22,789 ships called at our ports, and have handled 77,978,406 tons of cargo with 57,042,496 tons of hydrocarbons, condensates, and chemicals. This important number of ships, particularly tankers, gas carriers, is always the source of accidents, which make our coast crowded with wrecks and constitute a great danger of the safety of the maritime navigation and the environment.

Through these general considerations we can say that the maritime sector should constitute a major pre-occupation of the country.

Beside the dynamic role it plays as a machinery

of both economical and social activities, maritime transport also have another function, which is the protection of the national economy and commercial imperatives.

Conscious of the importance of its participation in foreign exchange, Algeria developed its merchant fleet.

In 1964, our shipping company owned one (01) ship. Today our two state companies (SNTM-CNAN and SNTM-HYPROC) own together more than seventy (70) ships of different types -tankers, gas-carriers, ro-ro, cargo ships, car-ferries, etc..- which represent about two (02) million Dtw.

Although, our objective in carrying 40% of our trade is not yet met, such an increase of tonnage gives to my country the opportunity to participate in world trade and save an important amount of foreign exchange.

Shipping being an international industry, the internal legislation must be in accordance with the international conventions of which Algeria is a contracting party.

The elaboration and implementation of such legislation need obviously some qualifications and aptitudes.

From this point in time, the establishment of an efficient national maritime administration seems to be vital.

The existence of such structure, shall help to provide the government with the machinery which would enable it to undertake those necessary functions in order to meet its objectives.

In spite of many endeavours and measures taken by the Algerian Authorities to remedy the deficiencies, there are still problems which can be summarized as:

- Outdated maritime legislation
- Inadequate administrative infrastructure
- Shortage of marine personnel
- Lack of training
- Absence of appropriate equipment
- Non-involvement in the evolution of international standards, etc..

C H A P T E R.II: SOURCES OF MARITIME LEGISLATION

The importance of having a well-knit legal structure to deal with numerous international conventions on maritime safety, marine pollution, training, and other related matters is no doubt well known.

The formulation of national regulations and rules to incorporate the requirements of the international conventions is most important, and the absence of advisory facilities in this field has been a serious handicap to a number of countries, particularly the developing countries.

In Algeria, the basic maritime legislation comes from:

- the international conventions,
- the maritime code and,
- other regulatory instruments.

§. 1: The International Conventions, and the role of I M O

The International Maritime Organisation (IMO), a specialized agency of the United Nations, has been confided with the specific functions related to maritime matters.

The objectives of I M O as provided in article 1 of its convention, are, inter alia, "to provide machinery for co-operation among governments in the field of governmental regulations and practices relating to technical

matters of all kinds affecting shipping [organisations] 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 legal matters related thereto".

The work related to maritime safety and the prevention and control of marine pollution normally culminates in the formulation of international conventions and similar multilateral instruments, codes of practices, recommendations to governments and other guidelines or manuals.

At present, there are 28 conventions and similar instruments developed by or under the auspices of I M O.

Like most inter-governmental organisations, IMO is above all a forum, an institution which facilitates and enables individual states to consult and to negotiate with each other on issues of common interest and concern.

The end result of this organisation's activities reflects no more than the wishes and the will of the participating states.

Adherence to this institution and participation in the various sessions of its conferences, committees, and sub-committees are of great importance.

Algeria, as a member state of this organisation (today, member of the council), is party to a certain number of its conventions:

- International Convention for the Safety of Life at Sea, 1974 (SOLAS)

- Protocol of 1978 relating to the SOLAS 1974
- International Convention on Load Lines, 1966 and its amendment of 1971
- International Convention on Tonnage Measurement of ships, 1969
- Convention on the International Regulations for Preventing Collisions at sea, 1972 (COLREG) and its 1981 amendment
- International Convention for the Prevention of Pollution of the sea by Oil, 1954
- International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC)
- International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND)
- International Convention on Maritime Search and Rescue, 1979 (SAR).

Regarding the other international conventions, most of them are currently being reviewed for ratification and implementation.

§. 2: The National Legislation

The Algerian Maritime Code issued in 1976, is the most significant act on which the maritime affairs are based in my country.

This important statute consists of 887 articles embodied in two books which themselves are divided into titles, chapters, sections and paragraphs.

The first book includes two titles, namely "MARITIME NAVIGATION AND SEAFARERS", while the second book divided into seven titles deals with "COMMERCIAL EXPLOITATION OF THE SHIP".

2.1: The first book

The first book called "Maritime Navigation" includes 383 articles and consists of the public law regulations relating to the administrative organisation of maritime navigation including the police and the safety of the maritime navigation.

The definition of "ship" is given in Chapter 2. this definition deals with the judicial regime of the ship, the administrative regime including the individualisation and the nationality of the ship; the immatriculation register and the maritime liens are defined as well.

The property, mortgages and liens of the ship are dealt with in section 3.

The liability of the shipowner is dealt with in two sections, 4 and 5.

Section 4 deals with the "usual" liability of the shipowner.

Section 5 deals with the "special" liability of the shipowner with regard to damages due to pollution, while section 6 deals with the "seizure of ships".

Chapter 3 deals with those matters related to the "Police and safety of maritime navigation".

The sea casualties are defined in the fourth chapter, and consist of collisions, general average, and the assistance and salvage of wrecked vessels.

The second title of book one, is divided into three chapters and reserved for the seafarers.

The first chapter deals with the "administration of seafarers", the entry requirements for the exercise of the seafarer's profession, the administrative obligations and the control of ship manning.

The execution of the employment contract is dealt with in Chapter 2. The duties of the shipowner focus on social aspects. As a matter of fact, the shipowner has to insure the seafarers against professional risks and could be prosecuted for bad working conditions and other matters related to accommodations, food, clothes, etc..

Chapter 3 looks into the discipline of seafarers on board ships, disciplinary offenses, maritime misdemeanors and crimes.

2.2: The second book

The second book is devoted to the "Commercial Exploitation of the ship". After the preliminary provisions, seven different titles covering many matters constitute this part.

The preliminary provisions are interesting because of the definition of the scope of application not only for the commercial exploitation of the ship but also

the economic aspects.

The first title covers the maritime activities such as shipowning, brokerage, chartering, consignment and other ancillary operations. All these functions and activities constitute the monopoly of the State.

Chapter 2 is interesting too, because the statute of the master as the "commercial agent" of the shipowner is well defined.

Titles two, three, and four consider the ship as an exploitation center, and deal with **commercial operations**.

The commercial operations include chartering, carriage of goods by sea, and the transport of passengers.

The last two titles are reserved for the towage and cargo handling in port.

To conclude, one should notice that beside the international conventions and the maritime code, there are also a lot of administrative and regulatory acts, which may be considered subsidiary legislation.

These acts are usually taken in order to resolve any case which may arise and which was not provided for in the maritime code.

The problems linked with the maritime legislation in my country are of great importance and need to be resolved so that greater efficiency of the intervention of the Maritime Administration Authorities in the exercise of their functions can be achieved.

These authorities face many problems, which can be summarized as follows:

- Because of the non-involvement of my country in the evolution of the international standards, the international conventions are badly interpreted or are not implemented
- The maritime code in its present form is not functional some aspects are not provided (see annex 1 -Maritime Code's composition)
- Insufficiency or non-existence of any subsidiary legislation for some aspects
- Non-inexistence of any legislative or regulatory procedures for maritime officers when doing judicial missions
- Absence of a well-knit framework of co-operation between concerned services in order to study and propose new legislation .
- Non-existence of a proper maritime judicial structure and inefficiency of the actions of the present structure
- Slow actions in the implementation of the international conventions and the enforcement of the national regulations, etc..

C H A P T E R. III: ORGANISATION AND PREROGATIVES OF
THE MARITIME ADMINISTRATION

Under the provisions of the international convention of the safety of life at sea (SOLAS 1974) and the international convention on load lines, 1966, "the Administration (the flag state) is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give these conventions full and complete effect so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended".

The Administration, thus, has a dual role and responsibility, first, in relation to its own national ships, and secondly, in relation to foreign ships visiting its ports or its territorial waters.

In my country the maritime administration is under the authority of the Ministry of Transport.

Over the national coast, the maritime administrative functions are carried out by the local Directorates of Transport.

Abroad, the maritime administrative functions depend on the competency of the Algerian Consular Authority.

In general terms, the objectives of the Algerian Maritime Administration are to provide the government with an efficient machinery in order to take charge of those functions which are embodied within the maritime code and to meet the nation's international maritime obligations.

§. 1: Central Level: the Ministry of Transport

The Merchant Marine Directorate and the Ports Directorate, which are in charge of maritime affairs, constitute the Algerian Maritime Administration.

1. 1: The Merchant Marine Directorate

The Merchant Marine Directorate deals with all matters regarding the sea and the coastline.

This authority is competent to elaborate, prepare and propose the adoption of the laws and rules for transportation matters and safety of navigation, safety of life at sea, and protection of the marine environment.

The Merchant Marine Directorate is composed of:

- the Maritime Transport Sub-Directorate, and
- the Maritime Navigation Sub-Directorate.

1.11: The Sub-Directorate of Maritime Transport

This Sub-Directorate is in charge of the:

- Elaboration and proposal of elements as regard maritime transport rules and other activities,
- Study and proposal of modernisation plans regarding maintenance, equipment and national fleet development, and
- Participation in the international activities related to the conventions.

The sub-directorate is composed of three bureaus.

1.111: Fleet and Traffic Bureau is in charge of the:

- elaboration of the maritime activities regulations and the determination of the exploitation conditions of the maritime companies,
- study and proposal of adequate measures to ensure the optimum use of the transportation means,
- control of the conditions of the maritime transport capacities and their evolution in order to adapt them to the national needs,
- elaboration of the maintenance plans of ships and the maritime equipment,
- authorization and control of the chartering operations, repair and other expenses, and
- collection, organisation and exploitation of the elements relating to the maritime traffic of goods and passengers.

1.112: The Economical Analysis Bureau is responsible for the

- study of maritime transport economics and evaluation of the national needs in coordination with other concerned structures,
- participation in the elaboration of the eco-

- nomical and financial norms relating to the production and management of our resources and consideration of their application,
- preparation of the necessary elements for the determination of the tariff structure of the maritime transport services according to the legislation,
 - instruction of any economic and financial questions relating to the maritime transport and ensure the application.

1.113: Development and International Maritime Relations Bureau is in charge of the:

- elaboration of the necessary elements to prepare development plans and equipment programmes of the sector and control of their execution,
- investigation of the evolution of methods and techniques of maritime transport and bringing necessary documentation up-to-date,
- participation in conjunction with the other concerned structures in the establishment of maritime training programmes and refresher courses for maritime personnel,
- participation in the establishment of maritime research programmes relating to maritime transport
- participation in coordination with the con-

cerned services in the preparation and negotiation of international conventions and other instruments relating to maritime transport.

1.12: The Sub-Directorate of Maritime Navigation

This Sub-Directorate is in charge of the:

- elaboration and preparation of the necessary elements relating to the regulation, organisation, and control of the use of the sea according to national and international legislations,
- preparation and proposal of all measures relating to the safety of navigation and definition of the standards of the safety of ships and regulation of the maritime traffic system,
- elaboration, proposal and control of the execution of plans and rules relating to marine pollution; organisation and coordination of the interventions in sea in connection with the concerned structures,
- definition of application prerequisites of the seafaring profession; study and proposal of professional status of seafarers in connection with the concerned structures.

The Sub-Directorate of Maritime Navigation consists of three bureaus:

1.121: Maritime Navigation Bureau which is
in charge of the:

- preparation and proposal of elements relating to the rules of ship circulation and control of maritime navigation and quality of navigation,
- preparation and proposal of elements relating to rules of ship status and procedures related to the required inspections,
- study and proposal of elements relating to rules concerning maritime sea-board,
- study and proposal of plans and programmes of development and improvement of the maritime navigation sector,
- participation in connection with the concerned structures in the preparation and negotiation of conventions and international agreements relating to maritime navigation.

1.122: Seafarers' Bureau is responsible for the:

- definition of elements relating to the conditions of access to the seafarer profession and the standards for the exercise of the functions on board,
- preparation and proposal of professional statutes of seafarers and its application with concerned structures,

- participation in the elaboration of the training programmes of the maritime navigation personnel,
- preparation and proposal of all measures for the improvement of the welfare of seafarers in accordance with the law and regulations.

1.123: Maritime Safety Bureau is in charge of the:

- elaboration of the safety standards required on board ships and the safety conditions of the maritime work,
- preparation, proposal and coordination of the working out of all kinds of measures to ensure the safety of maritime navigation,
- determination with the concerned services of the elements relating to the rules and plans for marine pollution prevention,
- participation in connection with the concerned structures in studies relating to the maritime environment,
- elaboration, preparation and control of the standards and rules of safety of life at sea,
- organisation of search and rescue operations in coordination with other concerned services.

1. 2: The Ports Directorate

The Ports Directorate is competent to elaborate and propose all elements and guidelines of orientation and determination of the objectives of the national policy in matters of ports and harbours.

The Ports Directorate consists of two sub-directorates:

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

1. 21: The Port Exploitation Sub-Directorate

This Sub-Directorate is in charge of the:

- elaboration of rules and regulations relating to port activities, police and safety inside the ports,
- study and preparation of adequate conditions for exploitation and management of the ports,
- preparation of the elements of the tariff structure of port services and transit of goods,
- co-ordination of the port activities at the national level and proposal of all measures for this coordination.

The Port Exploitation Sub-Directorate is composed of two bureaux:

1.211: Traffic Co-ordination Bureau is in charge of the:

- collection, organisation and exploitation of all elements relating to port traffic,
- conducting all the studies relating to the evaluation of the previsionnel port traffic,
- ensuring the coordination of port activities at the national level and propose the appropriate measures for this coordination,
- elaboration and proposal of tariff schemes of port services and the transit of goods in ports,
- study and proposal of all measures which may improve the efficiency of work and port activities.

1.212: Technical Regulations Bureau is responsible for:

- making regulations relating to port activities,
- making regulations relating to police and safety inside ports,
- establishing all rules relating to conditions of management and exploitation of port enterprises,

- participating in the preparation and negotiation of conventions and international agreements relating to the ports.

1. 22: The Port Equipment Sub-Directorate is in charge of the:

- elaboration and proposal of the headlines of development of the national ports system,
- participation in the studies relating to port construction projects,
- participation with the concerned services in the elaboration of development plans and equipment programmes,
- definition of the conditions and modalities of establishment, exploitation, and maintenance of port superstructures and equipment,
- establishment of the conditions of exploitation and maintenance of port infrastructures.

To reach its objectives, this sub-directorate consists of two bureaus:

1.221: The Port Equipment Bureau which is competent to:

- participate in studies relating to port construction projects,

- participate with other concerned services in studies relating to the construction of ports and control of their realization,
- define the conditions of port infrastructures and superstructure maintenance.

1.222: The Port Development Bureau is in charge of the:

- elaboration with the concerned structures of the headlines of development of the national ports and proposal of adequate arrangements,
- ensuring the control of development plans and execution of equipment programmes,
- participation in the elaboration of training and improvement programmes of port personnel, and
- participation in the elaboration of research programmes of the ports.

1. 23: Organisation and Administration of the Algerian Ports

The ports and harbours of Algeria comprise 9 large deep water ports and 3 smaller ports or secondary ports.

About 12 smaller locations and fishing harbours and facilities for recreational boating are also administered by the Ministry of Transport in cooperation with the Ministry of Agriculture and Fisheries and the Ministry of Tourism.

The Port Enterprises (Entreprises Portuaires), are responsible for the direct supervision of these ports and facilities.

These enterprises, which are located in the major harbours -ALGIERS, ORAN, ANNABA, SKIKDA, BEJAIA, ARZEW, MOSTAGANEM, GHAZADUET, and JIJEL- are responsible for general administration, operation and maintenance, safety, as well as for maintaining close liaisons with the national, regional and local interests they serve.

The Staff-Managers (Directors, Harbour-Masters), are appointed directly by the Minister in charge of the Merchant Marine.

All ports in Algeria are located within declared public harbours and used for commercial traffic, fishing and recreational boating activities.

The Ministry of Transport, through the Directorate of Ports ensures the control of these ports.

✓ The enterprises in turn are responsible for planning and providing adequate public port facilities to serve commercial interests and for improving or phasing out facilities in response to economic growth or changes in traffic patterns resulting from new industries, new types of ships and new developments in cargo handling.

The Port Enterprises collect fees from users of port facilities, harbour dues, cargo rates, wharfage, berthing, handling, pilotage, towage and other charges on goods and vessels. They are also responsible for all measures relating to the safety and security of the installa-

tions, equipment, goods, and ships within the limits of the ports over which they exercise their authority.

§. 2: Local Level: the Directorate of Transport

As stated earlier, Algeria is divided into regional administrative entities where almost all the ministries are represented in the executive council of the province (wilaya), which is under the authority of the Interior Ministry.

The Directorates of Transport which exist in each of these structures reflect almost the same organisation as the Ministry of Transport.

In the maritime provinces (wilayat maritime), maritime affairs are the responsibility of the Sub-Directorates of Maritime Navigation, which constitute part of the local Directorates of Transport (Direction des Transports de Wilaya).

To accomplish their functions, these structures have to obey orders from the Ministry of Transport, which is at the national level responsible for all matters relating to the sea, and from the Ministry of Internal Affairs, as responsible for the province, which is in charge of the local administration.

2. 1: The Sub-Directorate of Maritime Navigation

The main functions of this structure are the working up and control of the application of the regulations relating to:

- the statute and safety of the ship,
- the police of navigation and maritime traffic,
- the safety of port exploitation, and
- the recruitment conditions and employment of seafarers and the standards for the exercise of functions on board ships.

It is also in charge of studying and deciding on all measures designed to rationalize and improve the exploitation of the local ports, and the exercise of the maritime domain police.

To accomplish its prerogatives, this Sub-Directorate consists of three bureaus, which are:

- Maritime Navigation and Ports Bureau,
- Administration of seafarers and Maritime Labour Inspection Bureau, and
- Port Activities and Public Maritime Domain Bureau.

2. 11: Maritime Navigation and Ports Bureau is responsible for:

- the implementation of regulations relating to the statute of the ship,
- the navigation police and maritime traffic,
- keeping the registration book, and the technical records (card-index) of ships,
- inspections and surveys of ships in applica-

tion of the national and international regulations,

- the issue and verification of the navigation and safety certificates required on board ships,
- enforcement of the regulatory provisions relating to the administration of the maritime wrecks,
- investigations of marine casualties,
- organisation of search and rescue operations in relation with the concerned structures,
- elaboration of port safety rules, and control of their execution with the concerned services,
- studies and proposing all measures in order to enhance and improve the movements of ships inside ports,
- enforcement of the national and international regulations relating to the above mentioned matters.

2. 12: Administration of Seafarers and Maritime Labour Inspection Bureau is in charge of:

- examination of the registration applications of seafarers,
- keeping of the seafarers' registration book,

- administrative and social management of seafarers, .
- ensuring the execution of legal and regulatory provisions relating to the maritime labour rights,
- control of the execution of the legislative and regulatory dispositions relating to working conditions and the protection of seafarers in the exercise of their profession,
- all questions related to the application and interpretation of the professional, disciplinary and penal statute of seafarers,
- implementation of the conventions and recommendations relating to the above mentioned matters.

2. 13: Port Activities and Public Maritime Estate Bureau is charged with:

- promoting the action of the port committees and participating in the study of all proposals in order to rationalize the use and exploitation of the ports,
- contributing to the establishment of contingency plans of the ports and controlling their working process,
- controlling the efficiency and safety of

- port installations and equipment,
- organising the collection of port statistics,
 - looking after the delimitation of the public maritime domain boundaries and prosecuting any violators,
 - enforcing laws and regulations of the public maritime domain,
 - controlling the application of the rules related to the use and exploitation of the natural and artificial maritime domain,
 - studying all measures which can ensure the protection of the public maritime estate.

§. 3: Other Services

Even if a maritime administration has large resources, it is not possible for that administration to exercise by itself all kind of qualified evaluations and control of those matters relating to the maritime safety navigation and protection of the marine environment.

Therefore, a lot of services and administrations other than the maritime administration contribute, in close relation with the latter, to fulfil the responsibilities of the government over the maritime sector.

In the case of my country, these structures are:

3. 1: The National Service of the Coast Guard

The Coast Guard National Service (S.N.G.C), which was created in 1973, contributes to a large extent to ensure and control the safety conditions of ships, the safety of navigation and the protection of the marine environment.

This service exercises its activities within the territorial waters and the public maritime domain.

Its main functions are to:

- enforce laws and regulations relating to maritime navigation, fishing and customs,
- ensure the police of the territorial waters and the protection of the natural public maritime domain,
- participate in the administration of the buoying and sub-marine cables police,
- participate in search and rescue operations,
- contribute to the prevention of marine pollution by oil, and
- in connection with other concerned services (Security, Customs, Police, etc..), contribute to the supervision of the coast.

In order to accomplish its activities the coast guard is spread over the whole coast, and organised into local structures (maritime stations).

In addition the coast guard national service disposes of a lot of equipment (patrol boats, high speed surface craft, radio installations), and trained personnel.

3. 2: The Ministry of Agriculture and Fisheries

As we have seen earlier, after the separation of the Ministry of Transport and the Secretariat of State of Fisheries, the Ministry of Agriculture at that time took charge of all matters relating to fishing.

At present the Ministry of Agriculture, assisted by a Vice-Minister, is responsible for:

- the animation and promotion of activities relating to the exploitation of fishing resources,
- the enforcement of the legislation and regulations relating to the capture, processing and distribution of marine resources,
- the elaboration and ensuring of the application of regulations related to fishing zones, methods and periods, and the trade sizes of fish, and
- all matters related to the fishing vessels and seafarers, which are not within the jurisdiction of the Maritime Administration.

Like the Ministry of Transport, the Ministry of Agriculture and Fisheries is also represented in the maritime provinces by the local Directorate of Agriculture, where all matters relating to fishing are under the jurisdiction of the Sub-Directorate of Fisheries.

3. 3: The Classification Societies

Many countries particularly developing countries which do not have sufficient resources and qualified surveyors, or if the distance or time constraints prevent their national maritime administration representatives from making on-the-spot visits, authorize classification societies to carry out surveys and issue certificates on their behalf.

The classification societies recognized by my country are:

- Lloyd's Register of Shipping
- Det Norske Veritas
- American Bureau of Shipping
- Bureau Veritas
- Nippon Kaiji Kyokai
- Germanischer Lloyd

By ministerial decision, these societies are entitled to:

- draw the freeboard marks on the Algerian ships and issue the adequate certificates, according to the Load Lines Convention,
- control the construction of Algerian ships and issue the suitable safety certificates according to the International Convention of the Safety of Life at Sea, and
- ensure the classification of the Algerian ships.

Beside these two administrations which have a direct link with the maritime matters, there are also many other ministries which carry out some functions in connection with the Ministry of Transport.

Among them, are the Ministry of Finance which deals with taxation and customs matters; the Ministry of Justice, responsible for commercial law aspects of the maritime legislation; the Ministry of Health, for the sanitary questions related to ship and seafarers; the Ministry of Telecommunications, which is in charge of the radio-equipment inspections and issuance of radio-telecommunications and telegraphy certificates; the Ministry of Environment for the questions relating to marine pollution prevention; the Ministry of Labour for all matters relating to the work conditions and the labour rights.

Abroad, and when the certificates of the ship are no longer valid, the Algerian Consulate of the port where the ship is moored at that time, has the authority to prolong these certificates in order to enable her to terminate her voyage. The consulate is also competent for all matters relating to the seafarers, and generally it represents the Algerian Maritime Administration Authorities outside the country.

§. 4: The Communication and Co-operation Problems

At the end of this chapter relating to the organisation and attributes of the Maritime Administration and other services in the field of maritime affairs, I may

conclude that in spite of the fact that Algeria as other developing countries does not have the necessary experience, the "network" which is in place seems to be sufficient but not efficient.

The main weaknesses of this system, are closely linked to:

- the proper understanding of the many maritime activities that need to be attended to,
- the encroachment upon the functions and attributes of the Ministry of Transport (Maritime Administration) by other administrations and services,
- non-existence of organised and continued relationships between the central authority (Ministry), and the local structure (Directorate of Transport),
- non-existence of a well-knit framework of co-operation and coordination between the concerned services of the maritime sector,
- the weak power of the local maritime authority in relation with the amount of its attributes and functions,
- the shortage of well trained personnel in all fields, particularly maritime surveyors, etc..

C H A P T E R. IV: THE PRESENT ACTIVITIES RELATING
TO THE SAFETY OF NAVIGATION

Compliance with the requirements of the international conventions to which a country is party call for a better attendance of the Government of all activities related to maritime matters.

Among these activities, the measures relating to the safety of life at sea and the protection of the marine environment should constitute the priority of the intervention of the Maritime Administration.

§. 1: The Registration of Ships

Before discussing this question, I want firstly to define the term "ship".

The Algerian Maritime Code defines the ship as "any vessel or floating body intended for maritime navigation.."

The particularities of a ship lie in the fact that this vessel or body is considered as a person. Because of her judicial statute, the ship is usually distinguished from other "Personal Properties".

In virtue of what is said, the ship must be individualized.

This individualization is characterized by:

- Name
- Nationality
- Tonnage, and

- Registration which is an important element.

1. 1: The Registration Conditions

By the terms of Article 34 of our Maritime Code "Algerian ships have to be registered in the Algerian Book of Registration of Ships, which is under the responsibility of the competent maritime administrative authority".

Each ship has to have a register in which the following points are prescribed:

- the register order number and the date of inscription,
- the individualization elements of the ship,
- the time and the place where the ship was built and the name of the builder,
- name, address or headquarters of the ship-owner and name and address of the shareholder or share-holders, indicating their number of shares,
- the certificate of property,
- the liens, mortgages and other charges affecting the right of property,
- the cause for and date of cancellation of registry.

Each modification related to the above mentioned indications must be prescribed in the register book.

So, except warships and coast guard ships, any shipowner should apply for the registration of his ship near to the "competent" maritime administration authority.

By competent authority, one should understand, the local Directorate of Transport.

The "National or Central Register Book" to which the Maritime Code refers, does not exist yet. So, at present any port situated within the area of competency of a given local Directorate of Transport can be the port of registry of an Algerian ship.

1. 2: The Cancellation of Registration

The cancellation of registration is declared when the ship:

- has sunk, is destroyed or demolished,
- is lost or considered lost (missing),
- is declared unrepairable or if its repair is unnecessary (in the case of wrecks),
- does not meet the required conditions of nationality anymore,
- has lost its characteristics as a ship,
- is sold abroad,

For the purpose of the Maritime code:

- a) A ship is considered lost if she is not heard of for a period of three months after the latest news of her whereabouts.
- b) A ship is considered unrepairable when the repairs are impossible or they could not be done at the location where the ship is and she cannot sail to another place where repairs could be done.

- c) Repairs of a ship are considered unnecessary, when their charges are higher than the value of the ship at the departure of her voyage, or, if she was not on voyage, her value before the accident.

In case the ship is unrepairable or her repairs are not necessary, the registry cancellation should not be done without the mortgage holder's assent.

The book of registry can be reached by anyone who desires so; it is open to the public.

§. 2: Safety Inspections and Surveys

Compliance with the various international conventions which have been designated to regulate international shipping requires a number of measures.

Among these measures, the safety surveys seem to be the best way to verify that a ship is so that she can proceed to sea without any detriment for her, the crew and the goods.

Under the provisions of the International Convention for the Safety of Life at Sea (SOLAS 1974), and the International Convention on Load Lines (LL 1966), the governments of the flag state shall undertake all steps so as to ensure that, from the point of view of safety of life at sea, a ship is fit for the service for which it is intended.

The Algerian Maritime Code which reproduced the

provisions of the international conventions relating to these matters, provided for three inspections.

2. 1: The Initial Survey

This kind of survey is carried out before the ship is put into service under the Algerian flag.

It is generally done in the port where she is built, or once she is inside an Algerian port, and is carried out by a commission appointed by the ministry in charge of the merchant marine.

The initial survey consists of:

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

In other words, this survey shall include all parts of the ship to ensure that she complies fully with the requirements of the international maritime conventions and the national regulations relating to the safety of navigation.

2. 2: Periodical Survey

The periodical inspection is done once every twelve (12) months such as to ensure that, from the point of

view of safety, the ship is in satisfactory condition and fit for the service for which it is intended, and that she complies with the requirements of the International Convention for the Safety of Life at Sea, and the International Regulations for Preventing the Collisions at Sea and all the national laws and regulations related to this matter.

This inspection is usually carried out by the local inspection commission of the Directorate of Transport of the wilaya (province) where the ship is registered.

In case the ship is abroad and she cannot undergo this inspection at her port of registry, the Algerian Consulate Authority is competent to prolong her certificates in order to enable her to continue her voyage, but in any case, not more than five (05) months.

2. 3: Additional Survey

Between the usual inspections, a ship can be subject to an accident or a defect which may affect her safety or the efficiency or completeness of her life saving appliances or other equipment; or whenever any important repairs or renewals are made; a supplementary survey shall be carried out. This survey can be general or partial.

If the conditions of safety are not as satisfactory as they should be, the local safety commission which is in charge of carrying out this survey could, according to the circumstances, either maintain the safety certificates of the ship, or propose the delay of their

validity until the repairs are made.

In addition, the Maritime Code in Article 232, provides for a "departure inspection" that, the ship can be submitted to before leaving an Algerian port.

This inspection could be made at the initiative of the Maritime Administrative Authority or, at the request of the shipowner, the charterer, the master or the crew of the ship.

Departure can be prevented or delayed until the prescriptions have been fulfilled if it appears that the ship cannot proceed to sea without danger.

To conclude, I may say that the surveys are of great importance because of their preventive character.

The maritime authority on which falls the responsibility to carry out these surveys shall undertake all steps to ensure that the ship complies with the safety navigation requirements.

In case of my country, our maritime code insists in Article 233 on the fact that the ship must be fit for the service for which it is intended. Otherwise, and in any case, no one of the safety certificates could be issued.

Algerian ships must carry on board a navigation licence (permis de navigation) that can be issued or renewed (every 12 months) only if all other safety certificates required by the international conventions are valid.

In addition to that an inspection register is carried on board each ship in which all decisions, observations and prescriptions of the safety surveys are recorded.

§. 3: The Safety Commissions

As I stated earlier, the safety inspections are carried out by two structures, the Central Safety Commissions and the Local Commissions of Inspection.

3. 1: The Central Safety Commission

This commission, which is situated nearby the Ministry of Transport, is presided over either by the Minister himself or by his representative who is generally the Director of Merchant Marine.

The Central Safety Commission is competent to:

- Examine and approve the drawings and documents (plans) of new ships over 500 GRT,
- examine and approve the refounding plans of existing ships,
- examine, approve and homologate the life-saving appliances and other safety materials and equipment,
- examine the appeals against the decisions of the Local Commissions of Inspection,
- carry out the investigations of marine casualties and other events relating to ships over 500 GRT.

In addition to the specialized servants of the Ministry of Transport, who are members of this commission there are representatives of all the concerned structures:

- National Service of Coast Guard
- Ministry of Telecommunications
- Ministry of Health (Doctor of Seamen)
- The concerned Shipowners, etc..

3. 2: The Local Commission of Navigation
Inspection and Maritime Work

This commission created by decision of the Ministry of Transport is under the authority of the local Director of Transport.

Within its territorial limits, the local commission is in charge of:

- Examining and approving the building plans of new ships equal or under 500 GRT,
- carrying out the initial surveys for the same category of ships,
- carrying out all the regulatory surveys and inspections for all ships without any limitation of tonnage,
- verifying that the ships are in possession of their safety certificates and other navigation documents required on board,
- examining and controlling the inspections book of ships and ensuring the execution of the prescriptions if any, and
- carrying out the investigations of marine casualties and other events relating to ships equal or under 500 GRT.

In a general manner this commission is responsible for the enforcement of the Maritime Code provisions, particularly those regulations related to the police of the safety navigation.

The Local Commission of Inspections consists of:

- the Director of Transport, as President,
- the Administrator of Maritime Affairs,
- a representative of the Coast Guard,
- a Nautical Surveyor,
- an Engineer Surveyor,
- a Radio-communications Surveyor, and
- eventually, the representatives of the Shipowner and the local Port Authority and the Doctor of Seafarers.

After each meeting this commission transmits to the Central Safety Commission its reports, decisions, and all information which may be useful.

§. 4: Search and Rescue

From what was said before, we can easily understand the importance of the safety inspections and surveys, not only for the ship itself, but also for the whole marine environment (crews, goods, fauna and flora, tourism, and other maritime interests).

Complying with the requirements of the international conventions and national regulations relating to safety constitute the best preventive way for saving lives at sea.

In some cases even if such conditions are met, it happens that a ship could be subject to an accident where unfortunately the loss of many lives is usually the result.

Before the adoption of the International Convention on Maritime Search and Rescue (SAR 1979), this matter did not receive sufficient attention of the Algerian authorities.

Other than the obligation made to every master of a ship to assist another ship in distress, the Maritime Code does not provide any provision relating to search and rescue.

At present there is no effective search and rescue service. When the circumstances are such as to necessitate any kind of search and rescue operations, an emergency plan is launched.

However, with the entry into force of the SAR convention and its ratification by my country, a national SAR organisation is in the process of being established.

To fulfil the responsibilities which arise from the commitment to this convention, the Coast Guard has taken the necessary steps in order to provide some assistance to those ships which may be in trouble.

In fact, within their capacities (material or personnel), the maritime stations of Coast Guard, the Port Authorities and the radio-stations of the Ministry of Telecommunications provide for a regular coast watching by radio-communications, patrols, and other means.

In addition to that, the services of the navy, the military and civil aviations could be required if the needs arises.

✓ §. 5: Maritime Wrecks

Because of the non existence of systematic inspections of ships when they are calling at our ports or in route, the Algerian coast is crowded with maritime wrecks.

Some of the wrecked vessels are left on purpose by their previous shipowners who prefer just after the ship is damaged to get their premiums from the insurance, or when the removal expenses are too high (higher than the value of the ship before the accident).

The Maritime Code in its Section IV sets some provisions about maritime wrecks, but does not give a complete solution to the removal conditions.

Article 369 states "in case the owner does not claim its wreck or does not take the necessary actions to remove it the ministry in charge of the Merchant Marine can pronounce the forfeiture of the property right.."
Unfortunately, this disposition was for a long time the usual practice through which our Maritime Authorities tried to solve the problem of the maritime wrecks.

However, as these wrecks are generally without any value, and payment of the removal expenses can sometimes be very high, this provision is in my view ineffective. The Maritime Administration has had no other choice than

to support the entire expenses by itself, a fact which is usually impossible to handle because of the difficulties met in getting the necessary funds from the public treasury.

At present by order of the Minister of Transport the Port Authorities within their limits are in charge of the removal operations. But if this action has to be welcomed, it should be completed by others in order to give these authorities more latitude when the case happens.

§. 6: Marine Pollution Prevention

Even with the threat of pollution of the sea, Algeria, which is an oil producing country, does not have any plan for preventing and combatting pollution.

The Maritime Code in Section V which is dedicated to the issue of marine pollution, insists more on the ship-owner's liabilities for the damages that his ship may cause to the environment, but does not provide anything about procedures and means in order to prevent or combat marine pollution.

In spite of that, the decree defining the prerogatives of the Merchant Marine Directorate have clearly indicated that it is up to this Directorate in cooperation with other concerned structures to settle all the elements of plans and regulations. Only the Coast Guard and the Ports Authorities have done and can take some actions to prevent and combat pollution of the sea and ports.

These actions to which are associated some other

structures (Civil Protection Administration, Ministry of Industry, etc..), take the form of controlling the national waters and the handling operations inside the ports.

In addition to the obligation made for all pilots (military personnel and civilians), masters, and fishing vessels operators to report any case of pollution, a ministerial order as a transitory measure, has been taken in order to:

- Constrain all ships calling at our ports to report to the Harbour-Master, before entering, their positions, the nature of goods carried on board, the nature of defects if any, etc..
- Delegate a special commission (Brigade de control en rade) to inspect the suspected ship before entering the port.

This brigade, which consists of representatives of the concerned services, was created in order to protect our marine environment from sub-standard ships. Unfortunately, this commission which could accomplish the port State Control did not and does not work effectively because of its circumstantial character.

To conclude, I want to make some observations relating to what I said and point out the weaknesses of the safety system in my country:

- the safety aspect is always neglected in favour of others (administrative, economic, financial, etc..),

- the role and aims of the safety commission are not well understood,
- non-existence of neither procedures nor special structure dealing with the port state control,
- non-exploitation of the inspections books of ships (for preventive purposes),
- incompleteness of the maritime code; some of its provisions are obsolete,
- the present marine casualty investigations system is inefficient,
- the procedures and means of removal of wrecks are indefinite and ineffective,
- non-existence of any contingency plan dealing with the safety matters (SAR, pollution, and other maritime events),
- lack of trained personnel who should take charge of all safety matters, and
- insufficiency and inefficiency of equipment.

C H A P T E R. V: ADMINISTRATION AND TRAINING
OF SEAMEN

The administration of seafarers is one of the responsibilities of our Maritime Administrative Authority.

Unlike other professions, seafarers need to be followed throughout their careers.

The exercise of this profession requires some qualifications and aptitudes. Reviewing and the improvement of these elements are the two important factors that the Administration shall undertake regularly to ensure that the ship is well operated and thus, complies with the legislative and the regulatory requirements in this matter, particularly those related to the training and certification of seafarers.

With the entry into force of the STCW (International Convention on Standards of Training, Certification and Watchkeeping for Seafarers), and its near ratification by my country, the personnel certification will keep the attention of the Algerian Maritime Authorities, especially the regularization of the situation of those seafarers who are already in the profession.

§. 1: The Profession of Seaman

The Maritime Code which sets the conditions of this profession define the seafarer as "any person in service on board a ship and registered on the Registration Book of Seamen.."

So, to join the seafaring profession all applicants must meet some conditions. These are:

- to be of Algerian nationality,
- to be above 18 years old,
- to be physically fit, and
- to have the necessary academic qualifications.

In addition to these conditions, there are many others related to morality.

In fact, inscription in the Register Book of Seaman could be refused to any candidate who:

- has been in prison for the constant period of three years,
- is under judicial investigation.

Nevertheless, an appeal can be made against such a decision before the minister in charge of the Merchant Marine.

In case the candidate is allowed to join the profession, he must have in his possession a Seafarer's Book which constitutes the identity card of the holder, where all the information required for such a card and those relating to his qualifications and his future functions on board are reported by the local Maritime Administration Authority which keep the aforesaid information up to date.

The exercise of this profession on board foreign ships by Algerians and on board Algerian ships by foreigners must be authorized by the Maritime Administration Authorities.

If the seafarer, during the exercise of his functions does not fulfil the previous conditions any more, or does not observe all the rules relating to the discipline and the order on board ships, the Maritime Authority can at any time withdraw his Seafarer's Book and deprive him of the right to exercise the profession.

Such disciplinary decisions are taken by the local and national maritime commissions of discipline on the basis of the reports of the Masters.

§. 2: The Training of Seamen

The training of seafarers in Algeria is under the jurisdiction of the High Maritime Institute (I.S.M) located next to the capital, Algiers.

This institute was established in 1974 in order to provide the maritime sector with specialized personnel. In fact, this institution gives courses for:

- masters (sea-going and cabotage),
- engineers,
- administrators of maritime affairs, and
- port officers.

Up to now a significant number of officers and higher staff of the Merchant Marine have been graduated from this institute.

If the training of this latest category of personnel is not a problem, it is, however, for the rating personnel who do not have any maritime training before going to sea.

Before leaving this subject, I want to point out that the personnel (highly qualified) on board fishing vessels is trained in the training colleges and schools of the Ministry of Agriculture and Fisheries.

If the training of seafarers does not constitute a major obstacle, there are, however, some problems which are in some cases, easy to handle if the adequate means and procedures are put at the disposal of the concerned structures. These are related to:

- the non-existence of procedures of consultation between the institutions in charge of training and the central maritime authority (Ministry of Transport),
- the planning of personnel needs are not established,
- the training of marine personnel is not submitted to any control and supervision of the maritime authority,
- shortage of maritime teachers and trainers,
- non-existence of procedures and rules for examination, certification of seafarers, and for manning of ships, etc..

C H A P T E R. VI: CONCLUSION AND RECOMMENDATIONS

At the end of this modest work which is a broad description of the Algerian Maritime Administration in its present conception or understanding, and the weaknesses that it endures, I would like, from what I have learned during these two years at W.M.U to make the following recommendations regarding the improvement of the efficiency of our system.

1- Our Maritime code cannot operate if the necessary subsidiary legislation to which it refers in its provisions, is not issued and implemented.

The most important regulations required in this respect are:

- rules for the use of distress signals,
- safety convention certificate(s) rules,
- regulations for preventing collisions at sea,
- navigational warnings regulations,
- life saving appliances,
- fire appliances rules,
- muster(s) regulations,
- navigational equipment regulations,
- regulations relating to the carriage of nautical publications,
- official log-book regulations,

- tonnage regulations,
- radio installations regulations,
- crew accommodations rules,
- medical scale regulations,
- load lines rules,
- rules for the carriage of deck cargo
- rules for the carriage of dangerous goods
- regulations for the carriage of grain
- cargo ship construction and survey regulations
- local cargo ship safety certificates rules (small ships - under 500 GRT)
- passenger ship construction regulations
- designation and composition of the safety commissions and procedures
- procedures and rules of seafarers' recruitment
- rules re: apprenticeship to sea service
- regulations for the certification of skippers
- regulations for the certification of marine engineers
- regulations for the certification of deck officers.

✗ In addition to the preparation of the aforesaid legislation, all of the required and appropriate documentation (the necessary certificates, forms...) need to be prepared and be available to all concerned services

at the same time as the legislation enters into force.

- 2- The problem of enforcement of the rules and regulations which establish a legal regime is indeed basic because if the machinery for the enforcement of the law is weak and defective, it is clear that necessary respect for law would tend to be undermined and the legal regime would at once face irregularities and illegalities to rectify for which there may be neither sanctions nor remedies.

As we know, merchant shipping in its operation is so internationalised that national vessels are more often than not plying in foreign waters and thus becoming subject to foreign national jurisdiction of other states.

As a state has sovereignty over its own territory the laws of a country apply to all ships -national or foreign- within its territorial waters. This rule of the international law has to be clearly brought out in the maritime code and effective specialized judicial structures (tribunal maritime) dealing only with maritime matters must be established, for a better and quick settlement of maritime cases.

- 3- As we know, the primary functions of the maritime administration are those embodied within the maritime code. With regard to this and the objectives of these functions which are mainly, the development of shipping; the safety of life at sea and the protection of the marine environment, the establishment of a proper maritime administration or the strengthening of the role and intervention of the present maritime directorate seem to be vital. Such understanding of having an independent body must lead the government to be endowed with the specialised executive arm, as regards all its maritime matters.
- 4- Creation of a national framework (national commission or interministerial structure) of cooperation and coordination for safety matters, and the generalization of the understanding memorandum system among all concerned administrations and services dealing with maritime affairs.

Such a structure may have an advisory role to the minister in charge of the merchant marine in making regulations and rules or in studying the impact of the international conventions and their implementation.

- 5- Redefinition of the rules relating to the registration of ships and related matters, specially:
- port of registry
 - registrar book
 - application for registry
 - survey and measurement of ships before registry
 - marking of ships
 - documents to be retained by registrar
 - custody and use of certificate of registry
 - delivery of certificates of ships lost or ceasing to be ships
 - registration of alteration and registration anew
 - provisional certificate
 - temporary pass in lieu of certificate of registry
 - transfer of ships or shares
 - nature of documents related to maritime liens to be detained by the maritime authority and on board ships.
- 6- In the light of the many changes in the navigation conditions, the maritime administration shall review the procedures of periodical inspections of ships in accordance with the relevant international standards and national requirements and the

issuance, if justified, of one or more of the following certificates to each ship:

- passenger ship safety certificate
 - cargo ship safety equipment certificate
 - cargo ship safety construction certificate and its supplement
 - cargo ship safety radiotelegraphy and radio-telephony certificate
 - load line certificate
 - tonnage certificates
 - international oil pollution prevention certificate
 - international pollution prevention certificate for the carriage of noxious liquid substances in bulk
 - local cargo ship safety certificate (for nonconvention ships under 500 GRT)
 - exemption certificates, where necessary.
- 7- In the light of the entry into force of the STCW convention, the maritime administration shall:
- prepare appropriate rules and detailed syllabuses for the conduct of the various examinations and certification of seafarers,
 - ensure the necessary infrastructure for the conduct of the examinations,
 - ensure the availability of duly qualified and trained examiners of the appropriate

disciplines,

- ensure the availability of adequate and appropriate maritime training facilities for the seafarers and establishment of new maritime schools for the ratings in those ports where the greatest fishing populations are located, ensuring that the candidates are more familiar with the sea and its particularities so as to have the best quality on board,
 - develop a suitable minimum certificated manning structure, which would both conform to the requirements of the STCW convention and suit the national requirements,
 - ensure the availability of duly qualified and trained teachers. Their training can be carried at our maritime institute (I.S.M) or by specialized institutions outside Algeria (W.M.U, maritime universities, colleges, etc..).
- 8- Establish new procedures for the registration of seamen by using computers and other modern equipment and create a national registry.
- 9- Establish under the auspices of the Directorate of the Merchant Marine of a proper structure dealing with the employment of

seafarers after their graduation from the Maritime Institute (ISM) and other colleges. Such a structure may have also to play the coordinating role between the institutions of training and the shipping companies in the planning of their personnel needs, and the training of the cadets on board ships which pose serious problems.

- 10- Increase of the frequency of the intermediate surveys of national ships and establishment of rules and procedures of the inspections pertaining to port state control of foreign ships and, the detention of unseaworthy ships.
- 11- Rules and procedures of recruitment and appointment of statutory officials and rearrangement of the surveyors' statute in order to enable masters, chief engineers and the graduates of the W.M.U -MSA Courses- to join the profession.
- 12- Regarding inquiries into shipping casualties, redefinition of new rules and procedures of the preliminary inquiries and the establishment and development of the formal investigation system.

A formal investigation is a public (judicial) inquiry, to be held in addition to or, instead of a preliminary

inquiry as may be decided by the Minister through the Merchant Marine Directorate in any of the following circumstances:

- a) if the preliminary inquiry is not considered sufficient,
- b) if it appears that the shipping casualty has occurred through an avoidable cause,
- c) if it appears likely to lead to prevent similar casualties in the future,
- d) if the said casualty was accompanied by loss of life or property, or involved serious damages,
- e) if the casualty has given rise to a substantial amount of public attention or to a disturbance of public confidence,
- f) if there has been any alleged default or negligence on the part of the master or any officer,
- g) if a certificate of competency of an officer is likely to be dealt with.

The procedures and rules for carrying out this investigation have to be brought out in the maritime code and need an appropriate framework of co-operation between the Ministry of Transport and the Ministry of Justice.

13- Regarding marine pollution, there is no procedures and means to prevent and combat pollution. Only the Coast Guard and the Ports Authorities are involved.

As regard prevention, the Maritime Administration has to increase the frequency of surveys, inspections and certification of ships particularly, tankers, gas carriers, and ships carrying dangerous goods.

As regard combating marine pollution, it is up to the Marine Merchant Directorate on which falls the coordinating role to settle all the necessary elements of "contingency plan" to deal with marine pollution when it occurs in and around the territorial waters.

To do so, the Maritime Administration has to ensure that all resources (materiel and personnel) of those structures which are under its jurisdiction (Ports Authorities, Shipping Companies, etc..) and other government agencies and the petroleum industry, can be brought into operation at any time.

Moreover, a well-knit framework of cooperation between all neighbouring countries (Morocco, Tunisia, France, Spain)

for marine pollution purposes must exist. Such regional cooperation has to result in actual physical cooperation and pooling of resources.

In addition to that, the Maritime Administration Authority needs to ascertain from the Ports Authorities and the Ministry of Chemical and Petro-chemical industries that the "reception facilities" (stations de deballastage) are provided to receive from ships oily residues and chemical cargo residues. These facilities should be located in our major ports: Algiers, Arzew, Skikda, and Bejaia.

14- Since, our country has ratified the S A R Convention, the Maritime Administration Authority has to ensure that there is the necessary national "contingency plan" and organisation to respond to maritime distress situations.

In this area also, Algeria has to play its role regarding this matter, either on the regional (which already exist for the Mediterranean) or, bilateral basis, by the establishment of SAR organisation between its neighbouring countries. These agreements are undoubtedly important for a better cooperation and for providing

mutual assistance.

To do so, the following provide the basis under international law and the necessary guidelines, respectively:

- the International Convention on Maritime Search and Rescue, 1979,
- the Merchant Ship Search and Rescue Manual of I.M.O (MERSAR), and
- the I.M.O Search and Rescue Manual (IMO-SAR).

- 15- In order to ensure the expeditious taking into custody of a wreck and to protect it, it is expedient to appoint the "receivers of wrecks" in each wilaya, and redefinition of the procedures of the removal, particularly those related to the expenses engaged by the state and their reimbursement by the owners of the wrecks, which pose serious problems. Besides, the provision of the Article 369 of the Maritime Code relating to the "forfeiture of the right of property" of the owner needs to be reviewed as this attribute of the Minister could not be used to any case.
- 16- Development of training and refresher courses for senior officers of Marine Administration, to enable them to discharge their duties more effectively and in conformity

with the requirements of the international conventions and the national legislation.

- 17- The participation of our Maritime Administration in the work of I.M.O and the circulation of its documents and publications need to be improved by establishment of a permanent mission as recommended by the I.M.O Resolutions A.449 (XI) and A.505 (XII).

To end these proposals, I may say that our Maritime Code has to be amended and completed by inclusion of all those aspects which are not yet provided for. This instrument must be the "Bible" of the whole maritime community and the fundamental tool of all concerned services. It has to be developmental, regulatory, and in conformity with the relevant international conventions. The code needs also to be clearly and precisely re-worded, with effective sanctions and capable of promoting of a helpful law-abiding atmosphere.

The maritime administrative structures should be organised such as to enable the government to satisfactorily and efficiently undertake those functions which are embodied within the maritime code and fulfil its international commitment in this area.

The training, examination and certification of seamen are intended to establish and provide the levels at which they have to perform their duties and

operate the ships. These in turn constitute the first element which determines the standards of safety and efficiency at which the ships of the country are operated.

The maritime administration infrastructure has to be manned by duly competent officials of the appropriate categories. For such officials, the W.M.U offers the adequate training facilities for duly qualified personnel (surveyors, examiners, accident investigators, etc..)

Such officials would also need to be most enterprising and be capable of assuming the multiple roles.

In this context, I would like to stop by reproducing the following statement of the United Kingdom's Secretary of State for Trade and Industry at a major conference: "Not just a more highly trained work force, but a highly trained management is a pre-requisite for success".

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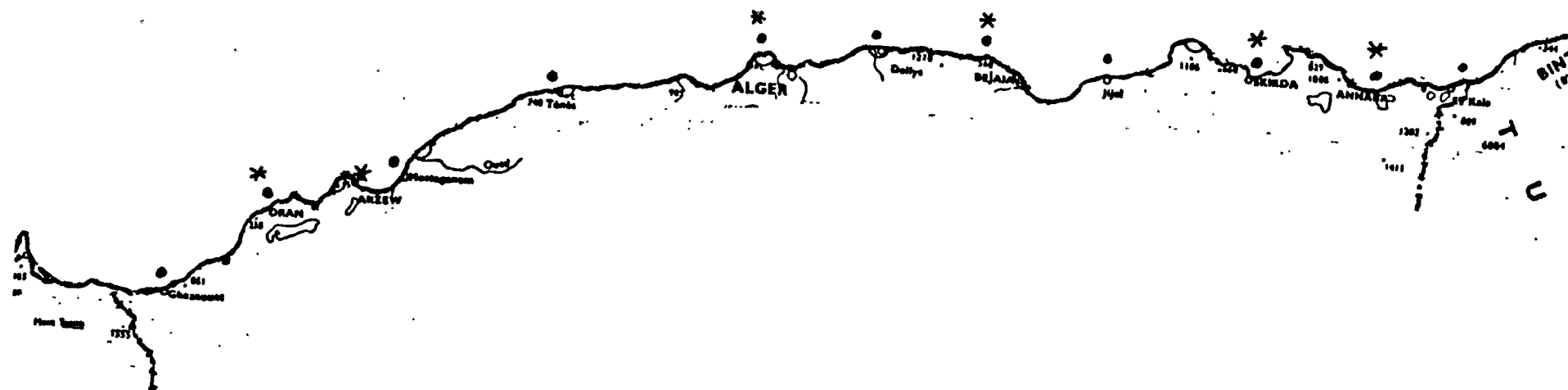
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A L G E R I E

● Headquarters of the Sub-Directorates of Maritime Navigation.

* Major Ports.

✓ ANNEX.3

LIST OF IMO CONVENTIONS

	<u>Date of entry into force</u>
1- International Convention for the Safety of Life at Sea, 1974 (SOLAS)	25.5.80
1981 Amendments	1.9.84
1983 Amendments	1.7.86
2- Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974	1.5.81
3- Convention on the International Regulations for Preventing Collisions at Sea, 1972, (COLREG)	15.7.77
1981 Amendments	1.6.83
4- International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 thereto (MARPOL 73/78)	2.10.83
1984 Amendments	7.01.86
5- Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL)	5.3.67
1969 Amendments to the Annex	12.8.71
1973 Amendments	2.6.84
1977 Amendments to the Annex	31.7.78
6- International Convention on Load Lines, 1966 (LL)	21.7.68
1971, 1975, 1979, 1983 Amendments	-

- | | |
|---|----------|
| 7- International Convention on Tonnage Measurement of Ships, 1969 | 18.7.82 |
| 8- International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 | 6.5.75 |
| 9- Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973 | 30.3.83 |
| 10- International Convention on Civil Liability for Oil Pollution Damage, 1969 | 19.7.75 |
| 11- Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 | 8.8.81 |
| 12- Protocol of 1984 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 | - |
| 13- Special Trade Passenger Ships Agreement, 1971 | 2.1.74 |
| 14- Protocol on Space Requirements for Special Trade Passenger Ships, 1973 | 2.6.77 |
| 15- Convention relating to Civil Liability in the field of Maritime Carriage of Nuclear Material, 1971 | 15.7.75 |
| 16- International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND) | 16.10.78 |

17- Protocol to the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971	-
18- Protocol of 1984 to amend the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971	-
19- International Convention for Safe Containers, 1972 as amended	6.9.77
1981 Amendments	1.12.81
1983 Amendments	1.01.84
20- Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974	-
21- Protocol to the Athens Convention relating to the carriage of Passengers and their Luggage by Sea, 1974	-
22- Convention on the International Maritime Satellite Organisation (INMARSAT)	16.7.79
23- Operating Agreement on the International Maritime Satellite Organisation	16.7.79
24- Convention on Limitation of Liability for Maritime Claims, 1976	-
25- Torremolinos International Convention for the Safety of Fishing Vessels, 1977	-

26- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW)	28.4.84
27- International Convention on Maritime Search and Rescue, 1979 (SAR)	22.6.85
28- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (LDC)	30.8.75
1978 (Disputes) Amendments	-
1978 Amendments to the Annex	11.3.79
1980 Amendments to the Annex	11.3.81

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- International Conference on "Ship Safety and Marine Surveying" -WMU, 8 and 9 May 1986.
- Ship Safety Personnel: Role and Duties, by D. RUTHERFORD
- Maritime Personnel and Maritime Administration by Captain Gur Saran Singh -WMU, 3/7 June 1985-
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- Science et Vie - monthly magazine n^o 815, August 1985 "Méditerranée Mer Morte en 1^{er} An 2000".
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